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This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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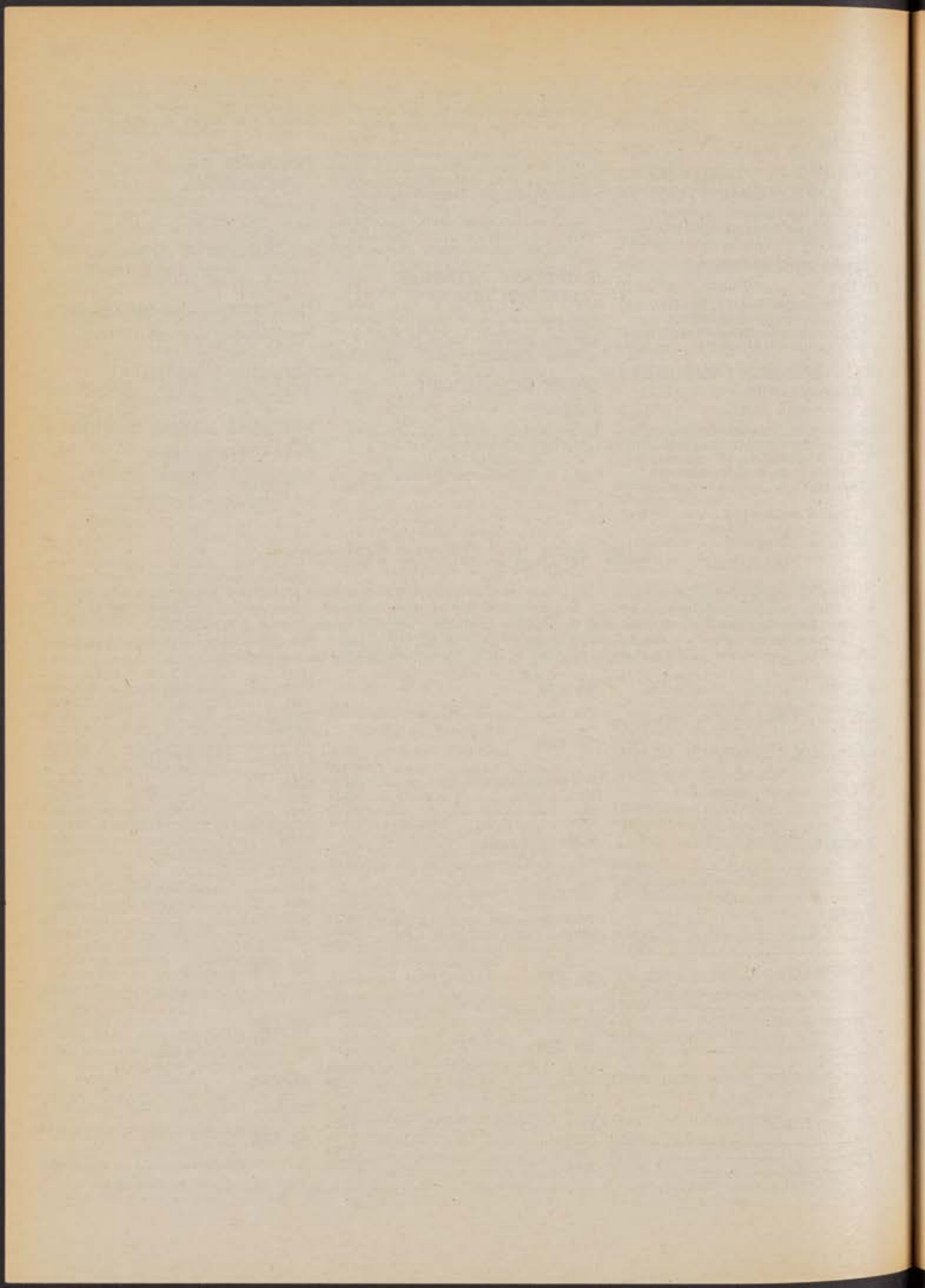
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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 1]

PART 795—PAYMENT LIMITATION

Miscellaneous Amendments

On October 7, 1971, notice of proposed rule making regarding an amendment to the regulations governing the payment limitation was published in the FEDERAL REGISTER (36 F.R. 19505). The basis and purpose of the proposed amendments were set forth in the notice. Interested persons were invited to submit written comments, suggestions or objections regarding the proposed changes within 20 days. A number of written comments have been received. Based upon a study of the recommendations received concerning the proposed amendment to § 795.7, the proposed rule is revised to provide that payments to a corporation shall only be attributed to stockholders who own more than a 20-percent interest in the stock of a corporation. Under the proposed amendment, corporate payments would have been attributed to any stockholder owning more than a 10-percent interest. Also, in response to the comments received, certain other changes in language have been made to clarify the amendments to §§ 795.6 and 795.7.

As revised, the amendment to § 795.7 requires that where any stockholder has more than a 20-percent interest in the value of the outstanding stock of a corporation, the stockholder's pro-rata share of program payments computed for the corporation shall also be attributed to the stockholder for purposes of applying the payment limitation to the stockholder and the corporation. (Also included are program payments which would otherwise be computed for payment to the stockholder as a separate producer or attributed to him by the application of other rules; for example, the husband-wife rule, the minor child rule, and the rules relative to estates and trusts.) Any reduction in payments as a result of the application of the rule contained in this amendment will be first applied to payments computed for the stockholder, if any. Any further reductions in payments will be applied to payments computed for the applicability corporation or corporations in accordance with the agreement of all parties concerned or, in the absence of such an agreement, on a pro-rata basis in relation to the payments to the corporations which are attributed to the stockholder.

EXAMPLE: Stockholder A owns 30 percent of the outstanding shares of four corporations. An upland cotton program payment of \$50,000 is computed for each corporation. Stockholder A is also the sole beneficiary of an irrevocable trust for which an upland cotton program payment of \$10,000 is computed. Thus, the amount to which the limitation is applied is the sum of the attributions from each of the corporations (30% times \$50,000=\$15,000 each) amounting to \$60,000 plus the payment attributable to him computed for the trust amounting to \$10,000. The total is \$70,000 requiring a reduction of \$15,000. The reduction is first applied to the trust. The balance remaining to be reduced, \$5,000, shall then be applied to payments computed for the corporations in accordance with the agreement of the corporations and the stockholder or, in the absence of such an agreement, on a pro-rata basis according to the payments to the corporations which are attributed to the stockholder. Thus, in the absence of an agreement among the stockholder and the corporations, the payment to each corporation would be reduced by \$1,250.

Under the authority contained in Public Law 91-524, the amendment to the regulations (35 F.R. 19339) as proposed is hereby adopted effective with respect to the 1972 crop year, subject to the following changes:

1. The last sentence of the proposed amendment to § 795.6 is changed to read as set forth below.

2. Section 795.7 is amended to read as set forth below.

Effective date. This amendment is effective with respect to the 1972 crop year.

Signed at Washington, D.C., on December 23, 1971.

EARL L. BUTZ,
Secretary of Agriculture.

1. Section 795.6 is amended by adding the following at the end thereof:

§ 795.6 Entities or other joint operations not considered as a person.

*** Notwithstanding the foregoing, each individual or other legal entity who shares in the proceeds derived from farming by such joint operation shall not be considered as a separate person unless the individual or other legal entity is actively engaged in the farming operations of the partnership or other joint operation. An individual or other legal entity shall be considered as actively engaged in the farming operation only if its contribution to the joint operation is commensurate with its share in the proceeds derived from farming by such joint operation. If the contribution consists substantially of capital, such capital must have been contributed directly to the joint operation by the individual or other legal entity and not acquired as a result of (a) a loan made to the joint operation, (b) a loan which was made to such individual or other legal entity by the joint operation or any of its members or related entities, or (c) a loan

made to such individual or other legal entity which was guaranteed by the joint operation or any of its members or related entities.

2. Section 795.7 is revised to read as follows:

§ 795.7 Corporations and stockholders.

(a) A corporation (including a limited partnership) shall be considered as one person and an individual stockholder of the corporation may be considered as a separate person to the extent that such stockholder is engaged in the production of the crop as a separate producer and otherwise meets the requirements of § 795.3, except that:

(1) Where a stockholder owns more than 20 percent share of the value of the outstanding stock of the corporation (including the stock owned by the individual's spouse and minor children), the stockholder's prorata share of program payments to the corporation shall be attributed to the stockholder for purposes of applying the limitation to the corporation and the stockholder. A stockholder's pro-rata share of a payment to a corporation shall be determined by multiplying the amount of the payment computed for the corporation by the stockholder's percentage share of the value of the outstanding stock (including the stock owned by the individual's spouse and minor children). A reduction shall be made in the payments which would otherwise be made to the corporation and the stockholder in any case where the sum of (i) the stockholder's prorata share of program payments to one or more corporations and (ii) program payments, if any, to the stockholder as a separate producer, exceeds the limitation. The limitation shall be applied by first making a reduction in the payments, if any, which would otherwise be made to the stockholder as a separate producer and second by making a reduction in the payments which would otherwise be made to the corporations in accordance with the agreement of all parties concerned or, in the absence of such an agreement, on a prorata basis. The amount of reduction to be applied to each corporation (in the absence of an agreement among all parties concerned) shall be determined by multiplying (a) the amount by which all corporate payments are to be reduced by (b) the ratio obtained by dividing the corporate payment attributable to the stockholder for the corporation by the total of the corporate payments attributable to the stockholder for all corporations.

(2) Where the same one or more individuals or other legal entities own more than 50 percent of the value of the outstanding stock in each of two or more corporations, all such corporations shall be considered as one person.

(b) The percentage share of the value of the outstanding stock owned by an individual or other legal entity shall be determined as of the date of the filing of the intention to participate in the program except that where a stockholder voluntarily acquires stock after the filing of the intention to participate and before harvest of the crop, the amount of any stock so acquired shall be included in determining the percentage share of the value of the stock owned by the stockholder. Where there is only one class of stock, a stockholder's percentage share of the value of the outstanding stock shall be equal to the percentage of the outstanding stock owned by the stockholder. If the corporation has more than one class of outstanding stock, the percentage share of the value of the stock owned by a stockholder shall be determined by the Deputy Administrator on the basis of market quotations, and if market quotations are lacking or too scarce to be recognized, the percentage share of the value of the stock shall be determined by the Deputy Administrator on the basis of all relevant factors affecting the fair market value, including the rights and privileges of the various stock issues.

3. Section 795.13 is amended by adding the following at the end thereof:

§ 795.13 Changes in farming operations.

* * * Any change in farming operations under this section must be bona fide and substantive.

(a) A substantive change includes, for example, a change from a cash lease to a share lease or vice versa, reduction in the size of the farm by sale or lease, increase in the size of the farm by purchase or lease, reduction in cotton allotment by sale or lease, increase in cotton allotment by purchase or lease, and dissolution of an entity such as a corporation or partnership.

(b) Examples of the types of changes that would not be considered as substantive are the following:

Example 1. A corporation is owned equally by four shareholders. The corporation owns land, buildings, and equipment and in the prior year carried out substantial farming operations. Three of the shareholders propose forming a partnership which they would own equally. The partnership would cash lease land and equipment from the corporation with the objective of having the three partners considered as separate persons for purposes of applying the payment limitation under the provisions of § 795.6 of the regulations.

The formation of such a partnership and the leasing of land from a corporation in which they hold a major interest would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the partners would be limited to a single payment limitation.

Example 2. Three individuals each have individual farming operations which, if continued unchanged, would permit them to have a total of three payment limitations.

The three individuals propose forming a corporation which they would own equally. The corporation would then cash lease a portion of the farmland owned and previously operated by the individuals with the objective of having the corporation considered as

a separate person for purposes of applying the payment limitation under the provisions of § 795.7 of the regulations. The formation of such a corporation and the leasing of land from the stockholders would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the three individuals would be limited to three payment limitations.

4. Section 795.15 is revised to read as follows:

§ 795.15 Custom farming.

(a) Custom farming is the performance of services on a farm such as land preparation, seeding, cultivating, applying pesticides, and harvesting for hire with remuneration on a unit of work basis. A person performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent upon the amount of the crop produced, and (2) the person performing the custom farming (and any other entity in which such person has more than a 20-percent interest) has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm, or (iii) in the farm as landowner, landlord, mortgageholder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper or any other similar capacity.

(b) A person having more than a 20 percent interest in any legal entity performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent on the amount of the crop produced, and (2) the person having such interest in the legal entity performing the custom farming has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm, or (iii) in the farm as landowner, landlord, mortgageholder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper, or in any other similar capacity.

[FR Doc.71-19071 Filed 12-29-71;8:51 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

PART 842—BEET SUGAR AREA

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, Part 842 of Chapter VIII of Title 7 of the

Code and Federal Regulations is revised to read as follows:

Sec.

842.1 Introduction.

842.2 Eligibility for acreage abandonment and crop deficiency payments.

842.3 Approval and certification.

AUTHORITY: The provisions of this Part 842 issued under secs. 303, 403, 61 Stat. 930, as amended, 932 as amended; 7 U.S.C. 1133, 1153, and secs. 13, 19, Pub. Law 92-138, approved October 14, 1971.

§ 842.1 Introduction.

In accordance with the provisions of the "Sugar Act Amendments of 1971", Public Law 92-138, approved October 14, 1971, this revision of this Part 842 is issued to provide that, effective January 1, 1972, payments under section 303 of the Sugar Act of 1948, as amended, (hereinafter referred to as "Act") with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage of 1971 and subsequent crops of sugar beets shall be made on an individual farm basis. The regulations in §§ 842.2 and 842.3 are effective on January 1, 1972, and thereafter until amended, superseded, or revoked.

§ 842.2 Eligibility for abandonment and deficiency payments.

(a) For each crop, each farm having abandonment of planted sugar beet acreage, or having a crop deficiency of harvested sugar beet acreage below 80 percent of the normal yield for such acreage as determined in accordance with Part 841 of this chapter, or having both such abandonment and deficiency, shall be approved by the county Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") committee for payments relating thereto if the following requirements with respect to the farm are met:

(1) The sugar beets were planted on the farm on land suitable for the production of the crop, in a timely and workmanlike manner and under conditions conducive to normal production;

(2) The sugar beets were cared for up to the time of abandonment or harvest, as the case may be, in a manner which could have been expected, under average conditions, to produce a normal crop;

(3) The abandoned acreage could not have been reseeded to sugar beets in the same crop cycle under conditions offering at least a fair opportunity for production;

(4) The abandonment of planted sugar beet acreage on the farm, or the crop deficiency below 80 percent of the normal yield of the harvested sugar beet acreage on the farm, resulted directly from drought, flood, storm, freeze, disease, or insects;

(5) With respect to acreage abandonment, the ASC county office was notified of the intention to abandon the acreage before the sugar beets were destroyed or the acreage was used for other purposes. *Provided,* That the county ASC committee may waive the requirements of prior notification if such committee (i) has knowledge that sugar beets were planted on the abandoned acreage and the extent of such plantings, (ii) has knowledge

of widespread crop damage in the locality where the farm is located, and (iii) is satisfied that the abandonment on the farm in question resulted directly from drought, flood, storm, freeze, disease, or insects;

(6) The other conditions for payment specified in Title III of the Act are met.

§ 842.3 Approval and certification.

Approval by a member of the county ASC committee on behalf of such committee of an application for an abandonment payment or crop deficiency payment, or both, shall constitute a determination that the farm with respect to such application is made eligible for an abandonment or deficiency payment, or both, as the case may be.

STATEMENT OF BASES AND CONSIDERATIONS

Pursuant to the amendment, effective January 1, 1972, of section 303 of the Sugar Act of 1948, as provided in Public Law 92-138, approved October 14, 1971, this revision of regulations authorizes payment for abandoned acreage and for deficiency of production on an individual farm basis. Heretofore, to receive payment, the farm must have been located in an approved local producing area wherein damage to the crop had to affect 10 percent or more of the farms or 10 percent or more of the planted acres in the area. All of the other eligibility requirements for approving abandonment and deficiency payments for the farm which were included in § 842.2 (33 P.R. 9586 and 34 P.R. 9417) remain unchanged.

Effective date. Since Public Law 92-138 approved October 14, 1971, provides that, effective January 1, 1972, payments are authorized to be made to sugar beet producers in the domestic beet sugar area on an individual farm basis for abandonment of planted acreage and deficiencies in harvested acreage, it is hereby found and determined that compliance with the notice and procedure requirements of 5 U.S.C. 553 is impracticable and not in the public interest and this revision shall become effective on January 1, 1972.

Accordingly, I hereby find and conclude that the foregoing revision of Part 842 will effectuate the applicable provisions of the Act.

Signed at Washington, D.C., on December 27, 1971.

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

[FR Doc.71-19083 Filed 12-29-71; 8:51 am]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1972 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, Part 849 of Chapter VIII of Title 7 of

the Code of Federal Regulations is revised to read as follows:

- Sec.
- 849.1 Introduction.
- 849.2 Applicability and purpose.
- 849.3 Definitions.
- 849.4 Prevented acreage credit.
- 849.5 Determining and recording prevented acreage credit.
- 849.6 Notification.

AUTHORITY: The provisions of this Part 849 issued under secs. 302, 403, 61 Stat. 930, as amended, 932; 7 U.S.C. 1132, 1153, Pub. Law 92-138, approved October 14, 1971.

§ 849.1 Introduction.

In accordance with the provisions of the "Sugar Act Amendments of 1971," Public Law 92-138 approved October 14, 1971, this Part 849 is revised, effective January 1, 1972, to remove the requirements that the farm be located in a local producing area approved for prevented acreage credit, and to provide that the determination for prevented acreage credit be made on an individual farm basis. The regulations in §§ 849.2 through 849.6 are effective on January 1, 1972, and thereafter until amended, superseded, or revoked.

§ 849.2 Applicability and purpose.

The provisions of this part apply only in the Domestic Beet Sugar Area when the Administrator determines proportionate shares are not required. This regulation is designed to protect the interests of producers whose past production has been adversely, seriously and generally affected by drought, flood, storm, freeze, disease, insects or other similar abnormal and uncontrollable conditions, as provided in section 302(b) (5) of the Sugar Act of 1948, as amended. When it is determined by the administrator that proportionate shares are required for a crop identified by year the provisions of Part 895 of this chapter will apply for purposes of protecting sugarbeet production history as to such crop.

§ 849.3 Definitions.

For the purpose of this part, the terms:

(a) "Act," "DASCO," "State Committee," "County Committee," "Personal History Area," "Crop," and "Acreage Harvested" shall have the meanings set forth in § 891.1 of this chapter. Designation of a crop of sugarbeets by year shall have the meaning set forth in § 891.2 of this chapter.

(b) "Prevented acreage" means the number of acres on a farm (1) which the county committee determines would have been seeded to sugarbeets of a crop for the production of sugar or liquid sugar, but were not seeded to sugarbeets because of drought, flood, storm, freeze, disease, or insects, or on approval of DASCO because of other similar abnormal or uncontrollable conditions, or (2) which the county committee upon prior approval of DASCO determines were seeded to sugarbeets of a crop and were not harvested for the extraction of sugar

or liquid sugar because of abnormal and uncontrollable natural conditions such as wild animals or an intervening force of nature, but which could not be determined by a member of the county committee to be bona fide abandoned acreage because the reason for the abandonment was not drought, flood, storm, freeze, disease, or insects.

§ 849.4 Prevented acreage credit.

The county committee shall determine prevented acreage credits in accordance with the provisions of this part as part of the general determination of performance. The following limitations are applicable in determining prevented acreage credit for farms in all areas including personal history areas.

(a) The prevented acreage of a crop to be credited to a farm shall not exceed the difference between (1) the sum of the acreage harvested of such crop on the farm plus any bona fide abandoned acreage of such crop on the farm, and (2) the largest sum of the acreage harvested, bona fide abandoned acreage, prevented acreage and approved released acreage credited pursuant to §§ 895.1 through 895.6 of this chapter for any of the three crops immediately preceding the crop for which prevented acreage is to be credited to the farm.

§ 849.5 Determining and recording prevented acreage credit.

(a) Subject to the provisions of this section, the county committee shall determine the extent of prevented acreage of a crop to be credited to each farm and in a personal history area to be included in the production records of farm operators, upon the basis of the prevented acreage reported to the committee with respect to such farm by the operator or owner thereof, and information brought to the attention of the county committee.

(b) For all States except California and Arizona information of prevented acreage shall be reported or brought to the attention of the county committee not later than July 15 of the year used to designate the crop involved in the prevented acreage. In the California counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains, and in the Arizona counties of Maricopa, Pima, Pinal, and Yuma, such information shall be reported or brought to the attention of the committee not later than January 15 of the year following the year used to designate the crop involved in prevented acreage. In the California counties not named above, such information shall be reported or brought to the attention of the committee not later than November 15 of the year used to designate the crop involved in prevented acreage. In the Arizona counties not named above such information shall be reported or brought to the attention of the committee not later than July 15 of

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-31-AD, Amdt. 39-1367]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 14-19-2, 14-19-3, 14-19-3A, and 17-30 Airplanes

the year used to designate the crop involved in the prevented acreage. Notwithstanding the foregoing provisions of this paragraph information of prevented acreage may be reported to a county committee after the date specified in this paragraph if the county committee determines that the person reporting such information failed to timely report because of illness or other reason beyond his control.

(c) The prevented acreage credit for each farm for any given crop as determined by the county committee, together with a brief reference to the basis relied upon by the committee in determining the extent of such credit shall be recorded on the appropriate county office records.

§ 849.6 Notification.

In each case of denial or reduction of prevented acreage credit the county committee shall notify the person reporting the prevented acreage regarding the credit, if any, approved in his case, and inform him of the basis for denial or reduction and of his right to appeal under Part 780 of Chapter VII of this title.

STATEMENT OF BASES AND CONSIDERATIONS

Pursuant to the amendment, effective January 1, 1972, of section 302 of the Sugar Act of 1948, as provided in Public Law 92-138, approved October 14, 1971, this revision of regulations authorizes prevented acreage credit on an individual farm basis. Heretofore, to receive prevented acreage credit, the farm must have been located in an approved local producing area wherein the past production of sugarbeets has been adversely affected on ten percent or more of the farms or ten percent or more of the planted acres in the area. All of the other eligibility requirements for approving prevented acreage credit for the farm which were included in section 849.2 (32 F.R. 6432 and 34 F.R. 17153) remain unchanged.

Effective date. Since Public Law 92-138 approved October 14, 1971, provides that, effective January 1, 1972, prevented acreage credit is authorized for sugarbeet producers in the domestic beet sugar area on an individual farm basis, it is hereby found and determined that compliance with the notice and procedure requirements of 5 U.S.C. 553 is impracticable and not in the public interest and this revision shall become effective on January 1, 1972.

Accordingly, I hereby find and conclude that the foregoing revision of Part 849 will effectuate the applicable provisions of the Act.

Signed at Washington, D.C., on December 27, 1971.

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

[FR Doc.71-19082 Filed 12-29-71;8:51 am]

There have been failures of flexible hose assemblies located in the engine compartment of Bellanca Models 14-19-2, 14-19-3, 14-19-3A, and 17-30 airplanes. These failures are the result of synthetic rubber deterioration which, if not corrected, can lead to the discharge of hazardous amounts of fuel or oil into the engine compartment with possible resultant inflight fire and loss of engine power. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued requiring repetitive visual inspections of all flexible hose assemblies in the engine compartment of Bellanca Models 14-19-2, 14-19-3, 14-19-3A, and 17-30 airplanes, and replacement of said assemblies where necessary.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than thirty (30) days.

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

BELLANCA. Applies to following airplanes:

Models:	Serial numbers affected
14-19-2 -----	4001 through 4105.
14-19-3 -----	4106 through 4228.
14-19-3A -----	4229 through 4342.
17-30 -----	30001 through 30262.

Compliance: Required as indicated, unless already accomplished.

To detect leakage of flammable fluids from flexible hose assemblies in the engine compartment within 50 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 100 hours' time in service, accomplish the following:

(A) Visually, or by any other method approved by FAA, inspect fuel lines as follows:

1. Pressurize the fuel lines with boost pump operating in high position. When accomplishing this test, the mixture control must be in the idle cutoff position.

2. With fuel lines pressurized, examine all flexible hose exteriors in the engine compartment for evidence of fuel stains, wetness, or leakage.

3. After pressure testing fuel hoses, allow sufficient time for excess fuel to drain overboard from the engine manifold before attempting an engine start.

(B) Visually, or by any other method approved by the FAA, inspect oil lines for evidence of wetness or leakage.

(C) If, as a result of the inspections required by Paragraph A or B, fuel or oil stains, wetness or leaking is found, replace with a serviceable hose assembly.

(D) Inspections required by Paragraphs A and B will no longer be required when hose assemblies are replaced with assemblies identified by either a Bellanca metal identification band or a TSO-C53a Type C identification band.¹

NOTE: The airplane models listed above use either Aeroquip 601 series or Stratoflex 156 series flexible fluid hoses in their engine compartments. These hose assemblies are available under Bellanca 198003-x series part numbers.

This amendment becomes effective December 31, 1971.

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

Issued in Kansas City, Mo., on December 21, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-19086 Filed 12-29-71;8:48 am]

[Airspace Docket No. 71-SO-133]

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

Alteration of Transition Area

On November 7, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21600), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hopkinsville, Ky., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In 71.181 (36 F.R. 2140), the Hopkinsville, Ky., transition area is amended as follows: " * * * long. 87°24'52" W.) * * * " is deleted and " * * * long. 87°24'52" W.); within a 6.5-mile radius of Hopkinsville-Christian County Airport (lat. 36°51'25" N., long. 87°27'25" W.); within 3 miles each side of the 081° bearing from Christian RBN (lat. 36°52'07" N., long. 87°22'18" W.), extending from the 6.5-mile radius area to 8.5 miles east of the RBN * * * " is substituted therefor.

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

¹ This does not preclude continued inspections of this area as required by FAR 91.

Issued in East Point, Ga., on December 16, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc. 71-19067 Filed 12-29-71; 8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2101]

PART 13—PROHIBITED TRADE PRACTICES

International Transistor Corp. and Gene Gillis

Subpart—Advertising falsely or misleadingly: § 13.205 *Scientific or other relevant facts*; § 13.245 *Specifications or standards conformance*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 *Scientific or other relevant facts*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, International Transistor Corp et al., Los Angeles, Calif., Docket No. C-2101, Nov. 17, 1971]

In the Matter of International Transistor Corp., a Corporation, and Gene Gillis, Individually and as an Officer of Said Corporation

Consent order requiring an importer of transistor radios of Los Angeles, Calif., to cease misrepresenting the number of transistors or other components in its products or the functions of any such component.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents International Transistor Corp., a corporation, and Gene Gillis, individually and as an officer of said corporation, and respondent's agents representatives and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals: *Provided however*, That nothing herein shall

be construed to prohibit, in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondents' products or the functions of any such component.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: November 17, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 71-19028 Filed 12-29-71; 8:46 am]

[Docket No. C-2099]

PART 13—PROHIBITED TRADE PRACTICES

Karla Creations, Ltd., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Karla Creations, Ltd., et al., Skokie, Ill., Docket No. C-2099, Nov. 15, 1971]

In the Matter of Karla Creations, Ltd., a Corporation, and Helen Cohen and Thelma Bud, Individually, and as Officers of Said Corporation

Consent order requiring a marketer of Skokie, Ill., to cease marketing dangerously flammable products in violation of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Karla Creations, Ltd., a corporation, and its officers, and Helen Cohen and Thelma Bud, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device,

do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material," are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since March 10, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in

the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered. That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered. That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 15, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.
[FR Doc. 71-19029 Filed 12-29-71; 8:46 am]

[Docket No. 8755]

PART 13—PROHIBITED TRADE PRACTICES

Koppers Co., Inc.

Subpart—Acquiring stock or assets: § 13.5 *Acquiring stock or assets*: 13.5-20 Federal Trade Commission Act. Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis*: 13.670-20 Federal Trade Commission Act. Subpart—Discriminating in price under sec. 5, Federal Trade Commission Act: § 13.870 *Charges and prices*.

(Sec. 5, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Koppers Company, Inc., Pittsburgh, Pa., Docket No. 8755, Nov. 30, 1971]

In the Matter of Koppers Co., Inc., a Corporation

Consent order requiring a chemical producer of Pittsburgh, Pa., to void its resorcinol supply contracts containing requirements or exclusive dealing provisions; to cease entering into illegal requirements contracts, discriminating in price between its customers, and acquiring resorcinol firms without prior Commission approval; and requiring respondent to grant unrestricted production licenses under its resorcinol patents to producers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered. That respondent Koppers Co., Inc., a corporation, its officers, agents, representatives, employees, successors, and assigns, directly or indirectly, through any corporate or other device, in or in connection with the manufacture, sale and distribution of resorcinol in commerce within the United States, shall:

I. (1) Notify each customer who is a party to any contract or agreement with respondent for the supply or furnishing of resorcinol which requires the customer to obtain its total requirements or any stated percentage of its total requirements of resorcinol from respondent

or which contains an exclusive dealing provision, or which, as of the effective date of this order, has a term remaining in excess of 1 year, that its contract is hereby canceled, terminated, voided and rescinded pursuant to this order. Said notice shall be given within ninety (90) days of the effective date of this order by letter sent registered or certified mail to each such customer on respondent's stationery, signed by a duly authorized officer of respondent and in the form of Exhibit A.¹

(2) For a period of five (5) years from the effective date of this order, cease and desist from:

(a) Entering into any contract or agreement with any purchaser or prospective purchaser of resorcinol which requires such purchaser or prospective purchaser to purchase resorcinol from respondent for any period of time in excess of one (1) year;

(b) Entering into any contract or agreement with any purchaser or prospective purchaser of resorcinol which contains an automatic renewal or "ever-green" clause;

(c) Entering into any requirements contract or agreement with any purchaser or prospective purchaser of resorcinol which requires such purchaser or prospective purchaser to purchase more than fifty (50) percent of its requirements of resorcinol from respondent;

Provided, however. That respondent may enter into contracts with any purchasers or any prospective purchasers for the sale of resorcinol to be delivered within one (1) year, and respondent may grant assurances of availability of resorcinol to any such purchasers or prospective purchasers.

(3) For a period of ten (10) years from the effective date of this order, cease and desist from selling or making a contract or agreement for the sale of resorcinol to any purchaser or prospective purchaser on the condition, agreement or understanding that the purchaser or prospective purchaser shall not use or deal in or sell resorcinol manufactured, sold or distributed by a competitor or competitors of respondent.

(4) For a period of five (5) years from the effective date of this order, cease and desist from discriminating in price in contracts entered into hereafter directly or indirectly between those purchasers who buy resorcinol from respondent pursuant to term or quantity contracts and those competing purchasers who buy resorcinol from respondent on a spot purchase basis: *Provided,*

¹ Copies of Exhibit A may be obtained at Federal Trade Commission Building, Room 130, 610 Pennsylvania Avenue NW., Washington, DC.

however. That nothing herein contained shall prevent differentials which respondent can demonstrate make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such commodities are to such purchasers sold or delivered, and differentials which respondent can demonstrate were made in good faith to meet an equally low price of a competitor or competitors of respondent.

(5) For a period of ten (10) years from the effective date of this order, without prior approval of the Federal Trade Commission:

(a) Not make any acquisition of any corporation making resorcinol in the United States;

(b) Not make any acquisition of any domestic corporation purchasing resorcinol in the United States for use therein in excess of two and one-half (2½) percent of respondent's total annual sales of resorcinol;

(c) Not enter into any joint venture with any corporation for the making of resorcinol in the United States; and

(d) Not purchase directly any U.S. patent for the making of resorcinol.

(6) For a period of three (3) years from the effective date of this order:

(a) Grant to any domestic applicant approved by the Federal Trade Commission a nonexclusive, nondiscriminatory license under any and all claims of U.S. Patents Nos. 2,736,754 and 3,462,497. Said licenses granted hereunder shall be for the full, unexpired term of said patents and shall contain no restrictions or limitations, except that such licenses may contain provisions in a form customary in such patent licenses, allowing respondent to collect reasonable royalties based on standards generally applicable to the chemical industry, providing for the inspection of books and records by independent auditors to determine the correctness of any royalty payment, and providing for the cancellation of the licenses at the option of respondent upon failure of the licensee to permit such inspection or to pay royalties due and payable. Said licenses shall provide that in the case of respondent granting or having granted more favorable terms to any other licensee, the licensee under said license shall be entitled to equal treatment: *Provided, however.* That respondent may require any licensee to pay upon acceptance of said license an amount not exceeding \$2,500 which shall be applied against future royalty payments;

(b) Furnish upon written application from any licensee under paragraph 6(a) herein, at cost to respondent for providing such know-how information, the written technical know-how currently used by respondent as of the effective date of this Order for the commercial manufacture of resorcinol, including, but not limited to, blueprints, drawings, and specifications (other than confidential cost accounting data relating to respondent's own costs), and reasonable plant

[Docket No. C-2098]

PART 13—PROHIBITED TRADE PRACTICES

L & K General Merchandise, Inc. and Jacob Lifschitz

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, L & K General Merchandise, Inc., et al., Miami, Fla., Docket C-2098, Nov. 15, 1971]

In the Matter of L & K General Merchandise, Inc., a Corporation, and Jacob Lifschitz, Individually and as an Officer of Said Corporation

Consent order requiring a marketer of Miami, Fla., to cease marketing dangerously flammable products in violation of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents L & K General Merchandise, Inc., a corporation, an its officers, and Jacob Lifschitz, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material," are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the

Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products, from customers, and of the results thereof, (4) any disposition of said products since February, 1971 and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the corporate respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 15, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-19031 Filed 12-29-71;8:46 am]

[Docket No. C-2100]

PART 13—PROHIBITED TRADE PRACTICES

Miami Sportswear Co., Inc. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Miami Sportswear Co., Inc., et al., Opa-Locka, Fla., Docket No. C-2100, Nov. 15, 1971]

visits by any such licensed party, subject to an agreement with the party receiving such written technical know-how and plant visit information which includes a provision not to disclose it to others; and

(c) Not make any assignment or sale of its patents or know-how which would prevent it from fully complying with the provisions of this order.

For purposes of paragraph 6(a) and 6(b) herein, "any domestic applicant approved by the Federal Trade Commission" shall mean: (1) Any company as of the effective date of this order not engaged in the commercial manufacture of resorcinol which, by written application to the Commission, has established its good faith intention and capability of entering into the production of resorcinol in the United States: *Provided, however*, That in no event shall the Commission approve more than five (5) such applicants to qualify under the provisions of this order; and (2) any company engaged in the commercial manufacture and sale of resorcinol in the United States as of the effective date of this order which, by written application made within 3 months of the approval by the Commission of the first domestic applicant under (1) immediately above, is able to demonstrate to the Commission that it has a genuine technological and competitive need for such patent licenses or written technical know-how, and which shall be eligible to receive from respondent, subject to the terms and conditions of paragraph 6 (a) and (b) above, only those patent licenses or that written technical know-how, or both, that are made available by respondent to the first domestic applicant approved by the Commission under (1) immediately above.

For purposes of paragraph 6(b) herein, "others" shall mean separate corporations, firms and individuals, including but not limited to affiliates and subsidiaries.

It is further ordered, That respondent shall:

(1) Distribute a copy of this order to the general manager of each of its operating divisions;

(2) Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other similar change in the respondent; and

(3) Within ninety (90) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: November 30, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-19030 Filed 12-29-71;8:46 am]

In the Matter of Miami Sportswear Co., Inc., a Corporation, and Jack L. Brasington, and Clayton B. Brasington, Jr., Individually and as Officers of Said Corporation

Consent order requiring an importer of Opa-Locka, Fla., to cease marketing dangerously flammable products in violation of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Miami Sportswear Co., Inc., a corporation, and its officers, and Jack L. Brasington and Clayton B. Brasington, Jr., individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That respondents either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the product which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since March 17, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or

not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent's business organization, such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 15, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 71-10032 Filed 12-29-71; 8:46 am]

[Docket No. C-2102]

PART 13—PROHIBITED TRADE PRACTICES

Quinn R. Barton Co.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: 13.1852-75(a) Regulation Z.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Quinn R. Barton Co., Jacksonville, Fla., Docket No. C-2102, Nov. 17, 1971]

In the Matter of Quinn R. Barton Co., a Corporation

Consent order requiring a truck and farm equipment dealer of Jacksonville, Fla., to cease using noncomplying contract forms, in connection with its credit sales, which fail to contain all of the required credit cost disclosures in the prescribed form and terminology of Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Quinn R. Barton Co., a corporation, its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any credit sale or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit," "credit sale," and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing in any credit sale to describe the difference between the "cash price" and the "total downpayment" as the "unpaid balance of cash price", as required by § 226.8(c)(3) of Regulation Z.

2. Failing to describe the amount of credit extended as the "amount financed", as required by § 226.8(c)(7) of Regulation Z.

3. Failing in any credit sale to include the amount of premiums for credit life insurance in the finance charge as required by § 226.8(c)(8)(i) of Regulation Z unless the respondent discloses that credit life insurance is not required and obtains a separately signed and specifically dated signature requesting the insurance in accordance with § 226.4(a)(5) of Regulation Z.

4. Failing to print "finance charge" and "annual percentage rate" more conspicuously than other terminology in accordance with § 226.6(a) of Regulation Z, as required by § 226.8(b)(2) and (c)(8)(i) of Regulation Z.

5. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of 1 percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

6. Failing in any credit sale to disclose the sum of the cash price, all charges which are included in the amount financed, but which are not part of the finance charge, and the finance charge as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing in any credit sale to describe the sum of the payments scheduled to repay the indebtedness as "total of payments", as required by § 226.8(b)(3) of Regulation Z.

8. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale, resultant in

the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: November 17, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-19033 Filed 12-29-71;8:46 am]

[Docket No. C-2103]

PART 13—PROHIBITED TRADE PRACTICES

Sirles and Son Realty Co., Inc., et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*: 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions*: 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-75 Truth in Lending Act; 13.1852-75(a) Regulation Z; § 13.1892 *Sales contract, right-to-cancel provision*: § 13.1905 *Terms and conditions*: 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Sirles and Son Realty Co., Inc., et al., Oak Lawn, Ill., Docket No. C-2103, Nov. 18, 1971]

In the Matter of Sirles and Son Realty Co., Inc., a Corporation Doing business as Sirles and Son Realty and Edgar Sirles and Richard Sirles, Individually, and as Officers of Said Corporation

Consent order requiring a real estate broker of Oak Lawn, Ill., to cease advertising the amount of downpayment required on properties without stating other credit term disclosures and failing to notify its customers of their right to rescind such transactions in violation of Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sirles and Son Realty Co., Inc., a corporation, and Edgar Sirles and Richard Sirles, individually and as officers of said corporation, doing business as Sirles and Son Realty or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any advertisement or consumer credit sale of real estate or any other merchandise or service, as "advertisement" and

"credit sale" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Stating directly or indirectly in any advertisement the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(i) The cash price or the amount of the loan, as applicable;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate;

(v) Except in the case of the sale of a dwelling or a loan secured by a first lien on a dwelling to purchase that dwelling, the deferred payment price or the sum of the payments, as applicable.

2. Failing to give the customer the notice of opportunity to rescind, as set forth in § 226.9(b) of Regulation Z, when a security interest is or will be attained or acquired in any real property which is used or is expected to be used as principal residence of the customer, as required by § 226.9(a) of Regulation Z, except a first lien or security interest to finance an acquisition or initial construction of a dwelling in which the customer resides or expects to reside.

3. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each said person.

It is further ordered, That respondents shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation

which may affect compliance obligations arising out of the order.

Issued: November 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-19034 Filed 12-29-71;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

Miscellaneous Amendments

Pursuant to the provisions of the Act of May 29, 1884, as amended, and the Act of February 2, 1903, as amended (21 U.S.C. 111, 114, 114a), Part 53, Title 9, Code of Federal Regulations, is amended as follows:

1. In § 53.1, a new paragraph (k) is added to read:

§ 53.1 Definitions.

(k) "Animals"—Livestock, poultry, and all other members of the animal kingdom including birds, whether domesticated or wild, but not including man.

2. In § 53.2(b), the word "and" preceding the second proviso is deleted and the following proviso is added at the end of said paragraph:

§ 53.2 Determination of existence of disease; agreements with States.

(b) * * * : *And provided further*, That the cooperative program for the purchase, destruction and disposition of birds other than poultry shall be limited to those categories of birds of species listed in Part 82 of this chapter and which are identified in documentation pursuant to Cooperative Agreements¹ as constituting a threat to the poultry industry of the United States.

§ 53.3 [Amended]

3. In § 53.3(b), the phrase "and poultry" and the phrase "or bird" each time it appears, are deleted from the second sentence.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 703, as amended; sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a; 29 F.R. 16210, as amended, 36 F.R. 20707)

¹ Agreements between the Department and the particular State involving relating to cooperative animal (including poultry) disease prevention, control, and eradication.

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

The foregoing amendments define the term "animals" to include birds, whether domesticated or wild; and provide for the purchase, destruction and disposition of birds, other than poultry, when such birds constitute a threat to the poultry industry of the United States.

These amendments should be made effective as soon as possible in order to facilitate the control and eradication of Exotic Newcastle Disease, an exotic communicable disease of poultry which currently exists in certain areas in the States of California, New Mexico, and Texas, and to prevent the spread of such disease in the interests of the poultry industry and the public. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of December 1971.

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

[FR Doc. 71-19100 Filed 12-29-71; 8:53 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION
OF ANIMALS AND POULTRY

PART 82—EXOTIC NEWCASTLE DISEASE;
AND PSITTACOSIS OR ORNITHOSIS IN POULTRY¹

Areas Quarantined

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

1. In § 82.1, paragraph (a) is amended and new paragraph (j) is added to read, respectively, as follows:

§ 82.1 Definitions.

(a) (1) *Exotic Newcastle disease.* The exotic viscerotropic type of Newcastle disease, a contagious, infectious, and communicable disease of poultry.

(2) *Psittacosis or ornithosis.* The contagious, infectious, and communicable disease of poultry known as psittacosis or ornithosis.

(j) *Poultry.* Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea

¹The heading for Part 82 is hereby redesignated to read as set forth above.

fowl, pea fowl, of all ages, including eggs for hatching.

2. The present provisions in § 82.2 are designated as paragraph (b) and a new paragraph (a) is added to the section to read as follows:

§ 82.2 General restrictions.

(a) Notice is hereby given that mynah and psittacine birds are susceptible to and are likely to disseminate to poultry Exotic Newcastle disease and, therefore, the provisions of this Part 82 shall be applicable in relation to mynah and psittacine birds of all ages, including eggs from such birds, in the same manner, and to the same extent as such provisions are applicable in relation to poultry.

§§ 82.2, 82.3 [Amended]

3. In §§ 82.2 and 82.3, the phrase "Exotic Newcastle disease, or" is inserted before the phrase "psittacosis or ornithosis" wherever the latter phrase appears in said provisions.

§ 82.5 [Redesignated]

4. Section 82.3 is redesignated as § 82.5 and new §§ 82.3 and 82.4 are added to read, respectively, as follows:

§ 82.3 Areas quarantined.

(a) Notice is hereby given that Exotic Newcastle disease exists in the States of California, New Mexico, and Texas, and that the following areas in said States are hereby quarantined:

(1) *California.* (i) That portion of San Bernardino County bounded by a line beginning at the junction of U.S. Highway 66 (also Foot Hill Boulevard) and Haven Avenue; thence, following U.S. Highway 66 (also Foot Hill Boulevard) in an easterly direction to Cactus Avenue; thence, following Cactus Avenue in a southerly direction to Interstate Highway 10; thence, following Interstate Highway 10 in a westerly direction to Haven Avenue; thence, following Haven Avenue in a northerly direction to its junction with U.S. Highway 66 (also Foot Hill Boulevard).

(ii) The premises of Victor Ryckelbosch, Inc., near Lancaster, Calif., in Los Angeles County, comprised of secs. 5 and 6, T. 7 N., R. 11 W., and secs. 29, 30, 31, and 32, T. 8 N., R. 11 W.

(iii) The premises operated by Woodrow Osborne and James Jordan in Sonoma County comprised of sec. 29, T. 8 N., R. 10 W., Mount Diablo Base Meridian.

(iv) The premises operated by Efton Holben in Sonoma County comprised of sec. 10, T. 7 N., R. 8 W., Mount Diablo Base Meridian.

(2) *New Mexico.* (i) The premises of Stahmann Farms, Las Cruces, N. Mex., in Dona Ana County, located (Santo Tomas Grant) E½, sec. 26, T. 24 S., R. 2 E.

(ii) The premises of Gates Cyclo Chamberino, Inc., Chamberino, N. Mex., in Dona Ana County, comprised of lots 2, 3, 4, 6, 7, and 8 of the SW¼ of NE¼ and W½ of NW¼ of sec. 24, T. 26 S., R. 2 E.

(3) *Texas.* (i) That portion of El Paso County bounded by a line beginning at the junction of Interstate Highway 10 and State Highway 375; thence, following Interstate Highway 10 in a southeasterly direction to Farm to Market Road 793; thence, following Farm to Market Road 793 in a southwesterly direction to Farm to Market Road 76; thence, following Farm to Market Road 76 in a southwesterly direction to Jess Harris Road; thence, following Jess Harris Road in a southwesterly direction to the United States-Mexico border; thence, following the United States-Mexico border in a generally northwesterly direction to State Highway 375; thence, following State Highway 375 in a northeasterly direction to its junction with Interstate Highway 10.

(ii) That portion of El Paso County bounded by a line beginning at the junction of the Texas-New Mexico State line and Interstate Highway 10; thence, following Interstate Highway 10 in a southerly direction to U.S. Highway 375; thence, following U.S. Highway 375 in a westerly direction to U.S. Highway 80, 85; thence, following U.S. Highway 80, 85 in a northerly direction to the Texas-New Mexico State line; thence following the Texas-New Mexico State line in an easterly direction to its junction with Interstate Highway 10.

§ 82.4 Restrictions on interstate movement from quarantined areas.

No poultry, eggs, poultry carcasses, parts thereof, or manure from poultry, or litter, coops, containers, or other accessories used in the handling of poultry in any quarantined area shall be moved interstate from such area, except as provided in this section:

(a) Live poultry may be moved interstate from such areas to a federally inspected slaughtering establishment for immediate slaughter upon prior approval by the Deputy Administrator, Veterinary Services, when he determines in the specific case that such movement will not involve a risk of interstate spread of exotic Newcastle disease.²

(b) Table eggs and eggs for processing may be moved interstate from quarantined areas if washed and sanitized and moved in new flats and cases or in plastic flats and cases which have been washed and sanitized since last use.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707).

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

The amendments add exotic Newcastle disease to the diseases covered in Part 82 (9 CFR); redesignate certain sections of said part; quarantine portions of the

²Requests for Deputy Administrator's approval to move live poultry from quarantined areas should be made through the Veterinarian in Charge, Animal Health, Animal and Plant Health Service, for the State in which the areas are quarantined.

States of California, New Mexico, and Texas, because of exotic Newcastle disease; and regulate the interstate movement of poultry mynah and psittacine birds, eggs, carcasses of such poultry and birds, parts thereof, manure, litter, and other articles from the quarantined areas.

The amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of December 1971.

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

[FR Doc. 71-19101 Filed 12-29-71; 8:53 am]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

Cancellation of an Application

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228), § 210.11 (20 CFR 210.11) of Part 210 of the Regulations under such act is amended by Board Order 71-128, dated December 20, 1971, to read as follows:

§ 210.11 Cancellation of an application.

An individual (or a person who is authorized to act in his behalf or in behalf of a person who could be entitled to annuity accruals if an annuity was awarded or were to be awarded on the basis of an application pursuant to § 266.4 or § 266.5 of this chapter) may cancel his application under the following conditions:

(a) *Before the annuity is awarded.* An application may be canceled before the annuity is awarded if (1) he files a written request for cancellation, (2) such individual is alive at the time the request for cancellation is filed, or if it appears that the rights of no person other than the person by whom, or in whose interest, the cancellation is requested will be adversely affected, and (3) the request for cancellation is filed on or before the date the annuity is awarded.

Dated: December 22, 1971.

By authority of the Board.

[SEAL] RICHARD F. BUTLER,
Secretary of the Board.
[FR Doc. 71-19054 Filed 12-29-71; 8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

"Cents-Off" and "Economy Size" Package Promotions

In the matter of establishing new enforcement regulations (21 CFR 1.1d, 1.1e) to control "cents-off," "economy size," and other savings representations, a notice of proposed rule making was published in the FEDERAL REGISTER of May 21, 1970 (35 F.R. 7811). Sixty days were allowed for comment. This comment period was extended to September 1, 1970, by a notice published in the FEDERAL REGISTER of July 18, 1970 (35 F.R. 11591).

After considering the 54 comments received in response to the proposal, the Commissioner of Food and Drugs published an order in the FEDERAL REGISTER of June 30, 1971 (36 F.R. 12288), providing 30 days for the filing of objections and requests for a public hearing in accordance with section 701(e) of the Federal Food, Drug, and Cosmetic Act. In response to the order communications were received from 16 firms and trade associations either expressing objections, offering comments, or requesting clarification. Some of those submitting objections also requested that their objections be made the subject of a public hearing.

The Commissioner has evaluated all the responses to the order. The points raised and the Commissioner's response to them are as follows:

1. In response to those contentions that the Fair Packaging and Labeling Act includes specific authority to establish "cents-off" regulations only on a commodity-by-commodity basis, the Commissioner reaffirms the position that such contentions are without merit. The long history of abuses in the area of savings representations encompasses the greater spectrum of the consumer commodities subject to the Fair Packaging and Labeling Act and fully establishes the need for such a regulation. Therefore, a single issuance will serve the best interest of both the consumer and the regulated industry.

2. Several objections questioned the promulgation of regulations under the authority of the Fair Packaging and Labeling Act which would control savings

representations appearing on the labeling of consumer commodities. While the Fair Packaging and Labeling Act specifically provides for regulations applicable to the label of a package, the foods, drugs, devices, and cosmetics involved are also subject to the label and labeling requirements of the Federal Food, Drug, and Cosmetic Act. It is imperative that these regulations be made applicable to both labels and labeling so as to prevent misleading representations on labeling that could not appear on the label of a subject consumer commodity. This will ensure that the consumer is adequately protected from situations in which a savings representation for a consumer commodity at retail might be abused by the labeling (for example, contiguous placards, shelf displays, etc.).

3. Several objections were directed to the application of the "cents-off" regulations to levels of commerce below the sponsor of the promotion. The Fair Packaging and Labeling Act specifically provides for the application of its prohibitions to those wholesale and retail levels that are engaged either in the packaging or labeling of consumer commodities or that specify by any means the manner in which such commodities are to be labeled. This would exclude savings representation promotions initiated by persons who do not manufacture, package, or import the consumer commodity involved in the promotion and who do not prescribe or specify by any means the manner in which such commodity is packaged or labeled by a manufacturer, packager, or importer. Section 1.1d has been revised accordingly. The Commissioner, however, reaffirms the position that the scope of the regulations must encompass certain activities (e.g. record keeping at all levels and price marking activities at the retail level) in addition to those engaged in by the sponsor of the promotion. This is imperative if the consumer is to be assured that the full amount of the savings representation has been carried through each level in the chain of commerce.

4. Several objections, requests for clarification, and a request for a public hearing were received relative to the application of the regulations to promotions such as "bonus offers," "two-for-one sales," "one-cent sales," etc. The Commissioner concludes, after a careful review of the facts available, that such promotions are in fact savings representations and are, therefore, subject to all provisions of the regulations. This position is further strengthened by the recent publication of a trade regulation by the Federal Trade Commission in the FEDERAL REGISTER of November 10, 1971 (36 F.R. 21517) which places comparable sanctions on promotions of this type. The Commissioner recognizes that due to the variety of such promotions being employed, the label representation may, of necessity, differ in format and context from that required for the normal "cents-off" offer; however, it must accurately describe the promotion and in no way be misleading. A public hearing

on the matter would be unwarranted. Section 1.1d(b)(1) is, therefore, revised accordingly.

5. In response to several objections, § 1.1d(a)(1) has been revised to clarify that the establishment of the ordinary and customary price of a consumer commodity at retail is within the province of the retailer and not necessarily the sponsor of the price reduction promotion. The regulation is designed to provide that an ordinary and customary retail price must be established first in order to provide a valid basis for a future price reduction promotion.

6. Several objections were made to differences in the record keeping requirements and to establishment of the 12-month time period by the Food and Drug Administration as well as to comparable provisions in the Federal Trade Commission regulations. The Commissioner concludes that the objection is of merit, and § 1.1d(a), (c), (d), and (e) have been revised accordingly.

7. Numerous objections and a request for a public hearing were received in response to the requirement that a package or label bearing a "cents-off" representation have imprinted thereon a triple price statement showing the regular price, the amount of "cents-off" and the price to be paid by the consumer. These objections assert that the requirement imposes such an administrative burden on the retailers that many have stated they will refuse to handle such items in the future. In addition, it is argued that many packages such as cans, jars, and bottles do not normally have a pricing spot employed in the labeling but are stamped on the top or cover. Thus, the use of the triple-price statement imposes mechanical difficulties of placement and may cause confusion to the consumer when not fully utilized. It was suggested that in lieu of the triple price statement, a statement employing terms such as "The Price Marked Is — Off the Regular Price" be required to accompany any representation of "cents-off" on the package or label. This certification would then qualify the single retail price, when stamped at any location on the package, permitting the consumer to ascertain the regular price by simple addition of the number of "cents-off" and the price stamped on the package. This modification to the regulation would eliminate the administrative burden of dual pricing at the retail level and still provide the consumer with the three price information. The Commissioner considers these objections reasonable. However, the Commissioner agrees with the Federal Trade Commission that assurance that each consumer is informed of the ordinary and customary retail price of the "cents-off" marked commodity at the time of sale is essential to the facilitation of value comparisons by the consumer. Thus, provision in the regulations for supplying the retailer with a means of disclosing the regular price in a clear, conspicuous manner and in close proximity with the shelf display of the "cents-off" marked merchandise is made. That portion of the regulations affected is modified below, accordingly.

8. An objection requested that § 1.1d be more specific in order to assist in determining the ordinary and customary retail price of a consumer commodity within a particular retail outlet or trade area (in the case of chains or direct sales by manufacturers to retailers). The Commissioner considers the objection to be of merit and the section has been revised accordingly.

9. To answer several requests for clarification of the 50-percent limit placed on the number of units of a consumer commodity which may be the subject of a price reduction representation within a 12-month period, the Commissioner concludes that the regulations provide for "good faith" projections based on sales during the previous year, that the 50-percent limit is not applicable to savings promotions on consumer commodities available through catalog sales operations, and that no conflict exists with the comparable requirement in the Federal Trade Commission regulations.

10. Several objections requested clarification of § 1.1d(d) to more accurately describe the meaning of "the same consumer commodity" insofar as such description pertains to the limitation set for labeled promotions of a consumer commodity within a 12-month period. The Commissioner concludes such objections to be of merit. Section 1.1d(d) has been revised to more accurately reflect that the limitation applies to the identical consumer commodity, i.e., a commodity of the same brand, type, size, etc.

11. Several objections questioned the need for limiting the number of labeled promotions to three per year in a particular retail outlet or trade area. In the objector's opinion volume limitations and record keeping would provide adequate controls. The Commissioner concludes that three labeled promotions of a consumer commodity, together with the provision that such promotions may encompass as much as 6 months in a 12-month period, should be sufficient. A greater number of promotions, coupled with the unavoidable time lags inherent in the pipelines of commerce, would serve to aggravate the very real complaint that certain products are offered with various savings representation promotions on a year-round basis and thus negate the legitimate price reduction offers.

12. Several objections were made to the requirement that the sponsor of an introductory offer include the suggested postintroduction retail price in conjunction with any appropriate labeled representations. Some of the reasons accompanying the objections were (a) that the requirement could ostensibly force the sponsor to establish a future retail price of the commodity and thereby raise the issue of antitrust considerations or retail price maintenance, (b) that the requirement poses an inordinate and unnecessary burden on the retailer, and (c) that the provision conflicts with comparable requirements in the Federal Trade Commission regulations. The Commissioner concludes that this objection is reasonable and § 1.1d(e) has been

revised accordingly. The Commissioner dismisses as without merit, however, the request to expand the definition of a "newly developed consumer commodity" to include new sizes of the same brand of consumer commodity, since this would be contrary to the intent of section 5(d) of the Fair Packaging and Labeling Act which is to reduce the proliferation of container sizes.

13. Several objections and a request for public hearing were received concerning the applicability of § 1.1d of the regulations to labeled savings representations in the form of coupon offers and concerning the requirement that such coupons be redeemed unconditionally at retail. After careful consideration of all available facts, the Commissioner concludes that the applicability of that regulation is limited to those coupon offers accompanied by labeled savings representations. Further, with the exception of that portion dealing solely with the labeled "cents-off" representation format (§ 1.1d(b)(1)) all provisions of the regulation are applicable to such coupon offers. Coupons available in newspapers, by mail, door-to-door, etc. are not considered subject to the regulations unless they are used or displayed in such a manner as to constitute a label or labeling. With respect to unconditional redemption of the subject coupons at retail, the Commissioner concludes that, though he is not necessarily persuaded by arguments against unconditional retail redemption, § 1.1d(f) of the regulation should be revised to provide for the mailing of coupons elsewhere via first-class mail so long as the sponsor reimburses the consumer for the cost of the first-class postage. To do otherwise serves to cancel out or minimize the represented savings to the consumer. The issues, therefore, are not of sufficient magnitude to require resolution in a public hearing.

14. Several objections requested clarification of that provision in § 1.1e(a) which requires that the ordinary and customary selling price per unit of weight, measure, or count be established as a prerequisite to offering the container as an economy size. Arguments against such a requirement were that the language of the provision appeared to rule out simultaneous introduction of an economy sized unit in conjunction with other retail sizes of the product. Additionally, it was contended that, since the product could not be offered as an economy size during the 30-day period while the ordinary and customary retail price was being established, the sponsor of the promotion would be forced to distribute two differently labeled versions of the identical product within a brief period of time. The objection maintained that the necessity for such a dual inventory created an inordinate burden which would serve to hamper legitimate commerce. The Commissioner of Food and Drugs concludes that the objections are reasonable and § 1.1e(a) has been revised accordingly to be consistent with the comparable Federal Trade Commission regulation (16 CFR 502.102; June 30, 1971; 36 F.R. 12284). As revised, § 1.1e(a) requires a

commodity labeled with an "economy size representation" to be sold at a price per unit of weight, volume, or measure which is substantially reduced (i.e. at least 5 percent) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.

15. An objection was received which requested clarification of the requirement that economy size representations be limited to only one packaged or labeled form of that brand of commodity. The intent of the requirement is to provide that only one economy size designation be used in a series comprising two or more sizes of the same brand of consumer commodity. In response to the request for clarification, § 1.1e(a) has been revised.

16. One objection questioned the applicability of § 1.1e (which deals with economy size representations on consumer commodities) to recognized trademarks and brand names. The Commissioner concludes that the accepted usage of trademarks and brand names would normally preclude their being considered as economy size designations; however, firms utilizing such designations on their labels or labeling have a distinct responsibility to make certain that they are not employed in a fashion which could render them false or misleading.

17. A substantial number of objections were received concerning the effective date, December 31, 1971, for the regulations published June 30, 1971 (36 F.R. 12288). Due to the revisions and clarifying changes necessary to properly resolve the objections and to achieve consistency with the comparable Federal Trade Commission regulations (16 CFR Part 502; 36 F.R. 12284, 23056), the Commissioner concludes this to be a new final order which should become effective 30 days after publication in the FEDERAL REGISTER except for the provisions of §§ 1.1d (b) (1), (e), (f), and 1.1e for which additional time (until March 31, 1972, for §§ 1.1d (e), (f) and 1.1e, and until June 30, 1972, for § 1.1d(b)(1)) should be allowed to provide affected persons sufficient time to comply with those provisions as revised by this order. The Commissioner therefore concludes that said final order of June 30, 1971 (36 F.R. 12288), should be canceled and that a new final order in this matter should be issued as set forth below.

Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298-1300; 15 U.S.C. 1454-1455) and the Federal Food, Drug, and Cosmetic Act (secs. 403 (a), (f), 502 (a), (c), 602 (a), (c), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended; 21 U.S.C. 343 (a), (f), 352 (a), (c), 362 (a), (c), 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part I is amended by adding the following two new sections:

§ 1.1d "Cents-off," coupon, or other savings representations.

Any food, drug, cosmetic, or device that bears on the label or labeling a representation that the consumer commodity is being offered for retail at a

reduction in retail price is subject to the following conditions: *Provided, however*, That such conditions do not apply to any such savings representations initiated by persons who do not manufacture, package, or import such commodities and who do not prescribe or specify by any means the manner in which such commodities are packaged or labeled by a manufacturer, packager, or importer:

(a) A "cents-off," coupon, or other savings representation that states or implies a reduction in the ordinary and customary retail price may be used by a manufacturer, packer, distributor, or retailer, hereinafter known as the sponsor, initiating such promotion only if:

(1) An ordinary and customary selling price of such consumer commodity has been established at the retail level.

(2) The sponsor's selling price and the selling price at all subsequent levels of commerce such as wholesalers and jobbers has been reduced by at least the savings differential represented on the package or labeling, and

(3) The sponsor and all subsequent levels of commerce keep and maintain invoices or other records for each promotion and for all successive promotions which occur within a 12-month period for at least 1 year subsequent to the end of the year (calendar, fiscal, or market) in which the promotion occurs in order to show that the invoice cost to the retailer has been reduced in an amount sufficient to enable the retailer to pass the savings on to the purchaser.

(b) (1) Each "cents-off" price reduction representation imprinted on the package or label shall be limited to a phrase which reflects that the price marked by the retailer represents the savings in the amount of the "cents-off" the retailer's regular price, e.g., "Price Marked Is -----¢ Off the Regular Price," "Price Marked Is ----- Cents-Off the Regular Price of This Package;" provided, the package or label may in addition bear in the usual pricing spot a form reflecting a space for the regular price, the represented "cents-off," and a space for the price to be paid by the consumer. The sponsor who sells the commodity at retail shall display the regular price, clearly and conspicuously designated as "regular price," on the package or label of the commodity or on a sign, placard, or shelf-marker placed in a position contiguous to the retail display of the "cents-off" marked commodity. The sponsor who does not sell at retail shall provide the retailer with a sign, placard, shelf-marker, or other device for the purpose of clearly and conspicuously displaying the retailer's regular price, designated as "regular price," in a position contiguous to the "cents-off" marked commodity.

(2) Other savings representations which appear on the label or labeling of a package, e.g., "bonus offer," "two-for-one sales," "one-cent sales," etc., are subject to the provisions of this section. Due to the infinite variety and scope of such promotions, the label format of such representations may differ from that set forth in subparagraph

(1) of this paragraph for "cents-off" promotions; however, such representations shall include all material facts relative to the offer and shall in no way be misleading.

(3) For the purposes of this section, the terms "ordinary and customary" and "regular" when used with the term "price" mean the price at which a consumer commodity has been openly and actively sold in the most recent and regular course of business in a particular retail outlet or a trade area for a reasonably substantial period of time (at least 30 days). For consumer commodities that fluctuate in price, the ordinary and customary price shall be the lowest price at which any substantial sales were made during said 30 days.

(c) Shipments of consumer commodities bearing "cents-off," coupon, or other savings representations to a given geographic trade area made by the sponsor initiating such promotion shall be in no greater volume than 50 percent of the total units of that identical consumer commodity distributed in the same geographic trade area during any period of 12 consecutive months comprising a calendar, fiscal, or market year.

(d) The "cents-off," coupon, or other savings promotion may not be employed by a sponsor on consumer commodities for distribution to a specific geographic trade area until after 1 month has elapsed since their last distribution of that identical consumer commodity bearing a savings representation to the same geographic trade area. No more than three such promotions for that identical consumer commodity may occur within a 12-month period comprising a calendar, fiscal, or market year, and the total period of time for such promotions of that identical consumer commodity shall not exceed 6 months within that 12-month period.

(e) A newly developed consumer commodity, one which has been changed in a functionally significant respect, or one which is newly introduced into a given geographic trade area may be the subject of an "introductory offer" type promotion. Such offers are not considered subject to the provisions of paragraphs (a) through (d) of this section, provided:

(1) Each such labeled offer is clearly and conspicuously qualified with the phrase "Introductory Offer," and

(2) If the introductory offer promotion is in the form of a "cents-off" representation, each such labeled offer shall include clearly and conspicuously in immediate conjunction therewith the phrase "-----¢ Off the After-Introductory-Price;" and

(3) Labeled representations do not exceed a period of 6 months duration.

Any subsequent price reduction promotion of the consumer commodity is subject to the provisions of paragraphs (a) through (d) of this section and shall be preceded by the 30-day period required for a determination of the ordinary and customary selling price in that retail establishment. At the time of making the introductory offer promotion, the sponsor must intend in good faith to offer the

commodity alone, immediately following the introductory offer promotion, for a reasonably substantial period of time (at least 30 days) at the anticipated after-introductory-offer price. The sponsor of the introductory offer promotion and all subsequent levels of commerce shall sell the commodity at a reduction from their anticipated after-introductory-offer price which reduction shall be at least equal to the savings differential represented on the package or labeling. The sponsor and all subsequent levels of commerce shall maintain invoices and records for at least 1 year subsequent to the end of the year (calendar, fiscal, or market) in which such introductory offer occurs.

(f) A representation on the label or labeling that the consumer commodity is being offered for retail sale at a reduced price by virtue of a redeemable coupon shall not be used unless the coupon is redeemable at retail unconditionally or upon the purchase or subsequent purchase of either that product or other consumer commodities involved in the promotion. It is provided, however, that in lieu of unconditional redemption at retail, the sponsor may request that coupons be mailed via first class mail to some central point for redemption only if the consumer is reimbursed for the cost of the first class postage. Such coupon offers which bear expiration dates or which are contingent upon the purchase of other consumer commodities involved in the promotion shall bear a prominent and conspicuous statement fully disclosing all material conditions included in the coupon offer. Such statement shall be in conjunction with the representation wherever it appears on the label or labeling of the consumer commodity.

§ 1.1e Package size savings.

Any food, drug, cosmetic, or device that bears on the label or labeling a representation that the consumer commodity is being offered at a lower price per unit of weight, measure, or count because of economy resulting from the size of the container or quantity of its contents is subject to the following conditions:

(a) The container may bear a representation of economy by virtue of its size (for example, "economy size," "economy pack," "big value," "thrifty pack," "bargain size," "budget pack," etc.) only if:

(1) The sponsor of the economy size promotion at the same time offers the same brand of that commodity in at least one other packaged size or labeled form.

(2) Only one packaged or labeled form of that brand of commodity is labeled with an "economy size" representation.

(3) The sponsor of the economy size promotion and all subsequent levels of commerce sell the commodity labeled with an "economy size" representation at a price per unit of weight, volume, measure, or count which is substantially reduced (i.e., at least 5 percent) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.

(b) The sponsor of the economy size promotion and all subsequent levels of commerce such as wholesalers and jobbers shall maintain for at least 1 year invoices or other records showing that the wholesale price per unit of weight, measure, or count in the economy size package is such that the retailers can sell the economy size container at a significantly lower price per unit.

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. 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 and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 30 days after date of publication in the FEDERAL REGISTER except as to (1) any provision that may be stayed by the filing of valid objections, (2) §§ 1.1d (e), (f), and 1.1e which shall become effective March 31, 1972, and (3) § 1.1d(b)(1) which shall become effective June 30, 1972.

(Secs. 5, 6, 80 Stat. 1298-1300; 15 U.S.C. 1454-55; sec. 403 (a), (f), 502 (a), (c), 602 (a), (c), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended; 21 U.S.C. 343 (a), (f), 352 (a), (c), 362 (a), (c), 371)

Dated: December 23, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-19044 Filed 12-29-71;8:49 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

APPROVAL OF NEW-DRUG APPLICATIONS AND SUPPLEMENTS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended to update delegations of authority regarding approval of new-drug applications and new-drug application supplements for drugs for human use.

Accordingly, § 2.121 is amended by revising paragraph (k), as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

(k) *Delegations regarding approval of new-drug applications and new-drug application supplements for drugs for human use.* (1) The Director and Deputy Director of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new-drug applications and new-drug application supplements which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(2) The Director and Deputy Director of the Office of Scientific Evaluation of the Bureau of Drugs are authorized to perform all the functions of the Commissioner with regard to the approval of new-drug application supplements which are for the drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (12-30-71).

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: December 16, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-19052 Filed 12-29-71;8:50 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart M—Organization

FIELD STRUCTURE

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended by deleting § 2.173 and revising § 2.175 to reflect organizational changes, as follows:

§ 2.173 [Deleted]

§ 2.175 Field structure.

REGION I

Field Office: 585 Commercial Street, Boston, MA 02109.

REGION II

Field Office: 850 Third Avenue, Brooklyn, NY 11232.

District Office: 850 Third Avenue, Brooklyn, NY 11232.

District Office: 599 Delaware Avenue, Buffalo, NY 14202.

District Office: Room 831, 970 Broad Street, Newark, NJ 07102.

District Office: Post Office Box 4427, San Juan Station, San Juan, PR 00905.

REGION III

Field Office: Room 1204, Second and Chestnut Streets, Philadelphia, PA 19106.

District Office: Room 1204, Second and Chestnut Streets, Philadelphia, PA 19106.

District Office: 900 Madison Avenue, Baltimore, MD 21201.

REGION IV

Field Office: 60 Eighth Street NE., Atlanta, GA 30309.

REGION V

Field Office: Room 1222, 433 West Van Buren Street, Chicago, IL 60607.
 District Office: Room 1222, 433 West Van Buren Street, Chicago, IL 60607.
 District Office: 1141 Central Parkway, Cincinnati, OH 45202.
 District Office: 1560 East Jefferson Avenue, Detroit, MI 48207.
 District Office: 240 Hennepin Avenue, Minneapolis, MN 55401.

REGION VI

Field Office: 3032 Bryan Street, Dallas, TX 75204.
 District Office: 3032 Bryan Street, Dallas, TX 75204.
 District Office: Room 222, 423 Canal Street, New Orleans, LA 70130.

REGION VII

Field Office: 1009 Cherry Street, Kansas City, MO 64106.

REGION VIII

Field Office: Room 513, 20th and California Streets, Denver CO 80202.

REGION IX

Field Office: Room 518, 50 Fulton Street, San Francisco, CA 94102.
 District Office: Room 518, 50 Fulton Street, San Francisco, CA 94102.
 District Office: 1521 West Pico Boulevard, Los Angeles, CA 90015.

REGION X

Field Office: Room 501, 909 First Avenue, Seattle, WA 98104.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (12-30-71).

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: December 16, 1971.

SAM D. FINE,
 Associate Commissioner
 for Compliance.

[FR Doc.71-19051 Filed 12-29-71; 8:50 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread Identity Standard; Confirmation of Effective Date of Order To Permit Optional Use of Papain Preparations

In the matter of amending the identity standard for bread (21 CFR 17.1) to permit the optional use of papain preparations obtained from papaya with provision for a suitable, harmless carrier:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for a hearing were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 6, 1971 (36 F.R. 14468). Accordingly, the amendment promulgated

by that order became effective October 5, 1971.

Dated: December 17, 1971.

SAM D. FINE,
 Associate Commissioner
 for Compliance.

[FR Doc.71-19050 Filed 12-29-71; 8:50 am]

PART 53—TOMATO PRODUCTS

Tomato Catsup, Tomato Puree and Tomato Paste; Standards of Identity

In the matter of amending the standards of identity for tomato catsup, tomato puree, and tomato paste (21 CFR 53.10, 53.20, and 53.30), to provide for the use of an acidified break process:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of July 21, 1971 (36 F.R. 13404), based on a petition submitted by the Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Two comments were received in response to the proposal. One recommended adoption of the proposed amendments. The other opposed adoption on the grounds that abuses may arise from the addition of hydrochloric acid to foods consumed by the general public. Based on the facts: (1) That hydrochloric acid is a substance that is generally recognized as safe when used in foods in accordance with good manufacturing practice as defined in paragraph (b) of § 121.101 of this chapter, and (2) that when used in the acidified break process in tomato products the hydrochloric acid will be almost entirely converted to sodium chloride (common salt), and (3) that if inadvertently the tomato material was not completely neutralized the resultant pH of the products would be safely within the normal pH range of the human gastric system; the Commissioner of Food and Drugs concludes that the use of hydrochloric acid for the purpose herein intended will not be harmful to consumers.

On the basis of information submitted in the petition, the comments received, and other relevant information, the Commissioner concludes that adopting the proposal will promote honesty and fair dealing in the interest of consumers, as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 53 be amended, as follows:

1. In § 53.10 by revising the closing text of paragraph (a) that follows subparagraph (3) to read as follows:

§ 53.10 Catsup, ketchup, catchup; identity; label statement of optional ingredients.

(a) * * *
 (3) * * *

Such liquid is obtained by so straining such tomatoes or residue, with or with-

out heating, as to exclude skins, seeds, and other coarse or hard substances. Prior to straining, food-grade hydrochloric acid may be added to the tomato material at a rate to obtain a pH no lower than 2.0 ± 0.2 . Such acid is then neutralized with food-grade sodium hydroxide so that the treated tomato material is restored to a pH of 4.2 ± 0.2 , prior to straining. It is concentrated and seasoned with salt (sodium chloride formed during acid neutralization shall be considered added salt), a vinegar or vinegars, spices or flavorings or both, and onions or garlic or both, and is sweetened with sugar, or dextrose, or corn sirup (including dried corn sirup), or glucose sirup (including dried glucose sirup), or any mixture of these; provided that when the solids of corn sirup, or dried corn sirup, or glucose sirup, or dried glucose sirup (or any combination of these) used contains less than 58 percent by weight of reducing sugars calculated as anhydrous dextrose, then such corn sirup or glucose sirup shall be mixed with sugar or dextrose or both, in such quantity that the weight of the solids of such corn sirup or dried corn sirup or both, or glucose sirup, or dried glucose sirup or both, is not more than one-third of the weight of the solids of such mixture. When sealed in a container, it is so processed by heat, before or after sealing, as to prevent spoilage.

2. In § 53.20 by adding to paragraph (a) a new subparagraph (4), by revising the closing text of paragraph (a) that follows subparagraph (4), and by revising paragraph (b) (1), as follows:

§ 53.20 Tomato puree, tomato pulp; identity; label statement of optional ingredients.

(a) * * *
 (4) Salt.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. Prior to straining, food-grade hydrochloric acid may be added to the tomato material at a rate to obtain a pH no lower than 2.0 ± 0.2 . Such acid is then neutralized with food-grade sodium hydroxide so that the treated tomato material is restored to a pH of 4.2 ± 0.2 , prior to straining. It is concentrated and may be seasoned with salt (sodium chloride formed during acid neutralization shall be considered added salt). When sealed in a container, it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.0 percent, but less than 24.0 percent, of natural tomato soluble solids, as determined by the following method:¹

¹ "Collaborative Study of the Determination of Soluble Solids in Tomato Products by Refractive Index Expressed as Percent Sucrose" by Frank C. Lamb, National Canners Association, 1950 Sixth Street, Berkeley, CA 94710, "Journal of the Association of Official Analytical Chemists," vol. 52, No. 5 (1969), pp. 1050-54. Adopted as official, first action at the 1969 AOAC meeting.

Determine the refractive index of the clear serum obtained from the product, corrected for temperature, converting the resultant index to "% Sucrose" in accordance with the "International Scale of Refractive Indices of Sucrose at 20° C.," pages 931-33, 935, Reference Tables 47.012, 47.013, and 47.015 of the book "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, 1971. If no salt has been added, this percent sucrose from the reference table shall be considered the percent of natural tomato soluble solids. If salt has been added, determine the percent of sodium chloride by the method prescribed on page 561, section 32.017, under "Sodium Chloride—Official," of said book. Subtract the percent of sodium chloride from the percent of total soluble solids found and multiply the difference by 1.016. The product shall be considered the percent of natural tomato soluble solids.

(b) (1) When the optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "Made from residual tomato material from canning" or "Made in part from residual tomato material from canning," as the case may be. When the optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made from residual tomato material from partial extraction of juice" or "Made in part from residual tomato material from partial extraction of juice," as the case may be. If both such ingredients are present, such statements may be combined in the statement "Made from residual tomato material from canning and from partial extraction of juice" or "Made in part from residual tomato material from canning and from partial extraction of juice," as the case may be. When the optional ingredient specified in paragraph (a) (4) of this section is present, the label shall bear the statement "Salt added" or "With added salt."

3. In § 53.30 by revising the text of paragraph (a) that follows subparagraph (3), by revising subparagraph (4) of paragraph (a), and by revising paragraph (b), as follows:

§ 53.30 Tomato paste; identity; label statement of optional ingredients.

(a) * * *
(3) * * *

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. Prior to straining, food-grade hydrochloric acid may be added to the tomato material at a rate to obtain a pH no lower than 2.0 ± 0.2 . Such acid is then neutralized with food-grade sodium hydroxide so that the treated tomato material is restored to a pH of 4.2 ± 0.2 , prior to straining. It is concentrated and may be seasoned with one or more of the optional ingredients:

(4) Salt (sodium chloride formed during acid neutralization shall be considered added salt).

(b) When the optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "Made from" (or "Made in part from," as the case may be) "residual tomato material from canning." When the optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made from" (or "Made in part from," as the case may be) "residual tomato material from partial extraction of juice." If both such ingredients are present, such statements may be combined in the statement "Made from" (or "Made in part from," as the case may be) "residual tomato material from canning and from partial extraction of juice." When the optional ingredient specified in paragraph (a) (4), (5), or (6) of this section is present, the label shall bear the statement or statements "Salt added" or "With added salt," "Spice added" or "With added spice," "Flavoring added" or "With added flavoring," as the case may be. When the optional ingredient specified in paragraph (a) (7) of this section is present, the label shall bear the statement "Baking soda added." If two or all of the optional ingredients specified in paragraphs (a) (4), (5), (6), and (7) of this section are present, such statements may be combined; for example, "Salt, spice, flavoring, and baking soda added." In lieu of the word "salt," "spice," or "flavoring" in such statement or statements, the common or usual name of such salt, spice, or flavoring may be used.

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. 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 and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 17, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-19049 Filed 12-29-71; 8:50 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Levamisole Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (42-740V) filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing additional safe and effective use of levamisole hydrochloride as an anthelmintic in drench form for the treatment of sheep. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(d), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in the table in § 135c.18(f) by adding a new item 6, as follows:

§ 135c.18 Levamisole hydrochloride.

(f) Conditions of use.

	Amount	Limitations	Indications for use
6. Levamisole hydrochloride.	11.7 grams per packet.	For sheep, dissolve in 1 quart (32 fluid ounces) of water and administer as a single drench at 1 ounce (0.265 gram) per 100 pounds of body weight or dissolve 1 packet in 10.9 fluid ounces of water and administer as a single drench at 1 cubic centimeter (0.036 gram) per 10 pounds of body weight; conditions of constant helminth exposure may require retreatment within 2 to 4 weeks after the first treatment; do not slaughter for food within 72 hours of treatment; consult veterinarian before using in severely debilitated animals.	Do

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (12-30-71).

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

Dated: December 2, 1971.

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

[FR Doc.71-19053 Filed 12-29-71; 8:50 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

RELEASE OF WITHHELD DISABILITY BENEFITS

This amendment further defines procedures to be followed with regard to payments withheld from incompetent veterans and veterans under legal disability.

1. Immediately following § 3.557, the cross-references are amended to read as follows:

§ 3.557 Incompetents; estate over \$1,500 and hospitalized.

CROSS REFERENCES: Veterans disability pension. See § 3.454(c). Reductions and discontinuances; general. See § 3.500. Reductions and discontinuances; veterans. See § 3.501. Amounts withheld or not paid incompetent veteran. See § 3.1007. Estate \$1,500. See § 13.108 of this chapter. Determination of value of estate. See § 13.109 of this chapter.

2. In § 3.558, paragraph (c) is amended to read as follows:

§ 3.558 Resumption; incompetents \$1,500 estate cases.

(c) Any amount not paid because of the provisions of § 3.557 will be awarded:

(1) To a veteran who is currently rated competent by the Veterans' Administration or as to whom a legal disability has been removed, after release from hospitalization and after the expiration of 6 months following the effective date of the rating of competency by the Veterans' Administration or removal of the legal disability, whichever is the later.

(2) For a veteran rated incompetent by the Veterans' Administration who had met the provisions of subparagraph (1) of this paragraph and who was again rated incompetent by the Veterans' Administration before award action could be taken thereunder, if he has a proper dependent, and if there was no error in the intervening rating of competency. For the purpose of amounts not paid because of the provisions of § 3.557(a), a proper dependent is a wife, child, or dependent parent. For the purpose of amounts not paid because of the provisions of § 3.557(b), a proper dependent is a wife or child.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: December 22, 1971.

By direction of the Administrator.

FRED B. RHODES,
Deputy Administrator.

[FR Doc. 71-19070 Filed 12-29-71; 8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[Docket No. R-71-156]

PART 275—LOW RENT PUBLIC HOUSING

Appendix—Prototype Cost Limits for Public Housing; Amendment

In the FEDERAL REGISTER issued for Saturday, May 1, 1971 (36 F.R. 8213-8232) prototype per unit cost schedules were published pursuant to section 209 (a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Hartford, Connecticut Area Office indicates that certain prototype per unit cost schedules should be revised for the State of

Connecticut. Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to these revised limits, and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following changes are made to the schedules as originally published in volume 36 of the FEDERAL REGISTER:

On page 8213 and 8214 delete the Hartford, Danbury, New Milford, New Haven, Bridgeport, New London, Windham, Stamford, Ridgefield, and Norwich, Conn., schedules under Region I and substitute in lieu thereof the revised prototype per unit cost shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedules (sec. 7(d) of Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Effective date. This rule is effective as of the date of publication in the FEDERAL REGISTER (12-30-71).

EUGENE A. GULLEDGE,
Assistant Secretary—Commissioner.

REGION I

	Number of bedrooms					
	0	1	2	3	4	5
Bridgeport, Conn.:						
Detached and semidetached.....	10,600	12,700	14,000	16,750	20,200	22,450
Row dwellings.....	10,100	12,050	13,400	15,950	19,200	21,400
Walk-up.....	8,700	10,700	12,150	14,400	16,600	18,350
Elevator-structure.....	14,000	16,250	20,600			19,250
Danbury, Conn.:						
Detached and semidetached.....	10,600	12,700	14,000	16,750	20,200	22,450
Row dwellings.....	10,100	12,050	13,400	15,950	19,200	21,400
Walk-up.....	8,700	10,700	12,150	14,400	16,600	18,350
Elevator-structure.....	13,700	15,900	20,150			19,250
Hartford, Conn.:						
Detached and semidetached.....	11,100	13,300	14,650	17,550	21,150	23,500
Row dwellings.....	10,550	12,600	14,050	16,700	20,100	22,400
Walk-up.....	9,100	11,200	12,700	15,100	17,400	19,200
Elevator-structure.....	13,950	16,200	20,550			19,250
New Haven, Conn.:						
Detached and semidetached.....	12,000	14,400	15,850	19,000	22,900	25,650
Row dwellings.....	11,400	13,650	15,200	18,100	21,750	24,250
Walk-up.....	9,850	12,100	13,750	16,350	18,850	20,800
Elevator-structure.....	14,300	16,600	21,100			21,800
New London, Conn.:						
Detached and semidetached.....	10,850	13,000	14,350	17,150	20,700	23,000
Row dwellings.....	10,300	12,300	13,750	16,350	19,650	21,900
Walk-up.....	9,650	10,950	12,400	14,750	17,000	18,800
Elevator-structure.....	13,550	15,750	20,000			19,700
New Milford, Conn.:						
Detached and semidetached.....	10,600	12,700	14,000	16,750	20,200	22,450
Row dwellings.....	10,100	12,050	13,400	15,950	19,200	21,400
Walk-up.....	8,700	10,700	12,150	14,400	16,600	18,350
Elevator-structure.....	13,700	15,900	20,150			19,250
Norwich, Conn.:						
Detached and semidetached.....	10,650	12,800	14,100	16,850	20,350	22,600
Row dwellings.....	10,150	12,100	13,500	16,050	19,300	21,550
Walk-up.....	8,750	10,750	12,200	14,500	16,700	18,450
Elevator-structure.....	13,550	15,750	20,000			19,350
Ridgefield, Conn.:						
Detached and semidetached.....	13,300	15,950	17,600	21,050	25,400	28,200
Row dwellings.....	12,650	15,100	16,850	20,050	24,100	26,900
Walk-up.....	10,900	13,450	15,250	18,100	20,900	23,050
Elevator-structure.....	14,900	17,300	21,950			24,200
Stamford, Conn.:						
Detached and semidetached.....	13,300	15,950	17,600	21,050	25,400	28,200
Row dwellings.....	12,650	15,100	16,850	20,050	24,100	26,900
Walk-up.....	10,900	13,450	15,250	18,100	20,900	23,050
Elevator-structure.....	14,900	17,300	21,950			24,200
Windham, Conn.:						
Detached and semidetached.....	10,850	13,000	14,350	17,150	20,700	23,000
Row dwellings.....	10,300	12,300	13,750	16,350	19,650	21,900
Walk-up.....	9,650	10,950	12,400	14,750	17,000	18,800
Elevator-structure.....	13,550	15,750	20,000			19,700

[FR Doc. 71-19013 Filed 12-29-71; 8:46 am]

Chapter X—Federal Insurance Administration
SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM
PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:
§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Arkansas	Ouachita	Camden				Dec. 30, 1971.
Do.	Boone	Harrison				Do.
California	Contra Costa	Concord	I 06 013 0820 02 through I 06 013 0820 33	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, 1950 Parkside Ave., Concord, CA 94520.	Do.
Iowa	Scott	Unincorporated areas.				Do.
Massachusetts	Hampden	West Springfield				Do.
Michigan	Ingham	Charter Township of Meridian.				Do.
Mississippi	Jones	Laurel				Do.
New Jersey	Union	Berkeley Heights Township.				Do.
Do.	Monmouth	Manalapan				Do.
New York	Westchester	Ardley				Do.
North Carolina	Transylvania	Rosman				Do.
Ohio	Lake	Palmsville				Do.
Oregon	Lane	Unincorporated areas.	I 41 039 0000 06 through I 41 039 0000 22	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, OR 97310.	Office of General Administration, Lane County Courthouse, 125 8th Ave. East, Eugene, OR 97401.	Do.
Virginia	Henrico	Unincorporated areas.				Do.
Wisconsin	Shawano	Unincorporated areas.				Do.

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

Issued: December 21, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 71-19017 Filed 12-29-71; 8:46 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:
§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Ouachita	Camden				Dec. 30, 1971.
Do.	Boone	Harrison				Do.
California	Contra Costa	Concord	H 06 013 0820 02 through H 06 013 0820 33	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, 1950 Parkside Ave., Concord, CA 94520.	Aug. 7, 1971.
Iowa	Scott	Unincorporated areas.				Dec. 30, 1971.
Massachusetts	Hampden	West Springfield				Do.
Michigan	Ingham	Charter Township of Meridian.				Do.
Mississippi	Jones	Laurel				Do.
New Jersey	Union	Berkeley Heights Township.				Do.
Do.	Monmouth	Manalapan				Do.
New York	Westchester	Ardley				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Carolina	Transylvania	Rosman				Dec. 30, 1971
Ohio	Lake	Palmerville				Do.
Oregon	Lane	Unincorporated areas	H 41 039 0000 06 through H 41 039 0000 22	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, O.R. 97310.	Office of General Administration, Lane County Courthouse, 125 8th Ave. East, Eugene, OR 97401.	Jan. 8, 1971.
Virginia	Henrico	do				Dec. 30, 1971
Wisconsin	Shawano	do				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (23 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's Delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 21, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-19018 Filed 12-29-71;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7157]

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

Ownership, Exemption, or Reduced Rate Certificate

In order to provide a uniform certificate for withholding on coupon bond interest and withholding on items of income subject to a reduced rate of, or an exemption from, tax pursuant to an income tax convention, the Income Tax Regulations (26 CFR Part 1) under sections 1441, 1451, and 1461 of the Internal Revenue Code of 1954 are amended to provide new rules for filing Form 1001 on or after January 1, 1972, and for withholding on income subject to tax conventions as follows:

PARAGRAPH 1. Section 1.1441-1 is revised to read as follows:

§ 1.1441-1 Requirement for withholding of tax on nonresident aliens, foreign partnerships, and foreign corporations.

Except as otherwise provided in §§ 1.1441-3, 1.1441-4, and 1.1441-6, to the extent that the items specified in § 1.1441-2 constitute gross income from sources within the United States, withholding of a tax of 30 percent is required in the case of items of income specified in paragraphs (a) and (b) of § 1.1441-2 when such income is paid to a nonresident alien individual, a foreign partnership, or a foreign corporation, except that with respect to payments made after March 4, 1964, withholding of a tax of 14 percent is required in the case of items of income specified in paragraph (c) of § 1.1441-2. The rate of 30 percent or 14 percent shall be reduced as may be provided by a treaty with any country. See section 894 and § 1.1441-6, relating to income affected by treaty. For purposes of this section, the term "nonresi-

dent alien individual" includes an alien resident of Puerto Rico.

PAR. 2. The following section is inserted immediately after § 1.1441-5:

§ 1.1441-6 Withholding pursuant to the application of a tax treaty which confers a reduced rate of, or an exemption from, United States income tax.

(a) *In general.* The rate of 30 percent or 14 percent shall be reduced as may be provided by a treaty with any country. In case of payments of any of the items specified in § 1.1441-2 (other than dividends) made on or before December 31, 1971, and in the case of payments of dividends made at any time, the withholding agent shall determine the applicable rate pursuant to the appropriate tax treaty and the regulations issued thereunder. In case of payments on or after January 1, 1972, of any of the items specified in § 1.1441-2 (other than dividends), the requirements of paragraphs (b) and (c) of this section shall apply in lieu of the ownership certificate or the exemption (or reduced rate) certificate (or corresponding letter) required by the regulations under the various income tax conventions in effect to which the United States is a party.

(b) *Coupon bond interest.* To secure the reduced rate of, or exemption from, U.S. income tax at source in the case of coupon bond interest, the recipient shall, if entitled to such treatment pursuant to a tax convention, for each issue of bonds file Form 1001 (Ownership, Exemption, or Reduced Rate Certificate) with the withholding agent when presenting the interest coupons for payment. This form shall be completed and signed by either the owner of the interest, his trustee, or his agent, and shall include such information as is required by the form and accompanying instructions. The form shall contain a statement that the owner of the income is entitled to a reduced rate of, or an exemption from, tax pursuant to a tax convention. The Form 1001 shall be retained by the withholding agent for at least 4 years after the close of the calendar year in which the interest is paid.

(c) *Income other than coupon bond interest or dividends.* (1) To secure the

reduced rate of, or exemption from, U.S. income tax at source in case of items of income specified in § 1.1441-2 other than coupon bond interest and dividends, the recipient shall, if entitled to such treatment pursuant to a tax convention, file Form 1001 (Ownership, Exemption, or Reduced Rate Certificate) with the withholding agent. This form shall be completed and signed by either the owner of the income, his trustee, or his agent, and shall include such information as is required by the form and accompanying instructions. A separate Form 1001 shall be used for each type of income. For this purpose, all income from a trust, estate, or investment account shall be considered as a single type of income. Each form shall also contain a statement that the owner of the income is entitled to a reduced rate of, or exemption from, tax pursuant to a tax convention. If, after filing such form, the owner ceases to be eligible for the benefits of the tax convention for such income, he shall promptly notify the withholding agent by letter.

(2) Form 1001 shall be effective for the successive 3-calendar-year period during which the income to which the form applies is paid. Each such form filed with any withholding agent shall be filed as soon as practicable. Once a form has been filed for a type of income (other than coupon bond interest) with respect to such a 3-year period, no additional Form 1001 for such income need be filed with respect to such period unless the Commissioner of Internal Revenue notifies the withholding agent that the taxpayer shall file another form. If any change occurs in the ownership of income subject to a Form 1001 recorded on the books of the withholding agent, the Form 1001 shall no longer be effective. The Form 1001 shall be retained by the withholding agent for at least 4 years after the end of the last calendar year in which income subject to the form is paid.

(3) Form 1001 need not be filed with respect to payments (other than payments of coupon bond interest) made prior to December 31, 1974, if an exemption (or reduced rate) certificate (or corresponding letter) required by the regulations under the applicable income

tax convention has been filed with respect to such payments prior to December 31, 1971.

PAR. 3. Section 1.1451-1(a)(6) is revised to read as follows:

§ 1.1451-1 Tax-free covenant bonds issued before January 1, 1934.

(a) Rates of withholding. * * *

(6) Tax treaties. The rates of tax to be withheld in accordance with this paragraph shall be reduced as may be provided by treaty with any country. See section 894 and § 1.1441-6 relating to income subject to a reduced rate of, or an exemption from, income tax pursuant to an income tax convention.

PAR. 4. Section 1.1461-1 is amended by adding a new subparagraph at the end of § 1.1461-1(b) and by revising paragraphs (d), (g), and (i) thereof. The added and revised portions read as follows:

§ 1.1461-1 Ownership certificates for bond interest.

(b) Nonresident aliens and foreign corporations. * * *

(4) See § 1.1441-6 in case of coupon bond interest which is subject to a reduced rate of, or an exemption from, tax pursuant to a tax convention.

(d) Information shown on ownership certificate. The ownership certificate shall include such information as is required by the form and accompanying instructions. This paragraph shall apply to all special variations of Form 1001 referred to in paragraph (i) of this section.

(g) Noncoupon bonds—(1) General rule. Ownership certificates on Form 1000 or, in case of payments made on or before December 31, 1971, on Form 1001, are required in connection with interest payments on noncoupon bonds as in the case of coupon bonds. If an ownership certificate is not furnished by the owner of a noncoupon bond, the certificate shall be prepared by the withholding agent but is not required to be signed by the owner.

(2) Application of tax treaties. Ownership certificates are not required when claiming the benefit of an exemption from tax, or reduced rate of tax, granted by an applicable tax convention in respect of interest payments on noncoupon bonds. Regulations under the various income tax conventions require, in lieu of an ownership certificate, the use of an exemption (or reduced rate) certificate (or corresponding letter) in the case of such interest payments. These regulations are effective with respect to payments made prior to December 31, 1974, if such certificate was filed with respect to such income prior to December 31, 1971. Such a certificate may not be prepared by the withholding agent but must be signed by the owner of the interest, or by his trustee or agent in accordance with the applicable tax treaty regulation. See § 1.1441-6 for requirements with respect

to payments to which such certificates do not apply.

(i) Form of ownership certificate for nonresident aliens and foreign corporations. Form 1001 shall be used in preparing ownership certificates of nonresident alien individuals, foreign partnerships, foreign corporations, and unknown owners. For payments of interest made prior to December 31, 1971, a special variation of Form 1001 (designated by a letter or letters following the number 1001) shall be used, however, in preparing ownership certificates of persons claiming the benefit of an exemption from tax, or reduced rate of tax, granted by an applicable income tax convention in respect of interest payments on coupon bonds. See the applicable tax treaty regulation and paragraph (d) of this section. Form 1001, and the special variations of such form, for payments of interest made before December 31, 1971, shall be filed in duplicate. Form 1001, for payments of interest made on or after January 1, 1972, shall be retained by the withholding agent for at least 4 years after the interest is paid.

PAR. 5. Paragraph (c)(1) of § 1.1461-2 is revised to read as follows:

§ 1.1461-2 Return of tax withheld.

(c) Form 1042S—(1) Filing requirement. Every withholding agent shall make on or before March 15 an annual information return on Form 1042S of all items of income specified in § 1.1441-2 paid during the previous calendar year to nonresident alien individuals, foreign partnerships, or foreign corporations if such items consist of—

(i) Amounts upon which tax was required to be withheld under chapter 3 of the Code,

(ii) Amounts upon which tax would have been required to be withheld under such chapter but for an exclusion from gross income applicable under any income tax convention to which the United States is a party,

(iii) Amounts upon which tax would have been required to be withheld under such chapter but for the provisions of any specific exemption from withholding applicable under the authority of any regulation under this title or any ruling or procedure of the Commissioner, or

(iv) Amounts in respect of which tax withheld under such chapter has, pursuant to such authority, been released or refunded to the payee by the withholding agent.

Notwithstanding subdivisions (i) through (iv) of this subparagraph, income paid to nonresident alien individuals, foreign partnerships, or foreign corporations and required to be shown on Form W-2, or in the case of income paid prior to January 1, 1972, on Form 1001 (or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461-1, or the substitute thereof) is not required to be shown on Form 1042S. The original and duplicate copies of Form 1042S shall accompany Form 1042 and shall be filed with the Director of International Opera-

tions, Internal Revenue Service, Washington, D.C. 20225.

Because of the need for immediate promulgation of forms with respect to the provisions contained in this Treasury decision and because such provisions do not adversely affect any taxpayer, it is found impracticable and unnecessary to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code, 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 28, 1971.

EDWIN S. COHEN,
Assistant Secretary of the
Treasury.

[FR Doc. 71-19135 Filed 12-29-71; 8:53 am]

[T.D. 7156]

PART 3—CAPITAL CONSTRUCTION FUND

Execution of Agreements and Deposits Made in a Capital Construction Fund

The following regulations relate to the application of section 607 of the Merchant Marine Act of 1936 (46 U.S.C. 1177) as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate.

In order to extend the time within which deposits may be made in capital construction funds with respect to income reported on the taxpayer's 1970 or 1971 return, § 3.1 of Chapter I of 26 CFR is deleted and a new § 3.1 is added which reads as follows:

§ 3.1 Capital construction fund.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1972, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

(a) A capital construction fund agreement executed and entered into by the taxpayer on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years will be deemed to be effective on the date of the execution of such agreement or as of the close of business of the last regular business day of each such taxable year or years to which

such deposit relates, whichever day is earlier.

(b) Notwithstanding the provisions of paragraph (a) of this section, where (1) for taxable years beginning after December 31, 1969, and prior to January 1, 1971, an application for a capital construction fund agreement is filed by a taxpayer prior to January 1, 1972, and a capital construction fund agreement is executed and entered into by the taxpayer prior to March 1, 1972, and (2) for taxable years beginning after December 31, 1970, and prior to January 1, 1972, an application for a capital construction fund agreement is filed by a taxpayer prior to January 1, 1973, and a capital construction fund agreement is executed and entered into by the taxpayer prior to March 1, 1973 (or, if earlier, 60 days after the publication of final joint regulations under section 607 of the Merchant Marine Act, 1936, as amended); then such a capital construction fund agreement will be deemed to be effective as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates.

(c) Deposits made in a capital construction fund pursuant to such an agreement within 60 days after the date of execution of the agreement, or on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years, whichever date shall be later, shall be deemed to have been made on the date of the actual deposit or as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates, whichever day is earlier.

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1972.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d).

(Sec. 607, Merchant Marine Act of 1936, 46 U.S.C. 1177, as amended by section 21(a), Merchant Marine Act of 1970, 84 Stat. 1026; sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] **JOHNNIE M. WALTERS,**
Commissioner of Internal Revenue.

Approved: December 23, 1971.

J. R. PETTY,
*Assistant Secretary
of the Treasury.*

A. E. GIBSON,
*Assistant Secretary for Mari-
time Affairs, Maritime Ad-
ministrator.*

[FR Doc.71-19109 Filed 12-29-71;8:51 am]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1501—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

PART 1502—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

PART 1503—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

PART 1505—GEAR CERTIFICATION

PART 1506—RECORDING AND REPORTING WORK-INJURY FREQUENCY AND SEVERITY DATA CONCERNING LONGSHOREMEN, SHIP REPAIRMEN AND OTHER HARBOR WORKERS

PART 1507—PROCEDURE FOR VARIATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 1508—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 1509—INVESTIGATIONAL HEARINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 1510—SAFETY AND HEALTH PROVISIONS FOR FEDERAL AGENCIES

PART 1515—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS

PART 1516—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Transfer of Regulations and Revocation of Part

1. Part 1506 contains recording and reporting requirements concerning injuries covered by the Longshoremen's and Harbor Workers' Compensation Act. Since a comprehensive statistical program on work injuries and illnesses is being developed under the Williams-Steiger Occupational Safety and Health Act of 1970, and since employers subject to Part 1506 are likely to be subject to the recording and reporting requirements prescribed under that Act (36 F.R. 12612), it is deemed desirable to revoke Part 1506 in order to avoid an unnecessary burden and an unnecessary duplication of efforts. Accordingly, Part 1506

of Title 29 of the Code of Federal Regulations is hereby revoked.

2. By a companion document published in this same issue of the FEDERAL REGISTER, the regulations in Parts 1501, 1502, 1503, 1504, 1505, 1507, 1508, 1509, 1510, 1515, 1516, 1518, of Chapter XIII of Title 29 of the Code of Federal Regulations have been transferred to Chapter XVII of Title 29.

Inasmuch as these changes do not have any substantial effect on the public, notice of rule making and public participation therein are deemed unnecessary. And inasmuch as the changes are either not substantive or relieve an obligation, no delay in effective date is necessary. Accordingly, good cause is found for not providing such notice, public participation, and delay.

Effective date. These rules shall become effective upon publication in the FEDERAL REGISTER (12-30-71).

(Sec. 41, 44 Stat. 1444, as amended, 39 U.S.C. 941; 5 U.S.C. 7902; sec. 12(b), 13(e), 79 Stat. 1284, 1288; 29 U.S.C. 41a, 41b; sec. 4, 79 Stat. 1085; 41 U.S.C. 353; sec. 107, 83 Stat. 96; 40 U.S.C. 388; sec. Order No. 12-71, 86 F.R. 8754)

Signed at Washington, D.C., this 23d day of December 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-19073 Filed 12-29-71;8:48 am]

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1912—ADVISORY COMMITTEES ON STANDARDS

Pursuant to sections 6(b), 7(b), and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656, 657) and section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), commonly known as the Construction Safety Act, Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new Part 1912 to read as set forth below.

The new Part 1912 shall become effective upon publication in the FEDERAL REGISTER (12-30-71).

Subpart A—General

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|--------|--|
| Sec. | |
| 1912.1 | Purpose and scope. |
| 1912.2 | Definitions. |
| 1912.3 | National Advisory Committee on Occupational Safety and Health distinguished. |
| 1912.4 | Conflict of interest. |
| 1912.5 | Petitions for changes in the rules. |

Subpart B—Section 7(b) Advisory Committees

- | | |
|---------|---------------------------------------|
| 1912.10 | Standing and temporary committees. |
| 1912.11 | Composition of advisory committees. |
| 1912.12 | Terms of standing committee members. |
| 1912.13 | Terms of temporary committee members. |

Subpart C—Construction Safety Advisory Committee

- | | |
|---------|---------------------|
| 1912.20 | Membership. |
| 1912.21 | Term of membership. |

Subpart D—Action of Advisory Committees

Sec.	
1912.25	Open meetings.
1912.26	Call of meetings.
1912.27	Notice of meetings.
1912.28	Subcommittees; experts and consultants.
1912.29	Participation by interested persons.
1912.30	Matters outside the jurisdiction of advisory committees.
1912.31	Department of Labor representation.
1912.32	Quorum; Committee procedure.
1912.33	Record.
1912.34	Advice of advisory committees.

Subpart E—Supporting Services

1912.40	General services.
1912.41	Legal services.

AUTHORITY: The provisions of this Part 1912 issued under secs. 6(b), 7(b), 8(g), 84 Stat. 1593, 1597, 1600; 29 U.S.C. 655, 657; sec. 107, Public Law 87-581, as added, 83 Stat. 96; 40 U.S.C. 333.

Subpart A—General

§ 1912.1 Purpose and scope.

(a) This part prescribes policies and procedures governing the composition and functions of advisory committees which may be appointed to assist the Assistant Secretary in carrying out the standards-setting responsibilities under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act).

(b) Section 6(b)(1) of the Act expressly empowers the Secretary of Labor to seek the advice of an advisory committee which he may appoint under section 7(b) for the purpose of making recommendations to him concerning any rulemaking to promulgate, modify, or revoke any occupational safety or health standards. Occupational safety and health standards which have been issued under the Act are published in Part 1910 of this chapter. Section 7(b) is read as permitting the Secretary to seek the advice of any advisory committee at any stage of a rulemaking proceeding.

(c) This part also prescribes the policies and procedures governing the composition and functions of the Advisory Committee on Construction Safety and Health which has been established under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), commonly known as the Construction Safety Act. The aforesaid section 107 requires the Secretary of Labor to seek the advice of the Advisory Committee in formulating construction standards thereunder. The standards which have been issued under section 107 are published in Part 1518 of this title. In view of the far-reaching coverage of the Construction Safety Act, the myriad of standards which may be issued thereunder, and the fact that the Construction Safety Act would also apply to much of the work which is covered by the Williams-Steiger Occupational Safety and Health Act of 1970, whenever occupational safety or health standards for construction activities are proposed, the Secretary shall consult the Advisory Committee. An additional advisory committee will not normally be established

under section 7(b) of the Act, unless the issue or issues involved include, but extend beyond construction activity.

§ 1912.2 Definitions.

As used in this Part 1912, unless the context clearly requires otherwise

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590; 29 U.S.C. 650).

(b) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

(c) "Construction Safety Act" means the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333).

(d) "Secretary" means the Secretary of Labor.

(e) "Advisory committee" means an advisory committee appointed under section 7(b) of the Act and the Construction Safety Advisory Committee.

(f) "Construction Safety Advisory Committee" means the advisory committee established under section 107(e) of the Construction Safety Act.

§ 1912.3 National Advisory Committee on Occupational Safety and Health distinguished.

(a) Section 7(a) of the Act established a National Advisory Committee on Occupational Safety and Health. The Committee is to advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to general administration of the Act.

(b) Advisory committees appointed under section 7(b) of the Act, which are the subject of this Part, have a more limited role. Such advisory committees are concerned exclusively with assisting the Assistant Secretary in his standards-setting functions under section 6 of the Act.

(c) On the other hand, the Advisory Committee on Construction Safety and Health, established under the Construction Safety Act, provides assistance to the Assistant Secretary with respect to both the setting of standards thereunder and policy matters arising in the administration of the Construction Safety Act. To the extent that the Advisory Committee on Construction Safety and Health renders advice to the Assistant Secretary on general policy matters, its activities shall be coordinated with those of the National Advisory Committee on Occupational Safety and Health.

§ 1912.4 Conflict of interest.

No members of any advisory committee other than members representing employer or employee members shall have an economic interest in any proposed rule.

§ 1912.5 Petitions for changes in the rules.

Each interested person shall have the right to petition for the issuance, amendment, or repeal of rules published in this part. Any such petition will be considered in a reasonable time. Prompt notice shall be given of the denial in whole or in part of any petition. Except in affirming a

prior denial or when the denial is self-explanatory, the notice shall be accompanied by a brief statement of the grounds for denial.

Subpart B—Section 7(b) Advisory Committees

§ 1912.10 Standing and temporary committees.

The Assistant Secretary may appoint standing or temporary advisory committees under section 7(b) of the Act. It is expected that standing committees would be appointed to deal with broad subjects or issues, or subjects or issues which may likely be the subject of frequent standards-setting procedures. On the other hand, it is expected that a temporary advisory committee under section 7(b) of the Act will render advice to him in his standards-setting functions in particular rulemaking proceedings under section 6 of the Act. A temporary advisory committee shall dissolve upon the termination of the rulemaking proceeding involved.

§ 1912.11 Composition of advisory committees.

(a) Any advisory committee appointed by the Assistant Secretary under section 7(b) of the Act shall contain the following:

(1) At least one member who is a designee of the Secretary of Health, Education, and Welfare;

(2) At least one member who is qualified by experience and affiliation to present the viewpoint of the employers involved, and at least one member who is similarly qualified to present the viewpoint of the employees involved. There shall be an equal number of representatives of employers and employees involved; and

(3) At least one representative of State health and safety agencies.

(b) The advisory committee may include such other persons as the Assistant Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of the committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health and one or more persons of nationally recognized standards-producing organizations, but the number of persons so appointed shall not exceed the number of persons appointed as representatives of Federal and State agencies.

(c) Each committee shall consist of not more than 15 members.

(d) One member shall be designated Chairman by the Assistant Secretary.

§ 1912.12 Terms of standing committee members.

(a) Each member of a standing committee, other than those appointed to a committee when it is formed initially shall serve for a period of 2 years, unless he becomes unable to serve, or resigns, or ceases to be qualified to serve because he no longer meets the representation requirements of section 7(b) of the Act or is removed by the Assistant Secretary

in the interest of the administration of the Act. In such cases the Assistant Secretary may appoint a new member to serve for the remainder of the unexpired term, who shall be representative of the same interest.

(b) To provide for continuity in the membership of each standing committee the initial appointments of its members shall be varied. For example, in the case of a 15-member committee, the Secretary could appoint four members representing Federal and State agencies and four members representing nongovernmental interests to terms which expire with the termination of the fiscal year in which they are appointed, and four members representing Federal and State agencies and three members representing nongovernmental interests to terms which expire with the termination of the fiscal year which follows the year in which they are initially appointed. Thereafter, at the expiration of such terms, members would be appointed or reappointed for a regulation term of 2 years. The initial appointments of committees with fewer than 15 members would be similarly varied.

(c) Any vacancies on standing committees shall be filled as soon as practicable.

§ 1912.13 Terms of temporary committee members.

Each member of a temporary advisory committee shall serve for such period as the Assistant Secretary may prescribe in his notice of appointment unless he becomes unable to serve, or resign, or cease to be qualified to serve because they no longer meet the representational requirements of section 7(b) of the Act, or is removed by the Secretary of Labor in the interest of the administration of the Act. In such cases the Secretary may appoint a new member to serve for the remaining portion of the period prescribed in the notice appointing the original member of the committee.

Subpart C—Construction Safety Advisory Committee

§ 1912.20 Membership.

The Construction Safety Advisory Committee is a continuing advisory body consisting of nine members appointed by the Assistant Secretary, one of whom is appointed by him as Chairman. Three members shall be persons who are representative of contractors to whom section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) applies; three members shall be persons who are representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which section 107 of the aforementioned Act applies; and three members shall be public representatives qualified on the basis of their professional and technical competence and experience in the construction safety and health field.

§ 1912.21 Term of membership.

Each member of the Construction Safety Advisory Committee shall serve

for a period of 2 years, unless he becomes unable to serve, or resigns, or ceases to be qualified to serve on the committee because he no longer meets the representational requirements of section 107(e) of the Contract Work Hours and Safety Standards Act (the Construction safety Act), or is removed by the Secretary of Labor in the interests of the administration of the Act. In such cases the Secretary may appoint a new member to serve for the remainder of the unexpired term, who shall be representative of the same interest.

Subpart D—Action of Advisory Committees

§ 1912.25 Open meetings.

The meetings of advisory committees and any subcommittees thereof shall be open to the public.

§ 1912.26 Call of meetings.

Meetings shall be held by advisory committees at the call of, or with the advance approval of, the Assistant Secretary or his duly authorized representative and with an agenda formulated or approved in advance by the person calling or approving the meeting. No particular form for the agenda is prescribed.

§ 1912.27 Notice of meetings.

Whenever practicable, the Assistant Secretary may publish, or cause to be published, in the FEDERAL REGISTER a notice of any meeting of any advisory committee or subcommittee thereof. Any notice shall include: (a) A summary description of the proposed rule or rules or of the subject matter for which the advisory committee's recommendations are requested and which is the subject matter of the meeting; and (b) a statement that the meeting is open to the public.

§ 1912.28 Subcommittees; experts and consultants.

An advisory committee may appoint and use subcommittees thereof. The advisory committee shall appoint a chairman for the subcommittee. The representation of various interests on a subcommittee shall be proportionate to that on the advisory committee itself, and shall be not less than the minimum representation specified under § 1912.32 for a quorum of the advisory committee. Upon request by an advisory committee or subcommittee, the Assistant Secretary may make available to the committee or subcommittee experts and consultants in the field or fields involved. Any experts and consultants so made available may participate in the deliberations of the committee or subcommittee with the approval and permission of the committee or subcommittee, but the experts and consultants would have no power to vote with respect to any action of the committee or subcommittee.

§ 1912.29 Participation by interested persons.

(a) In the discretion of an advisory committee or subcommittee thereof, known interested persons may be per-

mitted to participate in any meeting thereof subject to the limitations contained in paragraph (b) of this section to the extent that their participation would assist the advisory committee or subcommittee in the discharge of its duties.

(b) The participation of interested persons shall be exclusively to assist the advisory committee or subcommittee in the discharge of its duties, and shall not anticipate presentations which would be more appropriately made in any subsequent proceedings under section 6(b) of the Act.

§ 1912.30 Matters outside the jurisdiction of advisory committees.

Whenever the Construction Safety Advisory Committee or any other advisory committee concludes that any subjects and issues before it may be relevant to health or safety in employment beyond its jurisdiction, the Construction Safety Advisory Committee or other advisory committee shall promptly inform the Assistant Secretary of its conclusion. When so informed, the Assistant Secretary may appoint an additional advisory committee, and refer such subject and issues to the additional advisory committee with directions to coordinate its activities with those of the Construction Safety Advisory Committee or other advisory committee, as the case may be.

§ 1912.31 Department of Labor representation.

Every meeting of an advisory committee or subcommittee shall be conducted in the presence of a duly authorized full-time salaried officer or employee of the Department of Labor.

§ 1912.32 Quorum; Committee procedure.

(a) A majority of the members of an advisory committee shall constitute a quorum, so long as (1) at meetings of the Construction Safety Advisory Committee at least one public member, one member representative of contractors, and one member representative of employees are present; and (2) at meetings of advisory committees appointed under section 7(b) of the Act at least one member representative of the Secretary of Health, Education, and Welfare, one member representative of a State agency, one member representative of involved employers, and one member representative of involved employees are present.

(b) To the extent appropriate, the chairman of any advisory committee or subcommittee thereof shall govern the proceedings of the committee or subcommittee with Robert's Rules of Order.

§ 1912.33 Record.

(a) The proceedings of any advisory committee or subcommittee meeting shall be recorded by a reporter who will prepare a verbatim transcript and who will certify as to its accuracy. The verbatim transcript shall be available for public inspection and copying in the Office of the Assistant Secretary, Department of Labor, Washington, D.C.

(b) A copy of the agenda and of the verbatim transcript of proceedings for each meeting of an advisory committee shall be forwarded to the office of the Assistant Secretary for Administration and Management for his committee files.

§ 1912.34 Advice of advisory committees.

(a) Approval by a majority of all the members of an advisory committee is encouraged for rendering advice or making recommendations. However, a failure to marshal a majority of all members of an advisory committee shall not be a reason for not giving advice to the Assistant Secretary. The Assistant Secretary shall be informed of any concurring or dissenting views. If the advice of an advisory committee is not forthcoming within a period of time prescribed by the Assistant Secretary or by the Act, the Assistant Secretary shall direct the immediate return of any materials which may have been submitted to the advisory committee.

(b) Any advice or recommendations of the advisory committee shall be reduced to writing and shall be stated in summary form.

Subpart E—Supporting Services

§ 1912.40 General services.

The Assistant Secretary shall provide supporting services to advisory committees. Such services shall include clerical, stenographic, and other forms of technical assistance.

§ 1912.41 Legal services.

The Solicitor of Labor shall provide such legal assistance as may be necessary or appropriate for advisory committees to carry out their functions in accordance with the requirements of this part.

Signed at Washington, D.C., this 23d day of December 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-19075 Filed 12-29-71; 8:49 am]

PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

PART 1919—GEAR CERTIFICATION

PART 1920—PROCEDURE FOR VARIATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 1921—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 1922—INVESTIGATIONAL HEARINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 1923—SAFETY AND HEALTH PROVISIONS FOR FEDERAL AGENCIES

PART 1924—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS

PART 1925—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

Former designation

- Part 1501—Safety and Health Regulations for Ship Repairing.
Part 1502—Safety and Health Regulations for Shipbuilding.
Part 1503—Safety and Health Regulations for Shipbreaking.
Part 1504—Safety and Health Regulations for Longshoring.
Part 1505—Gear Certification.
Part 1507—Procedure for Variations From Safety and Health Regulations Under Longshoremen's and Harbor Workers' Compensation Act.

Present designation

- Part 1508—Rules of Practice in Enforcement Proceedings Under Section 41 of the Longshoremen's and Harbor Workers' Compensation Act.
Part 1509—Investigational Hearings Under Section 41 of the Longshoremen's and Harbor Workers' Compensation Act.
Part 1510—Safety and Health Provisions for Federal Agencies.
Part 1515—Safety Standards Applicable to Workshops and Rehabilitation Facilities Assisted by Grants.
Part 1516—Safety and Health Standards for Federal Service Contracts.
Part 1518—Safety and Health Regulations for Construction.

The terms "Director" and "Director of the Bureau of Labor Standards" shall be deemed to mean the Assistant Secretary of Labor for Occupational Safety and Health, and the terms "Bureau" and "Bureau of Labor Standards" shall be deemed to mean the Occupational Safety and Health Administration, wherever the terms may occur in any of the parts transferred and redesignated.

Inasmuch as this rule has no substantial effect on the public, notice of proposed rule making, public participation therein, and delay in effective date are unnecessary. Accordingly, good cause is hereby found for not providing such notice, public participation and delay.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Redesignation

Secretary's Order No. 12-71 (38 F.R. 8754) establishes an Occupational Safety and Health Administration in the Department of Labor, and assigns to the Assistant Secretary of Labor for Occupational Safety and Health authority and responsibility to carry out the functions of the Secretary of Labor with respect to occupational safety and health. The regulations of the Occupational Safety and Health Administration are in Chapter XVII of Title 29 of the Code of Federal Regulations. In order to bring together safety and health regulations enforced by the Administration, the safety and health regulations now appearing in Chapter XIII of Title 29 of the Code of Federal Regulations are hereby transferred to Chapter XVII of Title 29 and redesignated as follows:

Redesignation

- Part 1915—Safety and Health Regulations for Ship Repairing.
Part 1916—Safety and Health Regulations for Shipbuilding.
Part 1917—Safety and Health Regulations for Shipbreaking.
Part 1918—Safety and Health Regulations for Longshoring.
Part 1919—Gear Certification.
Part 1920—Procedure for Variations From Safety and Health Regulations Under Longshoremen's and Harbor Workers' Compensation Act.

Redesignation

- Part 1921—Rules of Practice in Enforcement Proceedings Under Section 41 of the Longshoremen's and Harbor Workers' Compensation Act.
Part 1922—Investigational Hearings Under Section 41 of the Longshoremen's and Harbor Workers' Compensation Act.
Part 1923—Safety and Health Provisions for Federal Agencies.
Part 1924—Safety Standards Applicable to Workshops and Rehabilitation Facilities Assisted by Grants.
Part 1925—Safety and Health Standards for Federal Service Contracts.
Part 1926—Safety and Health Regulations for Construction.

Effective date. This rule shall become effective on publication in the FEDERAL REGISTER (12-30-71).

(Sec. 41, 44 Stat. 1444, as amended, 33 U.S.C. 941; 5 U.S.C. 7902; secs. 12(b), 13(e), 79 Stat. 1284, 1288; 29 U.S.C. 41a, 41b; sec. 4, 79 Stat. 1035; 41 U.S.C. 353; sec. 107, 83 Stat. 96; 40 U.S.C. 333; sec. Order No. 12-71, 36 F.R. 8754)

Signed at Washington, D.C., this 23d day of December 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-19074 Filed 12-29-71; 8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Miscellaneous Amendments

On August 14, 1971 (36 F.R. 15486), the Environmental Protection Agency promulgated as 42 CFR Part 420, regulations for the preparation, adoption, and submittal of State implementation plans. These regulations were republished November 25, 1971, as 40 CFR Part 51. The republished regulations incorporated corrections of several typographical and technical errors.

These amendments make several additional changes. The principal changes are as follows:

1. In air quality control regions where control of hydrocarbon emissions from stationary sources is not necessary for attainment of the national standard for photochemical oxidants, such hydrocarbon control need not be included in the control strategy for attainment of the national standard for nitrogen dioxide. A reappraisal of available data on the role of hydrocarbons in atmospheric conversion of nitric oxide to nitrogen dioxide has indicated that there is not now sufficient evidence that the use of stationary source hydrocarbon control will make a significant contribution to retarding such atmospheric conversion.

2. Performance specifications applicable to instrumental methods of measuring ambient air concentrations of nitrogen dioxide and nonmethane hydrocarbons are being added to the regulations in response to comments that such specifications are needed to promote continued development and improvement of air monitoring capabilities.

3. Appendix B is corrected by adding a sentence that had been inadvertently omitted.

Part 51 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows, effective upon publication (12-30-71).

1. In § 51.14, paragraph (c) (3) is revised to read as follows:

§ 51.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide.

(c)
(3) In any region where the degree of nitrogen oxides emission reduction necessary for attainment and maintenance of the national standard for nitrogen dioxide is greater than that which can be achieved by the application of (i) the Federal motor vehicle emission standards promulgated under section 202 of the Act and (ii) any transportation control measures which may be necessary for attainment and maintenance of the

national standards for carbon monoxide and photochemical oxidants, the plan shall provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology.

§ 51.17 [Amended]

2. In § 51.17, footnote "i" to the table included in paragraph (a) (1) is revised to read as follows:

1. All named measurement methods, except the Tape Sampler method, are described in

Specification	POLLUTANTS	
	Nitrogen dioxide	Hydrocarbons (corrected for methane)
Range	0-1880 µg/m ³ (0-1 p.p.m.)	0-3 mg/m ³ (0-5 p.p.m.)
Minimum detectable sensitivity	19 µg/m ³ (0.01 p.p.m.)	0.13 mg/m ³ (0.20 p.p.m.)
Rise time, 90%	5 minutes	5 minutes
Fall time, 90%	5 minutes	5 minutes
Zero drift	±1% per day and ±2% per 3 days (full scale)	±1% per day and ±2% per 3 days (full scale)
Span drift	±1% per day and ±2% per 3 days (full scale)	±1% per day and ±2% per 3 days (full scale)
Precision	±4%	±2%
Operation period	3 days	3 days
Noise	±0.5% (full scale)	±0.5% (full scale)
Interference equivalent	19 µg/m ³ (0.01 p.p.m.)	0.03 mg/m ³ (0.05 p.p.m.)
Operating temperature fluctuation	±5° C	±5° C
Linearity	2% (full scale)	2% (full scale)

4. In Appendix B, section 4.1 is corrected by adding the following sentence at the end of paragraph (b): "These emission limitations are not intended for application to underground tanks used for long-term storage, where filling operations occur frequently."

5. Appendix I is corrected as follows:

"GF" of the equation used to calculate the expected air quality concentration for any given year is changed from "Growth factor for emission increases from stationary sources," to "Ratio of emissions from nonmotor vehicle sources in the future year of interest to the emissions from nonvehicle sources in the base year."

(Sec. 301(a), Clean Air Act, 42 U.S.C. 1857g (a), as amended by sec. 15(c) (2), Public Law 91-604, 84 Stat. 1713)

Dated: December 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc. 71-19095 Filed 12-29-71; 8:51 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 26, Amdt. 1]

PART 548—REGULATIONS TO IMPLEMENT THE ECONOMIC STABILIZATION ACT, 1970, AS AMENDED

Notification Requirements of Terminal Operators as Service Organizations

Take notice that the Federal Maritime Commission has amended its Part 548 of Title 46 CFR, to modify the requirements for terminal operators to submit certain revenue data in order that proposed rate increases might be reviewed by the Commission before imposition for

the national ambient air quality standards published April 30, 1971 (36 F.R. 8186). Other methods, including, but not necessarily limited to, those specified under footnotes (d), (e), and (f), will be considered equivalent if they meet the definition of "Equivalent Method" set forth in such national ambient air quality standards and if they meet the following performance specifications:

3. Footnote "i" in § 51.17 is further revised by adding to table therein the following columns setting forth specifications for nitrogen dioxide and hydrocarbons measurement methods:

compliance with the Economic Stabilization Act, 1970, as amended.

The purpose of this amendment is to clarify the status of the terminal operator consonant with the regulations of the Price Commission as amended in the FEDERAL REGISTER, vol. 36, No. 242, Thursday, December 16, 1971.

Title 6 CFR 300.16 as above amended specifically applies to "public utilities" rather than "public utilities and regulated persons" as in previous revisions. Accordingly, the Commission has determined that terminal operators are no longer required to seek Commission approval of proposed rate increases. To the extent such terminal operators as service organizations must prenotify the Price Commission of proposed or actual increases, that information must be also submitted to the Commission on an informational basis.

Therefore, pursuant to authority in the Shipping Act, 1916, 46 U.S.C. section 801, et seq.; the Intercoastal Shipping Act, 1933, 46 U.S.C. section 843, et seq.; and the Economic Stabilization Act, 1970, as amended, Public Law 91-379, 84 Stat. 799, Public Law 91-588, 84 Stat. 1468, Public Law 92-8, 85 Stat. 13, Public Law 92-15, 85 Stat. 38, Executive Order No. 11627 (31 F.R. 20139, October 16, 1971); 6 CFR parts 101, 201, and 300, as amended, Part 548 of Title 46 CFR is amended as follows:

§ 548.2 [Amended]

1. Section 548.2 Categories of carriers and terminal operators for notification purposes is amended by deleting the phrase "or terminal operators" from the first sentence of paragraph (a), from the first sentence of paragraph (b), and from the first and third sentences of paragraph (c), and by adding a new paragraph (d) reading as follows:

(d) Terminal operators, as service organizations as defined in Title 6 CFR

Part 300, et seq., are subject to any pertinent notification requirements specified thereunder.

§ 548.3 [Amended]

2. Section 548.3 *Procedures for filing and review* is amended by deleting the phrase "and terminal operators" from the first sentence of paragraph (b). Notice and public procedure are not necessary or practical for the promulgation of this amendment inasmuch as the timely execution of the Commission's functions would be impeded thereby.

Effective date. Good cause existing, the amendment to General Order 28 (46 CFR Part 548), as promulgated herein, will be effective upon publication in the FEDERAL REGISTER (12-30-71).

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-19103 Filed 12-29-71;8:53 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

Elizabeth Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-30-71).

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

NEW YORK

ELIZABETH MORTON NATIONAL
WILDLIFE REFUGE

Entry by foot is permitted during daylight hours, daily, for the purpose of bird watching, photography, nature study, hiking, picnicking, and fishing. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available from the Refuge Manager, Rural Delivery Box 359, Noyac Road, Sag Harbor, NY and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

GEORGE E. GAGE,
Refuge Manager-in-Charge,
Long Island Refuges.

DECEMBER 23, 1971.

[FR Doc.71-19079 Filed 12-29-71;8:49 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Target Rock National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-30-71).

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

NEW YORK

TARGET ROCK NATIONAL WILDLIFE
REFUGE

Entry to the refuge is permitted by advanced reservation only, for the purpose of photography, nature study, and hiking on roads, trails and the beach, from 9 a.m. to 5 p.m. daily. Entrance permits for specific dates are issued by mail upon request. Motor vehicles are limited to the designated parking area. Pets are permitted in the parking area only.

The refuge, comprising 80 acres, is delineated on a map available from the Refuge Manager, Target Rock Road, Lloyd Neck, Huntington, Long Island, NY 11743 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

GEORGE E. GAGE,
Refuge Manager-in-Charge,
Long Island Refuges.

DECEMBER 23, 1971.

[FR Doc.71-19078 Filed 12-29-71;8:49 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-30-71).

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

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Use of the picnic area is permitted from 6 a.m. to 9:30 p.m. May 30 to October 15.

The refuge area, comprising 4,971 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

ROGER N. STEELMAN, JR.,
Refuge Manager,
Erie National Wildlife Refuge.

DECEMBER 22, 1971.

[FR Doc.71-19040 Filed 12-29-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 295]

CHILD PROTECTION PACKAGING STANDARDS

Clarification of Extension of Time for Filing Comments

A notice was published in the FEDERAL REGISTER of November 16, 1971 (36 F.R. 21832), extending the time for filing comments on four child protection packaging standards proposals, identified therein, to "the date that will be 60 days after an order is published in the FEDERAL REGISTER adopting § 295.10 Testing procedure for special packaging which was proposed July 20, 1971 (36 F.R. 13335)."

The order adopting proposed § 295.10 was subsequently published in the FEDERAL REGISTER of November 20, 1971 (36 F.R. 22151). Accordingly, the time for filing comments on the four proposals concerning packaging standards was extended to January 19, 1972, by the notice of November 16, 1971.

This clarification is published pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471-74) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 22, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc. 71-19126 Filed 12-29-71; 8:53 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-182]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lakeland, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office

Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Lakeland transition area described in § 71.181 (36 F.R. 2140 and 8697) would be amended as follows: " * * * 9.5 miles southwest of the VORTAC * * * " would be deleted and " * * * 9.5 miles southwest of the VORTAC; within a 5-mile radius of Plant City Municipal Airport (lat. 28°00'00" N., long. 82°09'40" W.) * * * " would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Plant City Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Lakeland VORTAC, is proposed in conjunction with the alteration of this transition area.

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

Issued in East Point, Ga., on December 17, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc. 71-19068 Filed 12-29-71; 8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 200]

[Release No. 34-9423]

PUBLIC AVAILABILITY OF CERTAIN MATERIAL REGARDING SHARE- HOLDER PROPOSALS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a new § 200.82 in chapter II of Title 17 of the Code of Federal Regulations concerning

the public availability of all materials filed with the Commission pursuant to Rule 14a-8(d) of the Commission's proxy rules under the Securities Exchange Act of 1934 (17 CFR 240.14a-8(d)) and any written comments thereon made by the Commission's staff. Rule 14a-8(d) provides that whenever the management of a company asserts that a proposal submitted by a security holder for inclusion in the company's proxy material may be omitted therefrom, it shall file with the Commission within a specified period of time—

A copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel.

Proposed § 200.82 would state that the materials hereafter filed pursuant to Rule 14a-8(d), as well as any comments thereon by the Commission's staff, are public records of the Commission. Although the issue has never been required to be definitively decided, the Commission has previously assumed that these filings should be considered non-public, since they relate to information to be included in proxy material. For this reason the Commission will consider requests for prior filings on an item by item basis, since the filings may have been made on the assumption of confidential treatment. But the materials filed under Rule 14a-8 are susceptible to treatment different from that given to proxy materials generally. Unlike preliminary proxy materials, nothing filed under Rule 14a-8(d) is in a tentative, preliminary form, and the contents of such materials are not of a sensitive business nature. For these reasons the Commission does not believe that there is a need for confidential treatment, and will not afford confidential treatment to this class of documents in the future. An obvious benefit of the new practice will be that all security holders of the issuer will be made aware at the same time as the proponent of management's stated intention to omit a proposal from the issuer's proxy soliciting materials.

Part 200 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder a new § 200.82, reading as follows:

§ 200.82 Public availability of communication filed pursuant to § 240.14a-8(d) of this chapter and any written comments thereon by the Commission's staff.

Materials filed with the Commission pursuant to § 240.14a-8(d) of this chapter, and every written comment made by the staff in connection therewith, shall be made available upon request for inspection or copying by any person.

All interested persons are invited to submit their views and comments on the proposed amendment in writing, to Neal S. McCoy, Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before January 21, 1972. All such communications will be considered available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 15, 1971.

[FR Doc. 71-19056 Filed 12-29-71; 8:51 am]

[17 CFR Parts 240, 249]

[Release No. 34-9404]

BROKER-DEALER FINANCIAL DISCLOSURE REQUIREMENTS TO EACH CUSTOMER

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt amendments to Rule 17a-5 (17 CFR 240.17a-5) and amend the Audit Requirements of Form X-17A-5 (17 CFR 249.617) under the Securities Exchange Act of 1934. Rule 17a-5 (k)-(n) (17 CFR 240.17a-5 (k)-(n)) would be adopted pursuant to sections 17(a), 10(b), 15(c) (1), (2), and (3), and 23(a) of the Securities Exchange Act of 1934.

The need for a rule to require broker-dealer firms to more adequately report to customers their financial condition has become critically apparent with the operation and back office crisis of 1968, the bear market which followed and the subsequent failure of numerous broker-dealers who held the public's funds and securities. Except for publicly held firms, it appears that the customers of brokerage firms at most are provided only with a summary balance sheet. These statements speak only as of a given date and do not indicate changes which have occurred throughout the accounting period. Changes occurring throughout the year would be shown in the Income Statement, Statement of Source and Application of Funds, and Capital Statements; but these statements are not generally provided to the customers of brokerage firms.

At the present time the Commission is aided in its regulatory and oversight responsibilities in the financial area by information which is provided to it pursuant to Rules 17a-5, 17a-10 (17 CFR 240.17a-10), 17a-11 (17 CFR 240.17a-11), and 17a-13 (17 CFR 240.17a-13) and forms which have been developed thereunder. While the information required to be submitted pursuant to these rules is available, public information with the exception of Form X-17A-10 (17 CFR 240.618), which provides for an unaudited income and expense statement, it

is not required to be furnished to customers. Proposed Rule 17a-5 (k)-(n) provides for substantially greater broker-dealer disclosure to customers than is now required.¹

The rule will require the sending directly to the customer of the broker-dealer certain information which we believe it is essential for the customer to have so that he may be able to judge whether his broker-dealer is financially sound and able to efficiently and safely handle his security transactions, monies and securities.

The proposed rule is subdivided so that the customer will receive certain information on an annual basis and other information, which is more critical to the firm's operation, on a quarterly basis.

We recognize that certain types of broker-dealers do not normally carry customer's accounts and certain types of firms because of the particular nature of their business, safeguards they have established and their substantial financial condition have received a Rule 15c3-1(b)(3) (17 CFR 240.15c3-1(b)(3)) net capital exemption. We believe that it would be unnecessary to require these broker-dealers to report under this rule. Therefore those broker-dealers who are exempt from the provisions of paragraphs (b)(1) or (b)(3) of Rule 15c3-1 (17 CFR 240.15c3-1) (net capital rule) or meeting the conditions of the lower minimum capital as set forth in paragraph (a)(2) of that rule or who solely introduce transactions to clearing members, brokers, or dealers and do not themselves hold or owe money or securities to such introduced customers other than funds or securities promptly transmitted to the clearing member, broker, or dealer or customer are exempted from proposed Rule 17a-5(k)-(n).

A. Annual reports. On an annual basis Rule 17a-5(k)(1) (17 CFR 240.17a-5(k)(1)) would require that the member, broker or dealer give or send to each cus-

¹ NASD Rules of Fair Practice paragraph 2172 provides that a member shall make available for inspection upon request of any bona-fide regular customer, the information relative to such member's financial condition as disclosed in its most recent balance sheet prepared either in accordance with such member's usual practice or as required by State or Federal securities laws, or any rules or regulations thereunder.

NYSE Rule 419 presently provides that each member organization shall make available to any customer at his request a statement of its financial condition as of the date of its most recent answer to the financial questionnaire of the Exchange. Within 95 days of the date of the annual surprise audit the firm is required to send to each customer a statement of financial condition based upon such audit, including the independent public accountant's report on the statement of financial condition.

² Form X-17A-5 must be filed 45 days after the audit conducted by an independent public accountant. Rule 17a-5(d) (17 CFR

240.17a-5(d)) provides for the granting of a 45-day extension in emergency circumstances. If the broker-dealer is granted an extension under Rule 17a-5(d) we feel that it is necessary to give the broker-dealer an additional 10 days to print and mail his report to customers. This explains the 100-day maximum provided by the rule. In addition, most public companies usually send out an annual report about 3 months after the end of their accounting period, we think broker-dealers should be given the same opportunity.

Financial statements. (1) The income statement provided for in the rule would not necessarily cover a period which would be equal to the length of the normal accounting period of 1 year. This situation would exist because Form X-17A-5 is submitted as of a date within each calendar year and this date may vary because of the "surprise audit" requirement of some exchanges. However, although the accounting period for which an income statement speaks may vary, the Commission and the public will for the first time have the benefit of a certified income statement.

Accountant's comments. (2) The rule would provide the customer with a statement containing a summary of any material inadequacies in the accounting system or procedures for safeguarding securities.³

Net capital. (3) We have provided that the customer be informed of the firm's present net capital position and the significance of net capital as it relates to the operations of the firm. We realize that such a requirement is susceptible of varying and perhaps inconsistent formulations and therefore we have footnoted a general example of the type of disclosure required. Of course, whether disclosure is adequate in a given case

³ This requirement eliminates confidential treatment of the auditor's letter on internal control which presently a broker-dealer has the option of filing in Part II of Form X-17A-5. We have accordingly included amendments which delete from the Audit Requirements of Form X-17A-5 and Rule 17a-5(b)(3) (17 CFR 240.17a-5(b)(3)) the option of binding the supplementary accountant's certificate separately from the balance of that form.

can only be judged by relating such disclosure to the particular financial conditions and circumstances of each firm.⁴

Disciplinary action. (4) A provision has been included requiring the firm to disclose directly to its customer certain disciplinary actions which have been made public.

Availability of Form X-17A-5. (5) Subparagraph (k) (5) requires that the member, broker, or dealer advise customers that the member, broker or dealer's most recent Form X-17A-5 or its equivalent as provided for in paragraph (1) of the proposed rule is available at the firm's principal and branch offices.⁵

B. Quarterly Reports. Paragraph (m) of the proposed rule provides for certain quarterly reports to customers.

1. Because of the importance of the broker-dealer's net capital to his continued operation and the movement by the Commission and the exchanges toward more stringent capital requirements for broker-dealers, we feel that it is important that the firm report to its customers its net capital position as it existed during each calendar quarter. We believe that net capital is an important index of a broker-dealer's ability to serve his customers. This provision would periodically give the customer the highest month-end capital ratio during the quarter and the ratio as it exists at the end of each quarter.

2. Subparagraph (m) (3) will make available to the customer at his request certain balance sheet information which is specified in Part I of Form X-17A-11 (17 CFR 249.621). Most broker-dealers must provide regulatory authorities this information on a quarterly basis.⁶

Text of the proposed rules. The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and more particularly sections 17(a), 10(b), 15(c) (1), (2), and (3), and 23(a) proposes to amend Part 240 and Part 249 of Chapter II of Title 17 of the Code of Federal Regulations by adopting new § 240.17a-5 (k)-(n) and amending §§ 240.17a-5(a), 240.17a-5(b) (3), and 249.617 as follows:

1. The last sentence in § 240.17a-5 (a) (2) shall be deleted.

2. New subparagraph (3) is added to § 240.17a-5(a), as set forth below.

3. Paragraph (b) (3) of § 240.17a-5 is amended to read as set forth below.

4. Paragraphs (k)-(n) are added to § 240.17a-5, reading as set forth below.

§ 240.17a-5 Reports to be made by certain exchange members, brokers and dealers.

(a) * * *

(3) The reports provided for in this section shall be filed in duplicate original with the Regional Office of the Commission for the region in which the member, broker or dealer has his or its principal place of business and shall be available for examination at the principal and branch offices of the member, broker or dealer.

(b) * * *

(3) * * * If the schedules furnished pursuant to the requirements of items (a), (b), and (c) of part II are bound separately from the balance of the report, they shall be deemed confidential * * *

* * *

(k) **Statements to be furnished to customers.** Not more than 45 days after the report required by paragraph (a) of this section hereof is required to be filed, or, in the event of an extension granted under paragraph (d) of this section, not more than 100 days after the date of the financial statements, a member, broker or dealer (other than a broker or dealer:

(1) Who is exempt from § 240.15c3-1 under the provisions of paragraph (b) (1) and (3) thereof, or; (2) who meets the conditions for the lower minimum capital requirement set forth in § 240.15c3-1(a) (2); or (3) who, as introducing member, broker or dealer forwards all of the transactions of his customers to a clearing member, broker or dealer; *Provided*, That such clearing member, broker or dealer reflects such transactions on its books and records in accounts it carries in the names of such customers and that the introducing member, broker or dealer does not hold funds or securities for, or owe funds or securities to, customers other than funds and securities promptly transmitted to the clearing member, broker or dealer or customer) shall give or send to each customer (as defined in paragraph (n) hereof) and, shall file with the Commission the statements which shall be in form and in sufficient detail to present fairly the financial position at the date of such report and the results of operations of the member, broker or

dealer, including appropriate notes as follows:

(1) A balance sheet based on the report of financial condition required by paragraph (a) of this section, a statement of income, a statement of source and application of funds, a statement of changes in subordinated accounts, and a statement of changes in sole proprietors' capital or the aggregate of partners' capital accounts or each component of corporate stockholders' equity for the period since the date of the immediately preceding report filed pursuant to this section (the report of a newly registered member, broker or dealer shall cover the period since the date of the statement of financial condition included in the application for registration on Form BD (§ 249.501 of this chapter)). The balance sheet and other statements shall be certified as a certified public accountant or a public accountant who shall in fact be independent, unless, the member, broker or dealer meets the requirements for exemption from certification in paragraph (b) of this section;

(2) A statement containing a summary of any material inadequacies found by the auditor to exist in the accounting system, the internal accounting control and the procedures for safeguarding securities as reported by the auditor pursuant to the requirements of Form X-17A-5 (§ 249.617 of this chapter);

(3) A statement setting forth the ratio of aggregate indebtedness to net capital of such member, broker or dealer as computed in accordance with § 240.15c3-1, or the net capital rules of the national securities exchange or national securities association to which the member, broker or dealer is subject at the balance sheet date, specifying separately the amounts of aggregate indebtedness, net capital and excess net capital and an explanation of the significance of the ratio and terms as they relate to the continued operation of the member, broker, or dealer; a statement summarizing any action during the period since the previous report under this section which the member, broker or dealer has taken to correct a violation of § 240.15c3-1 or the capital rules of a national securities exchange or national securities association to which it may be subject;

(4) A statement summarizing any one or more of the following actions taken since the date of the previous report required under this paragraph or paragraph (1) of this section with respect of the member, broker or dealer or any officer, partner or proprietor thereof:

(i) Any public administrative or judicial action of a type described in section 15(b) (5), 15(b) (6), or 15(b) (7) of the Act;

(ii) Any action taken by the Commission pursuant to such provisions; and

(iii) Any publicly announced disciplinary action taken by a national securities exchange or national securities association for a violation of any rule or regulations of such exchange or association.

⁴At [date] the firms aggregate indebtedness and net capital were \$..... and \$....., respectively, a ratio of to 1. The amount of excess net capital was \$..... The firm has at all times during the past year been in compliance with the net capital rule of the SEC and its ratio of aggregate indebtedness to net capital has not exceeded to 1. The net capital rule requires that the firm must have \$1 of liquid assets for every \$1 of indebtedness, excluding properly subordinated borrowings and must not allow its aggregate indebtedness to exceed net capital as those terms are defined by more than a ratio of 20 to 1.

A broker or dealer who is a member of a national securities exchange or association may be required to contract its business if its ratio exceeds a specified figure. This effect on firms' operations is expected to be disclosed.

⁵Where a member, broker or dealer files reports pursuant to section 13 or 15(d) of the Act as provided in paragraph (1) we have given the firm the option to send to its customers those reports in lieu of the reports required by paragraph (k). However, all the information we have required in paragraph (k) must be included in such reports.

This provision has also necessitated our amending paragraph (a) of Rule 17a-5 so that the reports required by this rule would be available for examination at the member, broker or dealer's principal and branch offices.

⁶Part I of Form X-17A-11 is what is presently the NASD's Form Q. This form is essentially a quarterly balance sheet which must be filed by all NASD members.

(5) A statement indicating that Part I of the most recent annual report of the member, broker or dealer pursuant to Form X-17A-5 (§ 249.617) is available for examination at the principal and branch offices of the member, broker or dealer and at the Regional Office of the Commission for the region in which the member, broker or dealer has his or its principal place of business.

(1) If the member, broker or dealer is required to file reports pursuant to section 13 or 15(d) of the Act and has filed its annual report in compliance with § 240.13a-1 or § 240.15d-1 thereunder, and if, within 90 days after the close of its fiscal year it sends an annual report to its stockholders, such annual report to stockholders may be used in lieu of the statements required in paragraph (k) of this section: *Provided*, That the financial statements specified in paragraph (k) (1) of this section shall be included in such report to stockholders for the fiscal periods covered by the report to stockholders, and that the statements specified in paragraphs (k) (2), (3), (4), and (5) of this section, as of the date of the balance sheet shall be also included in such annual report to stockholders or have accompanied or preceded such report.

(m) *Quarterly reports to customers.* Every member, broker or dealer who is subject to paragraphs (k) and (1) of this section shall send to each customer not later than 10 days after the end of each calendar quarter:

(1) A statement setting forth the ratio of aggregate indebtedness to net capital of such member, broker or dealer as computed in accordance with § 240.15c3-1 under the Act or the capital rules of the national securities exchange or national securities association to which the member, broker or dealer is subject at the end of such calendar quarter and its highest month-end ratio of aggregate indebtedness to net capital during such quarter, specifying separately the amounts of aggregate indebtedness, net capital and excess net capital on such dates and an explanation of the significance of the ratio and terms as they relate to the continued operation of the broker or dealer;

(2) A statement of any action taken during the quarter to correct a violation of § 240.15c3-1 or the capital rules of a national securities exchange or national securities association to which the member is subject;

(3) A statement indicating that the information specified in part I of Form X-17a-11 (§ 249.621 of this chapter) whether or not required to be filed by such member, broker or dealer, is available for the customer's inspection at his request at the principal and branch offices of the member, broker or dealer.

(n) For the purposes of paragraphs (k), (1), and (m) of this section the term "customer" shall include any person, other than another member, broker or dealer for or with whom a broker-dealer has effected a securities transaction

within the 6 months previous to the date of the report required by paragraphs (k), (1), or (m) and, in addition, any person, other than another member, broker or dealer for whom the member, broker or dealer holds securities for safekeeping or as collateral or for whom the broker-dealer carries a free credit balance at the date of the report.

§ 249.617 [Amended]

The Audit Requirements of Form X-17A-5 (§ 249.617) shall be amended to delete the last sentence in the first paragraph therein that reads as follows: "These comments may be submitted in a supplementary certificate and filed pursuant to § 240.17a5(b)(3) of this chapter."

All interested persons may submit their views and comments on the above proposal in writing to the Securities and Exchange Commission, Washington, D.C. 20549 on or before February 1, 1972. All such communications will be considered available for public inspection.

(Secs. 17(a), 10(b), 15(c) (1), (2), and (3), and 23(a), 48 Stat. 897, 891, 895, 901, as amended, 52 Stat. 1076, sec. 5, 49 Stat. 1379, sec. 4, 52 Stat. 1075, sec. 2, 84 Stat. 1653, sec. 7, 49 Stat. 1379, sec. 8, 15 U.S.C. 78q, 78j, 78o, 78w)

By the Commission.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-19055 Filed 12-29-71;8:51 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-6029]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 22, 1971.

The Federal Aviation Administration has filed the above application for the withdrawal of the lands described below, from all forms of appropriation including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for use as a remote center air/ground facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, NV 89502.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEV.

T. 4 N., R. 68 E.,
Sec. 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

containing 40 acres.

A. JOHN HILLSAMER,
Acting Chief,
Division of Technical Services.

[FR Doc.71-19039 Filed 12-29-71;8:47 am]

[Wyoming 32605]

WYOMING

Notice of Proposed Classification

DECEMBER 22, 1971.

Pursuant to 43 CFR 2462.1, notice is hereby given of a proposal to classify the lands described below for disposal through private exchange under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. 315g).

These lands consist of 10 tracts of public land. Their primary current and potential use is for grazing. The ownership pattern makes them difficult to manage, and their exchange for other lands having equal or greater dollar value and more important public values, would be in the public interest.

Publication in the FEDERAL REGISTER of this notice of proposed classification segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except exchange under section 8 of the Taylor Grazing Act. It does not, however, affect the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources, other than under the mining laws.

For a period of 60 days from the date of this publication, interested parties may submit comments to the district manager of the Casper District Office, Bureau of Land Management, 100 East B Street, Casper, WY 82601.

The lands affected by this proposal are described as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING
NATRONA COUNTY

- T. 37 N., R. 79 W.,
Sec. 17, All;
Sec. 20, All.
T. 35 N., R. 80 W.,
Sec. 1, lots 1 to 4, incl., S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
Sec. 4, S $\frac{1}{2}$;
Sec. 9, All;
Sec. 29, All.
T. 37 N., R. 80 W.,
Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 38 N., R. 80 W.,
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 33 N., R. 81 W.,
Sec. 23, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 3,790.66 acres.

DANIEL P. BAKER,
State Director.

[FR Doc.71-19038 Filed 12-29-71;8:47 am]

[DES 71-76]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 17, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 8761 (Wash), for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as an extension of the White Pass Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

GIFFORD PINCHOT AND SNOQUALMIE NATIONAL FORESTS

WILLAMETTE MERIDIAN

White Pass Recreation Area Extension

- T. 13 N., R. 11 E., unsurveyed,
Sec. 1, N $\frac{1}{2}$;
Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 10, All;
Sec. 11, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 12, S $\frac{1}{2}$ S $\frac{1}{2}$.
T. 14 N., R. 11 E., unsurveyed,
Sec. 36, E $\frac{1}{2}$.

T. 13 N., R. 12 E., unsurveyed,
 Sec. 2, NW¼;
 Sec. 3, N½;
 Sec. 4, N½;
 Sec. 5, N½.
 T. 14 N., R. 12 E., unsurveyed,
 Sec. 32, All;
 Sec. 33, S½;
 Sec. 34, S½;
 Sec. 35, S½SW¼.

The area described aggregates approximately 4,412 acres, of which 755 acres are within the Gifford Pinchot National Forest in Lewis County, and 3,657 acres are within the Snoqualmie National Forest in Yakima County, Wash.

IRVING W. ANDERSON,
 Chief, Branch of Lands
 and Minerals Operations.

[FR Doc.71-19108 Filed 12-29-71; 8:52 am]

Bureau of Reclamation

[Des 71-76]

EAST GREENACRES UNIT, PRAIRIE DIVISION, RATHDRUM PRAIRIE PROJECT, IDAHO

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement of a proposed water supply project for the purpose of furnishing irrigation water and domestic and municipal water supplies to a 5,150-acre area in Kootenai County in northern Idaho.

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.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 8008, Boise, Idaho 83707, Telephone: (208) 342-2711, Extension 2109.

Upper Columbia Planning Office, Bureau of Reclamation, Post Office Box 2225, U.S. Courthouse, West 920 Riverside Avenue, Spokane, WA 99210, Telephone: (509) 456-3805.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151 for \$3 each. Please refer to the statement number above.

Dated: December 22, 1971.

JOHN W. LARSON,
 Assistant Secretary of the Interior.

[FR Doc.71-19041 Filed 12-29-71; 8:51 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTHERN UTE INDIAN TRIBE IN COLORADO

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of

1949, as amended (7 U.S.C. 1427), and Executive order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Southern Ute Indian Tribe located principally in the counties of La Plata and Archuleta, Colo., has been materially increased and become acute because of severe drought during the past growing season and the emergency further aggravated by early snows creating a serious shortage of livestock feeds. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian Tribe for grazing purposes.

2. The use of feed grains or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be an acute distress area and authorize the donation of feed grains owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on December 23, 1971.

EARL L. BUTZ,
 Secretary.

[FR Doc.71-19102 Filed 12-29-71; 8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

FOREIGN QUARANTINE

Quarantine Exempt Areas; Extension to Australia, Mexico, New Zealand

On September 22, 1971, a notice proposing extension of the list of quarantine exempt areas was published in the FEDERAL REGISTER, 36 F.R. 18807. Under the proposal, exemption was to extend to Australia, Mexico, and New Zealand. Interested persons were given 30 days for submittal of inquiries and information. None were received.

All prior notices and lists of quarantine exempt areas are hereby rescinded. Notice is given that the following areas (quarantine exempt areas), including those referred to above, are hereby determined, pursuant to § 71.46 of Part 71, of Title 42, Code of Federal Regulations, to present no significant threat of introduction of communicable disease into the United States or its possessions:

The United States and its possessions,
 Greater Antilles: Dominican Republic, Haiti,
 Jamaica.

Lesser Antilles: Aruba, Bonaire, Curacao.
 All Leeward Islands including: Anguilla, Antigua, Barbuda, the British Virgin Islands including Tortola, Virgin Gorda, Anegada, and Jost Van Dykes, Guadeloupe, Montserrat, Nevis, Redonda, St. Kitts, and St. Martin.
 All Windward Islands including: Dominica, Grenada, The Grenadines, Martinique, St. Lucia, and St. Vincent.

Australia.
 The Bahama Islands.
 Barbados.
 The Bermuda Islands.
 Canada.
 The Canal Zone.
 Caymen Islands.
 Greenland.
 Iceland.
 The Islands of St. Pierre and Miquelon.
 Mexico.
 New Zealand.
 Trinidad and Tobago.

This shall be effective upon publication (12-30-71).

Dated: December 21, 1971.

VERNON E. WILSON,
 Administrator, Health Services
 and Mental Health Administration.

[FR Doc.71-19037 Filed 12-29-71; 8:49 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

UNIVERSITY OF PITTSBURGH ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 71-18361 appearing at page 23940 in the issue of Thursday, December 16, 1971, the following changes should be made:

1. In the first column on page 23941, the seventh docket number, now reading "Docket No. 70-N0473-88-66800", should read "Docket No. 70-00464-33-47210."
2. In the first column on page 23941, the last docket number, now reading "Docket No. 70-00495-99-75000", should read "Docket No. 70-00490-67-75550."
3. In the second column on page 23941, in the second last application, the third line from the bottom should refer to "Model 'Om U2'."

ATOMIC ENERGY COMMISSION

[Docket No. 50-368A]

ARKANSAS POWER AND LIGHT CO.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended (the Act), a letter of advice from the Attorney General of the United States, dated December 17, 1971, a copy of which is set forth below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

LYALL JOHNSON,
Director, Division of State
and Licensee Relations.

DECEMBER 17, 1971.

Arkansas Power & Light Co., Arkansas Nuclear One, Unit 2, AEC Docket No. 50-368A, Department of Justice File 60-415-40.

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296 as amended by Public Law 91-560, 84 Stat. 1472, in regard to the above cited application.

Introduction. Arkansas Nuclear One, Unit 2, is proposed to be a 950 mw. nuclear generating unit, scheduled for completion in 1976. It is to be installed in applicant's generating plant in Pope County where its Unit One, an 830 mw. unit, is scheduled for completion in 1973.

Structure of the Electric Power Industry in Arkansas. Applicant, the Arkansas Power & Light Co., is by and large the dominant utility in the State of Arkansas. Its 1970 peak load was 2,282 mw., and it accounts for more than two-thirds of the total State of Arkansas retail distribution and bulk power supply market. The remainder of the market is divided between the Southwestern Electric Power Company (SWEPCO), the Oklahoma Gas & Electric Company (OKGE), the Arkansas-Missouri Power Company, 15 municipal electric utilities and 19 rural electric cooperatives. The service areas of SWEPCO and OKGE are confined to the western portion of the State. OKGE, while a major utility approximately the size of Applicant, serves primarily in the State of Oklahoma and accounts for only about 5 percent of the Arkansas market. The largest single supplier other than Applicant is SWEPCO, which serves approximately 8 percent of Arkansas market. SWEPCO Arkansas loads are only about one-fifth of its total load, the remainder being divided equally between the States of Louisiana and Texas. Arkansas-Missouri serves a small area in the northeast corner of the State and accounts for about 6 percent of the market.¹

All the rural electric cooperatives in total serve approximately 8 percent of the retail market. All the 15 municipal electric utilities combined serve approximately 7 percent of the retail market.

Applicant's 1970 generating capacity was 2,275 mw., which it supplemented by purchases of approximately 468 mw. over its interconnections. Its five major thermal generating stations, its hydroelectric, gas turbine, and diesel stations are tied together

into a bulk power supply system by over 3,500-circuit miles of high-voltage transmission lines, including approximately 1,800 miles of 115 kv., 950 miles of 161 kv., over 300 miles of 230 and 138 kv. and over 350 miles of 500 kv. It is a wholly-owned subsidiary of Middle South Utilities, and its bulk power supply facilities are integrated as part of Middle South 7,700 mw. system. Through a number of high-voltage interconnections, Applicant and its affiliates in the Middle South system are interconnected and coordinated with the Southern System, TVA, Southwestern Power Administration (SPA), Oklahoma Gas and Electric Co., Gulf States Utilities and other adjacent systems. Applicant is by far the dominant owner of high-voltage transmission in the State of Arkansas, although the other privately owned utilities and the Federal Southwestern Power Administration also own substantial amounts of transmission.

Sixteen of 18 Arkansas rural distribution cooperatives have combined to form a generation and transmission cooperative, the Arkansas Electric Cooperative Corp. (AEC) which performs their bulk power supply functions. AEC owns a small amount of 69 kv. subtransmission in the northeast corner of Arkansas but relies primarily on the transmission of others, both for the coordination of its three major generating stations and for the supply of power from each of these stations to its load centers.

Another major source of bulk power in Arkansas is the Southwestern Power Administration (SPA). SPA is authorized under section 5 of the 1944 Flood Control Act to market surplus power developed at water resources projects. Limitations on water availability require that these hydroelectric resources either be utilized as peaking power or be coordinated with thermal generating capacity. Thus, if SPA is to supply firm power to typical retail distribution systems (with load factors of approximately 50 percent) its hydrogenerating capacity must be "firmed up" by coordination with major systems of thermal generating capacity which can supply off-peak thermal generation. In recent years, difficulties in reaching agreement with applicant and the other privately owned systems over reasonable terms for their providing the firming up and transmission functions have tended to limit SPA's ability to sell additional firm capacity. Nevertheless the operation of SPA provides significant bulk power alternatives to the municipal and cooperative systems in Arkansas. For example, the availability of SPA peaking power may make it economically feasible for a municipal system to undertake a program of installing base-load thermal generating units.

SPA currently supplies power to half of the municipals in Arkansas (some, their full requirements; others, their partial requirements or standby service). It also coordinates its power supply with AEC.

Competition in Electric Power Supply in Arkansas. Arkansas law severely restricts competition in the retail sale of electric power by the assignment of exclusive service territories, Arkansas Statutes Annotated, 73-240, 77-1131. The restrictions apply as between the privately owned systems and the cooperative systems. Municipal systems are not so limited. In addition, a municipal electric system may expand its system to serve areas annexed to the municipality, whereas a private system franchised to operate in the municipality would not be permitted to do so. Farmers Electric Cooperative v. Arkansas Power and Light, 349 SW 2d 837.

Discussion. As noted above, applicant presently has a dominance in electric bulk power supply and transmission in a major portion of Arkansas. But we have found no evidence that applicant has exercised its

control to the detriment of competition. Applicant has entered into a variety of coordinating arrangements with small systems in its area, including the sharing of reserves and coordinating development with the generating stations owned and operated by AEC located in its area. We have no evidence indicating it has refused to coordinate with other entities requiring access to coordination to develop a competitive bulk power supply. Nor is any such entity seeking participation in the unit for which Applicant is seeking a license. In conclusion, the Department has no present reason to believe that the Commission's licensing of the nuclear unit would create or maintain a situation inconsistent with the antitrust law.

[FR Doc.71-19020 Filed 12-29-71;8:50 am]

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS & ELECTRIC CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement No. 1 to the Calvert Cliffs Nuclear Power Plant Environmental Report," submitted by the Baltimore Gas & Electric Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Calvert County Library, Prince Frederick, Md. 20678. The report is also being made available to the public at the Department of State Planning, 301 West Preston Street, Baltimore, MD 21201 and at the Regional Planning Council, Mount Vernon Medical Building, 701 St. Paul Street, Baltimore, MD 21202.

This report discusses environmental considerations related to the proposed operation of the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, located in Calvert County, Md.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a supplemental draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the supplemental draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the supplemental draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 22d day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized
Water Reactors, Division
of Reactor Licensing.

[FR Doc.71-19042 Filed 12-29-71;8:51 am]

¹ The Securities and Exchange Commission has approved the acquisition of Arkansas-Missouri by applicant's parent, Middle South, but its order is pending review in the court of appeals.

[Docket Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.**Notice of Availability of Applicant's Environmental Report and Supplemental Environmental Reports**

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Zion Nuclear Power Station Environmental Report," "Supplement I to Zion Nuclear Power Station Environmental Report," and "Supplement II to Zion Nuclear Power Station Environmental Report," submitted by the Commonwealth Edison Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Waukegan Public Library, 128 North County Street, Waukegan, IL 60085. The reports are also being made available to the public at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, IL 62706, and at the Northeastern Illinois Planning Commission, 400 West Madison Street, Chicago, IL 60607.

These reports discuss environmental considerations related to the construction of the Zion Station, units 1 and 2, located in Lake County, Ill.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 21st day of December 1971.

For the Atomic Energy Commission,

R. C. DeYoung,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.71-19021 Filed 12-29-71; 8:50 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO.**Notice of Availability of Applicant's Supplemental Environmental Report**

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Supplement to Applicant's Environmental Report for the Trojan Nuclear Plant, submitted by the Portland General Electric Co., has been

placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Law Library, Columbia County Courthouse, Circuit Court Room, St. Helens, OR 97501. The report is also being made available to the public at the Federal Aid Coordination Unit, Program Planning Division, Executive Department, 301 Public Service Building, Salem, Oreg. 97310 and at the Columbia Region Association of Governments, 429 Southwest Fourth Avenue, Portland, OR 97204.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a supplemental draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the supplemental draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the supplemental draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 21st day of December 1971.

For the Atomic Energy Commission,

RICHARD C. DeYoung,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.71-19022 Filed 12-29-71; 8:51 am]

[Docket No. 50-293]

BOSTON EDISON CO.**Supplementary Notice of Hearing on Facility Operating License Application**

On July 17, 1971, a notice of hearing on a facility operating license (Pilgrim Nuclear Power Station) was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 F.R. 13287) in the captioned proceeding. That notice designated an Atomic Safety and Licensing Board (Board) to conduct the hearing, specified the issues to be determined by the Board, provided for intervention by certain petitioners with respect to those issues, and provided for the making of limited appearances by several other persons who had requested a hearing but whose requests did not meet the requirements for intervention as parties to the proceeding. In addition, the notice provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene.

On September 9, 1971, the Commission published a revision of its regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969," (36 F.R. 18071) to set forth an interim statement of Com-

mission policy and procedure for implementation of the National Environmental Policy Act of 1969 (NEPA).¹ The revised regulations require the consideration of additional matters in applicants' environmental reports and in detailed statements of environmental considerations and provide for determination by the presiding Atomic Safety and Licensing Boards in pending proceedings of specified issues in addition to and different from those previously in issue in AEC licensing proceedings.

Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Atomic Safety and Licensing Board will consider and determine, in addition to the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the notice of hearing in this proceeding published July 17, 1971, and pursuant to the National Environmental Policy Act of 1969, any matter in controversy with respect to whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the operating license should be issued as proposed.

If matters covered by Appendix D of 10 CFR Part 50 are in issue, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, in addition to deciding any matters in controversy among the parties with respect to those matters: (1) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; and (2) independently consider the final balance among conflicting factors covered by Appendix D of 10 CFR Part 50 and contained in the record of the proceeding with a view toward determining the appropriate action to be taken. On the basis of the foregoing, a determination will be made whether the operating license should be granted, denied or appropriately conditioned to protect environmental values. This notice supersedes the Notice of Hearing published on July 17, 1971, with respect to matters which may be raised under paragraph A.11 of Appendix D of 10 CFR Part 50, but does not affect the status of any person previously admitted as a party to this proceeding or provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the prior above-referenced notice of hearing.

While the matter of the full power operating license is pending before the

¹ The Commission adopted certain minor amendments to revised Appendix D which were published in the FEDERAL REGISTER on Sept. 30, 1971 (36 F.R. 19158). The Commission adopted certain additional amendments to revised Appendix D with respect to proceedings subject to Section D thereof which were published in the FEDERAL REGISTER on Nov. 11, 1971 (36 F.R. 21579).

Board, the applicant may make a motion in writing pursuant to § 50.57(c) of 10 CFR Part 50 for an operating license authorizing low power testing (operation at not more than 1 percent of full power for the purpose of testing the facility), and further operations short of full power operation. The Board may grant the motion upon finding that the proposed licensing action will not have a significant, adverse impact on the quality of the environment and upon satisfaction of the requirements of § 50.57(c) of 10 CFR Part 50. In addition, the Board may grant a motion, pursuant to § 50.57(c) of 10 CFR Part 50, upon satisfaction of the requirements of that paragraph, after consideration and balancing of the following factors:

(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from the ongoing NEPA environmental review.

(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

Operation beyond twenty percent (20%) of full power will not be authorized except on specific approval of the Commission, upon the Commission's finding that an emergency situation or other situation requiring such operation in the public interest exists.

Prior to taking any action on a motion pursuant to § 50.57(c) of 10 CFR Part 50, which any party opposes, the Board shall, with respect to the contested activity sought to be authorized, make findings on the issues specified in the Notice of Hearing published on July 17, 1971, and will determine whether the proposed licensing action will have a significant, adverse impact on the quality of the environment or make findings on the factors specified above, as appropriate, in the form of an initial decision. If the license is one which requires the specific approval of the Commission the Board will certify directly to the Commission, for determination, without ruling thereon, the matter of whether operation beyond twenty percent (20%) of full power should be authorized.

Any license issued pursuant to the foregoing will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility and will be conditioned to that effect.

As they become available, any new or supplemental environmental report, and

any new or supplemental detailed statement required by Appendix D of 10 CFR Part 50 will be placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Plymouth Public Library, North Street, Plymouth, Mass., for inspection by members of the public between the hours of 9:30 a.m. and 8 p.m. Monday through Friday, and from 9:30 to 6 p.m. on Saturday. A copy of any new or supplemental detailed statement prepared and, to the extent of supply, a copy of any new or supplemental environmental report filed, may be obtained, when available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified in this Notice, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are required to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding with respect to the issues set forth in this notice, must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating to matters outside of the issues specified in this notice will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in

the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, or an amended answer with respect to the issues specified in this notice, must be filed by the applicant, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Parties already participating in this proceeding as intervenors with respect to the issues specified in the Notice of Hearing published July 17, 1971, must also file an answer with respect to the issues specified in this notice not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER, in accordance with the requirements of 10 CFR 2.705 of the Commission's rules of practice.

Answers and petitions required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

The date and place of further hearings will be set by subsequent order of the Board and notice thereof will be provided to the parties, including persons granted leave to intervene on issues set forth in this notice, and will be published in the FEDERAL REGISTER. In setting these dates, due regard will be had for the convenience and necessity of the parties or their representatives, as well as Board members.

Dated at Germantown, Md., this 27th day of December 1971.

For the Atomic Energy Commission.

H. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc. 71-19115 Filed 12-29-71; 8:52 am]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Order Confirming Order for Resumption of Hearing

In the matter of Consolidated Edison Co. of New York, Inc., Indian Point Station Unit No. 2, Docket No. 50-247.

In accordance with the provisions made at the evidentiary hearing which recessed on December 14, 1971, and confirming

the order as reflected in the transcript of that proceeding.

Wherefore, *It is ordered*, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the evidentiary hearing in this proceeding shall resume at 9 a.m. on Tuesday, January 11, 1972 in the All-Purpose Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, NY.

Issued: December 27, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc. 71-19114 Filed 12-29-71; 8:51 am]

[Dockets Nos. 50-369; 50-370]

DUKE POWER CO.

Supplementary Notice of Hearing on Application for Construction Permits

On June 30, 1971, a notice of hearing on application for construction permits (William B. McGuire Nuclear Station, Units 1 and 2) was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 F.R. 12323) in the captioned proceeding. That notice indicated that an Atomic Safety and Licensing Board (Board) would be designated by the Commission to conduct the hearing, specified the issues to be determined by the Board, provided an opportunity to intervene with respect to the issues specified in such notice to persons whose interests may be affected by the proceeding, and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene.

On September 9, 1971, the Commission published a revision of its regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969," (36 F.R. 18071) to set forth an interim statement of Commission policy and procedure for implementation of the National Environmental Policy Act of 1969 (NEPA).¹ The revised regulations require the consideration of additional matters in applicants' environmental reports and in detailed statements of environmental considerations and provide for determination by the presiding Atomic Safety and Licensing Boards in pending proceedings of specified issues in addition to and different from those previously in issue in AEC licensing proceedings.

Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50, "Licensing

¹ The Commission adopted certain minor amendments to revised Appendix D which were published in the FEDERAL REGISTER on Sept. 30, 1971 (36 F.R. 19158). The Commission adopted certain additional amendments to revised Appendix D with respect to proceedings subject to Section D thereof which were published in the FEDERAL REGISTER on Nov. 11, 1971 (36 F.R. 21579).

of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Atomic Safety and Licensing Board will, in addition to considering and determining the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the notice of hearing in this proceeding published on June 30, 1971, consider and make determinations, pursuant to the National Environmental Policy Act of 1969, on the matters set forth below.

1. In the event that this proceeding is not a contested proceeding as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

2. In the event that this proceeding is or becomes a contested proceeding, the Board will decide any matters in controversy among the parties with respect to matters within the scope of Appendix D of 10 CFR Part 50, and will consider and decide whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

3. Regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (a) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; (3) determine whether the construction permits should be granted, denied or appropriately conditioned to protect environmental values.

This notice supersedes the notice of hearing published on June 30, 1971, with respect to the matters which may be raised under paragraph A.11 of Appendix D of 10 CFR Part 50, but does not affect the status of any person previously admitted as a party to this proceeding or provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the prior above-referenced notice of hearing.

As they become available, any new or supplemental environmental report, and any new or supplemental detailed statement required by Appendix D of 10 CFR Part 50 will be placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, NC, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. on weekdays, 9 a.m. and 6 p.m. on Saturdays, and 2 p.m. and 6 p.m. on Sundays. A copy of any new or

supplemental detailed statement prepared and, to the extent of supply, a copy of any new or supplemental environmental report filed, may be obtained, when available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified in this notice, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding with respect to the issues set forth in this notice must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating to matters outside of the issues specified in this notice will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, or an amended answer with respect to the issues specified in this notice, must be filed by the applicant, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Parties already participating in this proceeding as intervenors with respect to the issues specified in the notice of hearing dated June 30, 1971, must also file an answer with respect to the issues specified in this notice not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER, in accordance with the requirements of 10 CFR 2.705 of the Commission's rules of practice.

Answers and petitions required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The date and place of further hearings will be set by subsequent order of the Board and notice thereof will be provided to the parties, including persons granted leave to intervene on issues set forth in this notice, and will be published in the FEDERAL REGISTER. In setting these dates, due regard will be had for the convenience and necessity of the parties or their representatives, as well as Board members.

Dated at Germantown, Md., this 27th day of December 1971.

For the Atomic Energy Commission.

F. T. Hobbs,
Acting Secretary of the Commission.

[FR Doc. 71-19116 Filed 12-29-71; 8:52 am]

POWER BURST FACILITY, NATIONAL REACTOR TESTING STATION, IDAHO

Notice of Availability of General Manager's Draft Environmental Statement

Notice is hereby given that a document entitled, "Draft Environmental Statement—Power Burst Facility at the National Reactor Testing Station, Idaho," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and in the Commission's Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439. This statement is issued in support of administrative action related to operation of the Power

Burst Facility by the U.S. Atomic Energy Commission.

The draft environmental statement will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 23d day of December 1971.

For the Atomic Energy Commission.

F. T. Hobbs,
Acting Secretary of the Commission.

[FR Doc. 71-19043 Filed 12-29-71; 8:51 am]

[Docket No. 50-280]

VIRGINIA ELECTRIC & POWER CO. Supplementary Notice of Hearing on Facility Operating License Application

On November 24, 1971, a notice of hearing on a facility operating license (Surry Power Station, Unit 1) was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 F.R. 22328) in the captioned proceeding. That notice indicated that an Atomic Safety and Licensing Board (Board) would be designated by the Commission to conduct the hearing, specified the matters to be determined by the Board, provided for intervention by Henry E. Howell, Jr., and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene.

On September 9, 1971, the Commission published a revision of its regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969," (36 F.R. 18071) to set forth an interim statement of Commission policy and procedure for implementation of the National Environmental Policy Act of 1969 (NEPA).¹ The revised regulations require the consideration of additional matters in applicants' environmental reports and in detailed statements of environmental considerations and provide for determination by the presiding Atomic Safety and Licensing Boards in pending proceedings of specified issues in addition to and different from those previously in issue in AEC licensing proceedings.

Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Atomic Safety and Licensing Board will consider and determine, in addition to the matters specified for hearing in the notice of hearing

¹ The Commission adopted certain minor amendments to revised Appendix D which were published in the FEDERAL REGISTER on Sept. 30, 1971 (36 F.R. 19158). The Commission adopted certain additional amendments to revised Appendix D with respect to proceedings subject to section D thereof which were published in the FEDERAL REGISTER on Nov. 11, 1971 (36 F.R. 21579).

in this proceeding published November 24, 1971, and pursuant to the National Environmental Policy Act of 1969, any matter in controversy with respect to whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the operating license should be issued as proposed.

If matters covered by Appendix D of 10 CFR Part 50 are in issue, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, in addition to deciding any matters in controversy among the parties with respect to those matters: (1) Determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; and (2) independently consider the final balance among conflicting factors covered by Appendix D of 10 CFR Part 50 and contained in the record of the proceeding with a view toward determining the appropriate action to be taken. On the basis of the foregoing, a determination will be made whether the operating license should be granted, denied, or appropriately conditioned to protect environmental values. This notice does not affect the status of any person previously admitted as a party to this proceeding or provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security for which opportunity to intervene was provided in the notice of AEC consideration of issuance of facility operating license, published in the FEDERAL REGISTER on May 28, 1971 (36 F.R. 9793).

While the matter of the full power operating license is pending before the Board, the applicant may make a motion in writing pursuant to § 50.57(c) of 10 CFR Part 50 for an operating license authorizing low-power testing (operation at not more than 1 percent of full-power for the purpose of testing the facility), and further operations short of full-power operation. The Board may grant the motion upon finding that the proposed licensing action will not have a significant, adverse impact on the quality of the environment and upon satisfaction of the requirements of § 50.57(c) of 10 CFR Part 50. In addition, the Board may grant a motion, pursuant to § 50.57(c) of 10 CFR Part 50, upon satisfaction of the requirements of that paragraph, after consideration and balancing of the following factors:

(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from the ongoing NEPA environmental review.

(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type

that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

Operation beyond twenty percent (20%) of full power will not be authorized except on specific approval of the Commission, upon the Commission's finding that an emergency situation or other situation requiring such operation in the public interest exists.

Prior to taking any action on a motion pursuant to § 50.57(c) of 10 CFR Part 50, which any party opposes, the Board shall, with respect to the contested activity sought to be authorized, make findings on the issue specified in the Notice of Hearings published on November 24, 1971, and will determine whether the proposed licensing action will have a significant, adverse impact on the quality of the environment or make findings on the factors specified above, as appropriate, in the form of an initial decision. If the license is one which requires the specific approval of the Commission the Board will certify directly to the Commission, for determination, without ruling thereon, the matter of whether operation beyond twenty percent (20%) of full power should be authorized.

Any license issued pursuant to the foregoing will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility and will be conditioned to that effect.

As they become available, any new or supplemental environmental report, and any new or supplemental detailed statement required by Appendix D of 10 CFR Part 50 will be placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Swem Library, College of William and Mary, Williamsburg, Va., for inspection by members of the public between the hours of 8 a.m. and 12 midnight Monday through Friday, 8 a.m. and 5 p.m. Saturday, and 2 p.m. and 12 midnight Sunday. A copy of any new or supplemental detailed statement prepared and, to the extent of supply, a copy of any new or supplemental environmental report filed, may be obtained, when available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified in this Notice, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board,

within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are required to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this Notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding with respect to the issues set forth in this notice, must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating to matters outside of the issues specified in this notice will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, or an amended answer with respect to the issues specified in this notice, must be filed by the applicant, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Parties already participating in this proceeding as intervenors with respect to the issues specified in the notice of hearing published November 24, 1971, must also file an answer with respect to the issue specified in this notice not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER, in accordance with the requirements of 10 CFR 2.705 of the Commission's rules of practice.

Answers and petitions required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

The date and place of further hearings will be set by subsequent order of the Board and notice thereof will be provided to the parties, including persons granted leave to intervene on issues set forth in this notice, and will be published in the FEDERAL REGISTER. In setting these dates, due regard will be had for the convenience and necessity of the parties or their representatives, as well as Board members.

Dated at Germantown, Md., this 27th day of December 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-19117 Filed 12-29-71; 8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23976]

AERLINTE EIREANN TEORANTA

New York Deletion; Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding, now assigned to January 7, 1972, is postponed to January 19, 1972. The date for the circulation of material by the Bureau of Operating Rights is unchanged. The date for circulation of material by other parties is changed to January 12, 1972. The prehearing conference will be held in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, beginning at 10 a.m.

Dated at Washington, D.C. December 22, 1971.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[FR Doc.71-18995 Filed 12-29-71; 8:45 am]

[Docket Nos. 20993 etc.; Order 71-12-94]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority December 21, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket 20993, Agreement CAB 22332, R-16 through R-19; R-22; R-23; R-25 through R-27; R-29 through R-30; and R-37 through R-46.

By Orders 71-9-52 (dated September 13, 1971), 71-10-13 (dated October 4,

1971), and 71-10-45 (dated October 12, 1971), action was deferred with a view toward eventual approval, *inter alia*,¹ of certain specific commodity rates embodied in an agreement adopted by the International Air Transport Association (IATA). In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to our proposed action.

No petitions were received within the filing period. However, in a letter dated December 15, 1971, IATA states that, in view of the fact that cargo rate agreements under which certain specific commodity rates were filed have expired, no final action is required on those portions of the agreement which are designated as R-16, R-18, R-19, R-22, R-27, R-31, R-32, R-34, and R-37. Otherwise, the tentative conclusions in Orders 71-9-52, 71-10-13, and 71-10-45 with respect to the remaining portions of the subject agreement will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-17, R-23, R-25, R-26, R-29, R-30, R-33, R-35, R-36, and R-38 through R-46 be, and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-19089 Filed 12-29-71; 8:52 am]

[Docket No. 23333; Order 71-12-102]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority December 22, 1971.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates, Docket 23333, Agreement CAB 22775.

By Order 71-12-23, dated December 3, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA) pertaining to the construction of specific commodity rates for application over Mid and South Atlantic routes, where such construction is dependent upon specific commodity rates applicable via the North Atlantic to/from New York or Montreal.

In deferring action on the agreement, 10 days were granted in which interested

¹ By Order 71-9-52, *supra*, action was also deferred, with a view toward disapproval, of a specific commodity rate incorporated in Agreement CAB 22332, R-24, and final action thereon will be the subject of a future Board order.

persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 71-12-23 will herein be made final.

Accordingly, it is ordered, That: Agreement CAB 22775 be and hereby is approved, provided that:

"Rates established to/from points in Puerto Rico and the U.S. Virgin Islands pursuant to said resolution shall be filed with the Board as agreements under section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect."

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-19090 Filed 12-29-71; 8:52 am]

[Docket No. 20993; Order 71-12-104]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority December 22, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket 20993, Agreement CAB 22332, R-50.

By Order 71-12-11, dated December 2, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-12-11 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-50, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-19091 Filed 12-29-71; 8:52 am]

[Docket No. 23780; Order 71-12-96]

FOREIGN AIR TRANSPORTATION

Order Regarding Student, Youth and Senior-Citizen Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of December 1971.

By Order 71-9-3, dated September 1, 1971, the Board instituted an investigation to determine whether the youth and student fares filed by United States and foreign air carriers in foreign air transportation are unjustly discriminatory, unduly preferential, or unduly prejudicial.¹

On October 13, 1971, certain member carriers of the National Air Carrier Association (NACA) filed a motion requesting the Board to clarify or, in the alternative, to enlarge the issues set down for investigation in this proceeding to include the question of whether the fares under investigation constitute an unfair method of competition in violation of section 411 of the Federal Aviation Act of 1958, and to expedite the conduct of this investigation. In support of their motion, it is argued that the Board's order of investigation, while clearly placing unjust discrimination in violation of section 404(b) of the Act in issue, is ambiguous as to whether the question of unfair competition in violation of section 411 is in issue. They further urge that the proceeding be conducted on an expedited basis, since the fares in issue are presently in effect and are having a serious impact upon the marketing efforts of the supplemental carriers.

On October 28, 1971, Pan American World Airways, Inc. (Pan American), filed an answer to the instant motion.² In its answer, Pan American requests that the motion should be denied. It argues that there is no need for clarification, since the whole import of Order 71-9-3 is that the instant investigation is concerned only with unjust discrimination prohibited by sections 404(b) and 1002(f) of the Act. Pan American maintains that the motion to enlarge the issues should be denied because it is the usual practice of the Board to leave rate cases unencumbered by such divergent and unrelated questions as might be raised by section 411, and because there has been no showing that would warrant the institution of an investigation based upon section 411. Pan American states that it has not been demonstrated that the supplemental carriers have been adversely affected by the fares in issue during the 1971 summer season or that they will be so affected in the future. Pan American argues that the motion to expedite the proceeding should be denied because the status of future transatlantic rates is unsettled and it does not make sense to expedite the proceeding until it becomes clear what future rates will be available.

¹ Order 71-11-30, dated November 5, 1971, consolidated Docket 23919, Senior-Citizen Fares in Foreign Air Transportation, instituted by Order 71-10-71, dated October 18, 1971, into this docket.

² Pan American asks that its answer, which was mailed from New York on the day for filing answers, be accepted by the Board, since "due dates" for other filings and the illness of one of their attorneys made it impossible to answer the motion within the time period prescribed by the Board's Rules of Practice. In view of the foregoing, we will accept the answer of Pan American.

We will deny the motion for clarification in general. There is no need to clarify Order 71-9-3, since the Board in that order acted specifically under the authority of sections 204(a) and 1002(f) of the Act and thereafter employed the language of section 1002(f) in its ordering paragraph instituting this investigation. It is claimed that the order is ambiguous because the complaints in Dockets 23490 and 23534 (which included allegations that section 411 of the Act had been violated) were "consolidated" in this proceeding. In the event that our order is subject to such interpretation, we will herein partially grant the motion for clarification by amending that order to provide that the complaints by the NACA carriers are dismissed, without prejudice, except to the extent granted therein.

We will also deny the motion to enlarge the scope of this investigation to include issues under section 411 of the Act. Several of the parties to this proceeding have pointed out in their answers to the complaints that the complaints did not follow the procedures set forth in the Board's Procedural Regulations for filing complaints in enforcement proceedings (14 CFR 302.200-302.217). In any event, we are not disposed to convert what is essentially a fare investigation into an accusatory-type enforcement proceeding, especially in light of the procedural difficulties which could be encountered in such a consolidated proceeding. Nor do we believe that such an enlargement of the issues is necessary to protect the interests of the supplemental carriers. Those carriers will be free to argue that the fares represent an unfair competitive practice and that as such the discrimination inherent in the fares cannot be justified under the standards of sections 1002(e) and 102 of the Act.

It has also been requested that the Board expedite the conduct of this investigation. The prehearing conference has been set for December 28, 1971. At that time, procedural dates will be set which will insure that a full and complete record will be made for decision. Other than an allegation of increased competition, there has been no showing that conducting this investigation in the normal fashion will adversely affect the supplemental carriers, and the motion will be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly section 204(a) thereof,

It is ordered, That:

1. The motion of the member carriers of the National Air Carrier Association for a clarification or an enlargement of the issues in this docket, and for expedited treatment, filed on October 13, 1971, be, and it hereby is, denied.

2. The motion of Pan American World Airways, Inc., for leave to file a late answer is hereby granted.

3. Ordering paragraph 3 of Order 71-9-3, dated September 1, 1971, is amended to read as follows:

"3. Except to the extent granted herein, the complaints in Dockets 23490

and 23534 are dismissed without prejudice."

4. A copy of this order shall be served upon all parties to Docket 23780.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.
[FR Doc.71-19092 Filed 12-29-71;8:52 am]

[Docket No. 23780; Order 71-12-108]

FOREIGN AIR TRANSPORTATION

Order of Investigation and Consolidation Regarding Student, Youth, and Senior-Citizen Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1971.

By a tariff¹ filed June 11, 1971, to be effective June 12, 1971, and marked to expire May 23, 1972, Caribbean-Atlantic Airlines, Inc. (Caribair), proposed to offer reduced fares for youths between Miami, Fla., on the one hand, and Montego Bay and Kingston, Jamaica; Port-au-Prince, Haiti; and Santo Domingo, Dominican Republic, on the other hand. By a tariff² filed August 20, 1971, and marked to be effective September 22, 1971, Air Jamaica (1968) Ltd., proposed to offer reduced fares to youths between Miami, Fla., and Montego Bay/Kingston, Jamaica, British West Indian Airlines, Ltd. (BWIA), by a tariff³ filed October 21, 1971, and marked to be effective November 24, 1971, met the aforementioned fares of Air Jamaica, and also proposed to offer similar reduced fares for youths between Miami, Fla., on the one hand, and Antigua, St. Lucia, and Barbados, West Indies; and Port of Spain, Trinidad, on the other. The youth fares are available to persons within the ages of 12 and 21. The fares of Air Jamaica and BWIA are 75 percent of the economy class or 21-day round trip midweek excursion fares, while the fares of Caribbean are 75 percent of the full adult all year 17-day round trip excursion or 21-day round trip excursion fare.

No complaints have been filed.

By Order 71-9-3, dated September 1, 1971, the Board instituted an investigation of youth and student fares now available in numerous international markets.⁴ In so doing, we stated that the limitation of special fares to persons within specified age groups is an obvious discrimination against persons who do not

¹ Caribbean-Atlantic Airlines, Inc., Tariff CAB No. 8.

² John Sampson, Agent, Tariff CAB No. 15.

³ John Sampson, Agent, Tariff CAB No. 15.

⁴ By Order 71-10-71, dated October 18, 1971, an investigation was ordered into the lawfulness of senior-citizen fares in foreign air transportation in Docket 23919. Order 71-11-30, dated Nov. 5, 1971, consolidated Docket 23919 into this proceeding.

fall within these specified age groups, and that the question presented is whether such discrimination is justified. The reduced fares proposed by Caribair and BWIA are substantially similar to the youth fares proposed by Air Jamaica which are already under investigation in Docket 23780, and present the identical issue of unjust discrimination.

The Board therefore finds that the aforementioned youth fares may be unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. Because of the substantial identity of the issues and other factors, the Board finds that consolidation of this investigation into Docket 23780 will be conducive to the proper dispatch of the Board's business, and to the ends of justice, and will not unduly delay the proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended and particularly sections 204(a) and 1002(f) thereof,

It is ordered, That:

1. An investigation is instituted to determine whether Rule 98 on 3d revised page 81 of Tariff CAB No. 15 issued by John Sampson, agent, and Rule 24 on 2d and 3d revised pages 7-D of Tariff CAB No. 8 issued by Caribbean-Atlantic Airlines, Inc., as they apply in foreign air transportation, including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices affecting such fares and provisions, are or will be unjustly discriminatory, unduly preferential, or unduly prejudicial, and if found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares and provisions, and classifications, rules, regulations, and practices should be altered to correct such discrimination, preference, or prejudice, and what order should be made to the carriers to remove such discrimination, preference, or prejudice.

2. The investigation ordered herein is consolidated into the investigation in Docket 23780.

3. A copy of this order will be served upon all parties to Docket 23780, and upon British West Indies Airways, Ltd., and Caribbean-Atlantic Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.
[FR Doc.71-19093 Filed 12-29-71;8:52 am]

[Docket No. 24078; Order 71-12-111]

WESTERN AIR LINES, INC.

Order of Suspension and Investigation Regarding Group Fare

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of December 1971.

By tariff revisions¹ marked to become effective on December 24, 1971, Western Air Lines, Inc. (Western), proposes to relax the affinity requirements applicable to certain of its group fares to allow members of the news media to travel with sports teams, both amateur and professional, which qualify for travel under the affinity rules. Western alleges that the rule is to provide for the common circumstance in which sports teams are accompanied by representatives of news media with all such persons qualifying for group fares of competitive carriers.

Upon consideration of the tariff filing and all relevant matters, the Board has determined that the proposal may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariff revision should be suspended pending investigation.

Western's proposal would, for the benefit of a particular limited class of persons (news media representatives), set aside the group affinity requirement which is the basis of this class of fares. While there is nothing necessarily sacred about the traditional affinity concept,² and while indeed the carrier is free to propose group fares without any affinity requirement, as other carriers have done, the proposed departure from the otherwise applicable affinity rule solely for the benefit of a limited class of persons selected on the basis of non-transportation characteristics raises an issue of unjust discrimination which the carrier's justification does nothing to rebut. We note that there is nothing to prevent news media representatives from accompanying athletic teams on the scheduled flights here involved upon payment of normal fares.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule 210(A)(3)(c)(ii)(5) on 31st and 32d Revised Pages 90 of Airline Tariff Publishers, Inc., Agent's CAB No. 142 and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial,

¹Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 142.

²The affinity rules made applicable by the tariff to this class of group fare are modeled on the Board's affinity rules governing pro rata charters, see e.g. Part 208 of the economic regulations. Under these rules, news media representatives could not qualify as part of a group with an amateur or professional sports team. It should be noted that the Board has under consideration in Docket 23055 the possibility of adopting new regulations dispensing with affinity requirements for charters under certain circumstances."

or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule 210(A)(3)(c)(ii)(5) on 31st and 32d Revised Pages 90 of Airline Tariff Publishers, Inc., Agent's CAB No. 142 is suspended and its use deferred to and including March 22, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order will be filed with the aforesaid tariffs and be served upon Western Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-19094 Filed 12-29-71; 8:32 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, December 13-December 17, 1971.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

AGRICULTURAL RESEARCH SERVICE

Draft, December 7

Supplement to draft (9/15). Cooperative Federal-State (North Carolina and South Carolina) control and regulatory program for witchweed, involving use of 2,4-D and paraquat. (ELR Order No. 820, draft—17 pages, supplement—6 pages) (NTIS Order No. PB-202 650-D)

SOIL CONSERVATION SERVICE

Final, December 10

Hollow Creek Watershed, Lexington and Saluda Counties, S.C. Conservation land treatment of 2,700 acres and construction of two floodwater retarding dams. Will destroy agricultural use and wildlife habitat on 92 acres of pasture and woodland. Comments made by Army COE, EPA, PPC, DOI, South Carolina Water Resources Commission, and South Carolina Planning and Grants Division. (ELR Order No. 1445, 10 pages) (NTIS Order No. PB-203 233-F)

ATOMIC ENERGY COMMISSION

Contact:

For Nonregulatory Matters:
Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, (202) 973-5391.

For Regulatory Matters:

Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973-7531.

Draft, December 15

Power Burst Facility, National Reactor Testing Station, southeastern, Idaho. Operation of reactor with a sudden increase in power level for a short period of time (burst of power) to subject test fuel elements to severe operating conditions. Construction essentially complete. (ELR Order No. 1427, 72 pages) (NTIS Order No. PB-204 915-D)

Oconee Nuclear Station, Unit 1, Oconee County, S.C. Application of the Duke Power Co. for operating license. Action pertains to operation of one of three units (922 mw. each); statement considers impact of simultaneous operation of all three (waste heat generation of 1,650 mw.). Docket No. 50-269. (NOTE: This is a new statement; final of an earlier draft was transmitted Feb. 12, 1971, NTIS Order No. PB-203 544-F) (ELR Order No. 1438, 147 pages) (NTIS Order No. PB-204 910-D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX4-4269

Draft, December 3

Project EAGLE—Phase II, Rocky Mountain Arsenal, Colo. Disposal of 21,000 obsolete M34 gas bomb clusters containing approximately 454,000 gallons of the chemical warfare nerve agent GB by chemical neutralization. (ELR No. 1415, 643 pages) (NTIS Order No. PB-204 919-D; price, \$9)

Final, December 8

Minimum facilities for Air Cavalry Combat Brigade Test, Fort Hood, Tex. Construction to provide minimum essential heliport and testing facilities for up to 410 organic helicopters, involving construction of bituminous maintenance aprons, storm sewers, etc. and personnel administrative space, including rehabilitation of five permanent buildings. Comments made by USDA, EPA, HEW, and DOI. (ELR Order No. 1414, 72 pages) (NTIS Order No. PB-202 796-F)

CORPS OF ENGINEERS

Contract: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 10314 (202) 693-6329.

Draft, December 2

Revised draft following final statement transmitted Jan. 25, 1971, LaFarge Lake, Kickapoo River, Vernon County, Wis. Construction of lake with a surface area of about 1,780 acres extending 12 miles upstream and of a 3,960-foot dam with a maximum height of 103 feet for flood control. Requires relocation of 22.5 miles of road, removal of 33 bridges and construction of 17 bridges. (ELR Order No. 1336, 200 pages) (NTIS Order No. PB-204 918-D; price, \$6)

Draft, December 9

Texas City Channel, Tex. Maintenance dredging of channel and turning basin, required about every 2 years, with disposal at land and open bay sites. Disposal areas on Snake and Pelican Islands will be partially leveed. (ELR Order No. 1404, 10 pages) (NTIS Order No. PB-204 850-D)

Draft, December 2

Aquatic Plant Control Program, Texas. Control and eradication of the water hyacinth and alligatorweed by chemical treatment (2,4-dichlorophenoxyacetic acid) and biological means (Agasicles flea beetle) in navigable waters. (ELR Order No. 1405, 15 pages) (NTIS Order No. PB-204 849-D)

Draft, December 3

Kahului Harbor west breakwater, Maui, Hawaii. Repair of 100 feet of breakwater trunk by placing 19- and 35-ton concrete units on seaward slope and constructing concrete ribs on the cap of the breakwater. (ELR Order No. 1406, 10 pages) (NTIS Order No. PB-204 848-D)

Miami Harbor, Fla. Deepening from 30 feet to 35-38 feet of a 6-mile reach and widening by 100 feet to 500 feet of the channel between the jetties. About 5 million cu. yds. of dredged material will be deposited in two upland diked areas and three open-water disposal areas. (ELR Order No. 1407, 18 pages) (NTIS Order No. PB-204 838-D)

Draft, December 6

Virginia Beach, Va. Hurricane protection and beach erosion control by construction of sheet pile walls capped with concrete, raising and widening the beach, and recommendation of nonstructural measures (zoning and building codes). (ELR Order No. 1408, 27 pages) (NTIS Order No. PB-204 839-D)

Draft, December 9

Ninemile Creek Basin, Holland Patent, Onondaga County, N.Y. Construction for flood control of a overflow channel and weir, drop inlet, concrete culvert, diversion channel and drainage ditch. (ELR Order No. 1409, 14 pages) (NTIS Order No. PB-204 857-D)

Southwest Jefferson County flood protection project, Jefferson and Bullitt Counties, Ky. Construction of 68,500-foot earth levee, 1,500-foot reinforced concrete flood wall, five pumping plants and a permanent impoundment in the Ohio River flood plain. Will inundate 810 acres permanently and 1,140 acres periodically. Involves stripping 600 acres of cover for fill material for the levee and the loss of about 20 percent of Riverview Park. (ELR Order No. 1410, 13 pages) (NTIS Order No. PB-204 856-D)

Draft, December 3

Corpus Christi Ship Channel, Nueces County, Tex. Maintenance dredging, with dredged material to be deposited in the gulf, in disposal areas north and south of the channel and on land north of the channels. (ELR Order No. 1411, 7 pages) (NTIS Order No. PB-204 854-D)

Draft, December 9

Red River of the North, Oslo, Marshall County, Minn. Improvement of local levee and construction of floodwalls and interior drainage facilities. Ponding area will drain a 25-acre marsh, tree removal will alter 3.3 acres of wildlife habitat and six houses will be relocated. (ELR Order No. 1440, 47 pages) (NTIS Order No. PB-204 943-D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: George Marienthal, Acting Director, Office of Federal Activities, 1750 K Street NW., Room 440, Washington, DC 20460, (202) 254-7420.

Draft, December 2

Construction of wastewater facilities, Lufkin, Angelina County, Tex. Includes sanitary sewer interceptors, pumping stations, force mains, waste treatment facilities, and appurtenances. Will utilize activated sludge process and effluent disinfection. Projects WPC-TEX-625. (ELR Order No. 1425, 71 pages) (NTIS Order No. PB-204 907-D)

Draft, December 15

Wastewater treatment facilities construction grants for Nassau and Suffolk Counties, N.Y. Involves sewers, additions and alterations to sewage treatment plants, construction of sewage treatment plants, and construction of outfalls. Will affect waters of Long Island Sound, waters of the Atlantic Ocean and marsh area. Projects WPC-NY-361, -628, -559, -609, -629, -355, -536, -577, -669, -624, -621, and -709. (ELR Order No. 1429, 214 pages) (NTIS Order No. PB-204 912-D)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, (202) 386-6084.

Draft, December 10

Application of Arkansas Louisiana Gas Co. for authorization to construct a 298-mile pipeline from Wilburton, Okla., through the Anadarko Basin to Hemphill County, Tex., and a 42-mile lateral line from the Anadarko pipeline to Lawton, Okla., compressor facilities and a hydrogen removal plant. Docket No. CP70-267. (ELR Order No. 1430, 33 pages) (NTIS Order No. PB-204 944-D)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration—AD, Washington, D.C. 20405, (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration—AD, (202) 343-4161.

Draft, December 13

Exchange of 140 acres of Miller Field, Staten Island, N.Y., for the Willard Hotel, Washington, D.C., Miller Field to be used for housing and roads and the Willard property as a part of the National Square. (ELR Order No. 1428, 13 pages) (NTIS Order No. PB-204 914-D)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755-6186.

Draft, December 9

Ganada New Community, Wayne County, N.Y. Loan guarantee for 10,500-acre development in Genesee-Finger Lakes region, with an estimated population of 85,000 and a completion date of 2002. (ELR Order No. 1413, 56 pages) (NTIS Order No. PB-204 845-D)

Draft, December 8

HUD Project Selection System for the Neighborhood Development Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Neighborhood Development Program provides technical assistance and grants to localities in carrying out urban renewal activities in designated blighted areas. (ELR Order No. 1434, 9 pages) (NTIS Order No. PB-204 908-D)

HUD Project Selection System for the Open Space Land (Legacy of Parks) Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Open Space Land Program provides matching grants to State and local public bodies for up to 50 percent of the cost of acquiring title or other interests in and developing open space land. (ELR Order No. 1435, 11 pages) (NTIS Order No. PB-204 909-D)

HUD Project Selection System for the Neighborhood Facilities Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Neighborhood Facilities Program provides grants to help local public bodies finance up to two-thirds of development costs for neighborhood centers to serve low- and moderate-income communities. (ELR Order No. 1436, 9 pages) (NTIS Order No. PB-204 916-D)

Draft, December 15

HUD Project Selection System for the Public Facility Loans Program. Establishment of criteria for evaluating applications under this program in order to determine which projects will receive funding. Public Facility Loans Program provides long-term loans for local public works construction to bodies serving populations of less than 50,000. (ELR Order No. 1437, 10 pages) (NTIS Order No. PB-204 917-D)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401 (615) 755-2002.

Draft, December 10

Nolichucky Project rehabilitation, Greene County, Tenn. Strengthening of dam, development of land and water area behind the dam to Bird Bridge and retirement of the hydroelectric generating units. (ELR Order No. 1412, 31 pages) (NTIS Order No. PB-204 844-D)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590 (202) 462-4357.

FEDERAL AVIATION ADMINISTRATION**Draft, December 15**

Miller Field, Valentine, Cherry County, Nebr. Extension of runway; construction of an overlay on the runway, taxiways, and apron, and construction of segmented circle and wind indicator. Project 7-31-0084-01 ADAP. (ELR Order No. 1443, 18 pages) (NTIS Order No. PB-204 903-D)

Final, December 8

Moton Municipal Airport, Tuskegee, Ala. Construction of runway, taxiway, and access road and relocation of power line to accommodate propeller and business jet aircraft with ability to use 5,000-foot runway. Comments made by USDA, EPA, DOI, OEO, Alabama Development Office, Alabama Department of Aeronautics, Macon County Commission, Tuskegee Model Cities Commission, Macon County Medical Society, and Negro Airman International, Inc. (ELR Order No. 1376, 42 pages) (NTIS Order No. PB-203 075-F)

¹ Mr. Convisser's office will refer you to the regional office from which the statement originated.

Final, December 10

Abernathy Field, Pulaski, Giles County, Tenn. Extension of runway 500 feet installation of medium intensity lighting system, and addition to apron. Comments made by USDA, EPA, DOI, and four State agencies. (ELR Order No. 1402, 12 pages) (NTIS Order No. PB-203 231-F).

Scammon Bay Airport, Scammon Bay, Alaska. Construction of landing strip, parking apron, connecting taxiway, access road, windcone, and segmented circle to improve transportation to the community. Comments made by Army COE, EPA, and DOI. (ELR Order No. 1493, 13 pages) (NTIS Order No. PB-202 306-F).

Final, December 3

Chignik Lake Airport, Alaska. Construction of a landing strip, parking apron, etc. to provide a utility airport. Comments made by Army COE, EPA, DOI, HEW, Governor of Alaska, Alaska Health Service, and Commercial Fisheries. (ELR Order No. 1417, 23 pages) (NTIS Order No. PB-201 401-F).

FEDERAL HIGHWAY ADMINISTRATION

Draft, December 7

West Virginia Turnpike: Mercer, Raleigh, Fayette, and Kanawha Counties, W. Va. Upgrading to Interstate and Defense Highway System standards from US-460 at Princeton to Kanawha River bridge, Charleston (87 miles). Will displace 183 families. Project I-77-2(11)8. (ELR Order No. 1389, 82 pages) (NTIS Order No. PB-204 858-D)

I-35W: Wichita, Sedgwick County, Kans. Construction of 6-lane facility from Stafford to English Streets (2.2 miles). Involves widening and lining of Chisholm Creek and 4(f) determination relating to Wichita East High School, Willard Elementary School, and Linwood Park. Project 35W-87 I-35W-1(33)46. (ELR Order No. 1390, 40 pages) (NTIS Order No. PB-204 855-D)

Draft, December 9

SR-58: Smithville, De Kalb County, Tenn. Construction of two-lane section from 0.15 mile south of Tittsworth Road to Bryant Street and a four-lane section from Bryant Street to SR-26 (2.21 miles). Project 21004-0217-04. (ELR Order No. 1394, 43 pages) (NTIS Order No. PB-204 851-D)

Draft, December 10

Route 63: Macon County, Mo. Construction of two-lane highway from 3.5 miles north of Macon to 2 miles south of Macon (8.7 miles). Requires taking of 358 acres of agricultural land. Project F-PG-63-4(7), job 2-F-63-22. (ELR Order No. 1392, 9 pages) (NTIS Order No. PB-204 852-D)

Draft, December 3

Oregon FH-7, SH-36: Mapleton, Lane County, Ore. Reconstruction from FH-57/Route 126 intersection west 4.8 miles. (ELR Order No. 1393, 27 pages) (NTIS Order No. PB-204 853-D)

Draft, December 9

Alabama 24: Franklin County, Ala. Relocation from Halltown east to approximately 6 miles west of Russellville (16.85 miles). Will displace 20 residences. Project S-189-D. (ELR Order No. 1394, 7 page) (NTIS Order No. PB-204 837-D)

Draft, December 10

SD-18 (Canton Bypass): Lincoln County, S. Dak. Grading structures and interim surfacing from SD-11 approximately 2 miles west of Canton east to Iowa State line. Project F 015-5. (ELR Order No. 1395, 6 pages) (NTIS Order No. PB-204 842-D)

Draft, December 9

SR-292: Las Cruces, Dona Ana County, N. Mex. Improvement from Amador Avenue to US 70-80 (1.1 miles). Project S-1135(2). (ELR Order No. 1396, 7 pages) (NTIS Order No. PB-204 843-D)

Routes 51 and 34: Bollinger County, Mo. Improvement on Route 51 is in two sections from 0.3 mile south of Route FF to 0.2 mile east of Routes 34-51 south junction in Lutesville (2.3 miles) and from 0.7 mile west of Routes 34-51 north junction to Route 34 in Marble Hill (0.7 mile), on Route 34, from Routes 34-51 south junction in Lutesville to 0.2 mile east of Hurricane Creek (1.9 miles). Requires 90 acres of land. Jobs 10-P-51-39 and 10-P-34-38. (ELR Order No. 1397, 10 pages) (NTIS Order No. PB-204 836-D)

Draft, December 8

US-20-191 (Rigby Freeway): Rigby, Jefferson County, Mo. Construction of four-lane freeway (2.37 miles). Displaces 17 dwelling units and 17 businesses. Project F-6471(39). (ELR Order No. 1398, 16 pages) (NTIS Order No. PB-204 841-D)

Draft, December 9

US-41: Marquette and Harvey, Marquette County, Mich. Widening from US-41 bypass in Marquette to M-28 in Harvey (4.3 miles). Will displace two or three families. Federal Project 8-4(.). (ELR Order No. 1399, 21 pages) (NTIS Order No. PB-204 840-D)

Fairview Road: Charlotte, Mecklenburg County, N.C. Extension from Sharon Road to Sardis Road (2.43 miles). Will displace two families and two businesses. (ELR Order No. 1400, 10 pages) (NTIS Order No. PB-204 847-D)

Draft, December 7

Morris and Lyon Counties, Kans. Improvement from 10th and Main Streets in Council Grove east to US-56 (6.99 miles). Will displace a house and a rest home, sever pasture land and eradicate two farm ponds. Projects 56-64 F 062 3(5) and 56-56 F 062 3(6). (ELR Order No. 1401, 7 pages) (NTIS Order No. PB-204 846-D)

Draft, December 10

Austin Road interchange section, Sunset Highway: Washington County, Ore. Conversion of Austin Road and other local streets and intersections into split diamond interchange. Project F-186(-). (ELR Order No. 1431, 12 pages) (NTIS Order No. PB-204 913-D)

Draft, December 1

Orem-Center Street: Utah County, Utah. Improvement from US-91 to US-189 (2 miles), including a bridge over the Provo River. 4(f) determination regards 60-foot right-of-way from Edgemont Veterans Memorial Park. Project S-0222(1). (ELR Order No. 1432, 58 pages) (NTIS Order No. PB-204 911-D)

Draft, December 2

County Road 8: Sidney, Shelby County, Ohio. Replacement of bridge over Penn Central RR. and approaches. 4(f) determination relates to 1.9 acres of land leased from the Board of Education for County Fairgrounds. Project S-SC-SUG-1386(1). (ELR Order No. 1441, 15 pages) (NTIS Order No. PB-204 906-D)

Draft, December 13

LA-15 (Chase-Winnsboro Highway): Franklin Parish, La. Upgrading to four lanes and realignment between Chase and Winnsboro, with a bridge across Stokes Bayou and one across Turkey Creek (5.6 miles). Involves use of about 75 acres of agricultural and pasture lands. Project 26-06-17, F-198(6). (ELR Order No. 1442, 10 pages) (NTIS Order No. PB-204 904-D)

Draft, December 14

US-129, US-19: Cherokee County, N.C. Relocation and upgrading to four lanes from 0.5 mile west of Murphy to 1.5 miles east of Andrews (18.1 miles). Will displace 55 families and five businesses. Project 8.3019111. (ELR Order No. 1444, 26 pages) (NTIS Order No. PB-204 902-D)

Final, December 9

US-45: Noxubee County, Miss. Relocation from 3 miles south of Macon, bypassing Macon to the east, to about 4 miles north of Macon (9 miles). Project SP-0002-03 (4). Comments made by Army COE, HUD, DOT, State Clearinghouse, Regional Clearinghouse, and Metropolitan Development Office. (ELR Order No. 1370, 13 pages) (NTIS Order No. PB-204 834-F)

Legislative Route 40124, section 2 (Carverton Road): Luzerne County, Pa. Relocation of 0.34 mile, including bridge construction over Little Connoqueening Creek. Project 8-40124-04-002-043. Comments made by Army COE, DOC, EPA, HUD, DOI, DOT, seven State agencies, and Economic Development Council of Northeastern Pennsylvania. (ELR Order No. 1371, 54 pages) (NTIS Order No. PB-200 001-F)

I-29: Richland County, N. Dak. Construction of four-lane highway from SH-13 near Mooreton south to South Dakota line. Project, I-29-1(1)0. Comments made by USDA, DOC, EPA, HUD, DOI, and State Water Commission. (ELR Order No. 1372, 15 pages) (NTIS Order No. PB-204 835-F)

US-220: Cumberland, Allegany County, Md. Construction of a bridge over the C&O-B&O RR. to eliminate grade crossings at Bedford and Frederick Streets. Project U907-1 (2). Comments made by DOT, Department of State Planning, Maryland Department of Health and Mental Hygiene, Cumberland Urban Renewal Agency, Cumberland Housing Authority, and the C&O-B&O RR. (ELR Order No. 1373, 17 pages) (NTIS Order No. PB-204 832-F)

Final, December 8

SH Spur 484: Irving, Dallas County, Tex. Construction of controlled access highway from proposed SH Loop 9 near Belt Line Road to SH Loop 635 (3.4 miles). Comments made by DOC, EPA, DOT, North Central Texas Council of Governments, City of Irving, and Dallas County Judge. (ELR Order No. 1374, 22 pages) (NTIS Order No. PB-204 831-F)

K-179: Harper County, Kans. Improvement from 1.5 miles south of Anthony to 3 miles south of Anthony to widen or replace structures over Bluff Creek and Spring Creek. Project 179-39 RS-594 (3). Comments made by USDA, Army COE, EPA, DOI, Kansas Department of Administration, Kansas Office of Comprehensive Health Planning, and State Clearinghouse. (ELR Order No. 1375, 76 pages) (NTIS Order No. PB-201 514-F)

Final, December 9

Oregon Forest Highway 4 (Klamath Lake-West Side Highway): Klamath County, Ore. Construction of 2.9-mile highway through privately owned and U.S. National Forest Lands. Project 48-1(4). Comments made by USDA, DOI, DOT, Oregon Department of Transportation and Oregon State Highway Division. (ELR 1377, 38 pages) (NTIS Order No. PB-199 623-F)

Gadsden, Etowah County, Ala. Construction of 2.3-mile highway, requiring relocation of 14 residences. Project APL-2850(001). Comments made by EPA, HUD, DOI, OCD, DOT, Alabama Agricultural Stabilization and Conservation

Service and Alabama Development Office. (ELR Order No. 1378, 50 pages) (NTIS Order No. PB-199 011-F)

Final, December 8

SH Loop 635: Dallas and Tarrant Counties, Tex. Six- and eight-lane highway on new location from SH-121 to I-35E/I-635 interchange to connect the Dallas-Fort Worth Regional Airport with the Dallas area freeway system. Comments made by DOC, DOT, OEO, North Central Texas Council of Governments, Dallas County Judge, Dallas-Fort Worth Regional Airport Board and Cities of Dallas, Farmers Branch, and Irving. (ELR Order No. 1379, 35 pages) (NTIS Order No. PB-204 830-F)

US-31: Escambia County, Ala. Construction of railroad overpass and 4.6 miles of roadway between Canoe and Flomaton. Project F-226(6), F-FG-96(19). Comments made by EPA, FAA, HUD, DOI, OGD, DOT, South Alabama Regional Planning Commission and Alabama Development Office. (ELR Order No. 1380, 26 pages) (NTIS Order No. PB-204 828-F)

Loop 335 around Amarillo: Potter County, Tex. Improvement to four lanes from US-60 and 66 to US-87 and 287 (8 miles). Project S-2364. Comments made by DOC, HEW, DOT, and Panhandle Regional Planning Commission. (ELR Order No. 1381, 24 pages) (NTIS Order No. PB-204 827-F)

US-51: Marathon and Lincoln Counties, Wis. Upgrading to freeway on new alignment from the north terminus of the Wausan Belt line to a new interchange 1 1/4 miles north of Merrill (17 miles). Projects LD 1175-1-00, PAP 5-3-4 and 1173-2-00, PAP 5-4-1. Comments made by USDA, EPA, HUD, DOI, DOT, Wisconsin Department of Natural Resources, Marathon and Lincoln Counties and Merrill Environmental Conservation Advisory Commission. (ELR Order No. 1382, 33 pages) (NTIS Order No. PB-200 034-F)

Final, December 9

I-5 (Pacific Highway, South Tigard Interchange-Tualatin River section): Clackamas and Washington Counties, Ore. Widening road from four to six lanes and upgrading two interchanges. Project I-5-5 () 291. Comments made by HUD, DOI, DOT, Columbia Region Association of Governments and State Clearinghouse. (ELR Order No. 1383, 22 pages) (NTIS Order No. PB-204 897-F)

Alabama 55: Covington County, Ala. Construction on new location between Red Level and the Covington-Conecuh County line (7.8 miles). Will require 175 acres of land, mostly wooded area. Project 2001 (103). Comments made by USDA, Army COE, EPA, FAA, DOI, DOT, seven State agencies and the Covington County Commission. (ELR Order No. 1384, 41 pages) (NTIS Order No. PB-199 628-F)

Paris Bypass (section 2): Bourbon County, Ky. Construction of two-lane (ultimate four-lane) highway on US-27, US-227, US-68, and US-460. Project F 558(1) and S 87(6). Comments made by USDA, Army COE, DOC, EPA, FPC, and DOI. (ELR Order No. 1385, 24 pages) (NTIS Order No. PB-200 749-F)

KY-11 and KY-1325: Fleming and Bath Counties, Ky. Replacement of covered bridge over Licking River on KY-11, replacement of steel through truss over Flat Creek on KY-1325 and construction of approaches. Projects S 229(3) and S (903). (ELR Order No. 1386, 31 pages) (NTIS Order No. PB-204 833-F)

SR-22: Gambier, Knox County, Ohio. Relocation from SR-229/Gambier line intersection southeast for 1.3 miles. Project S-1194(3), KNOX-229-13.02. Comments made by Army COE, DOI, and DOT. (ELR Order No. 1387, 11 pages) (NTIS Order No. PB-200 523-F)

Final, December 10

I-80: Cheyenne County, Nebr. Construction from Potter to Brownson (8.5 miles) and from the I-80 interchange south of Potter to intersection with US-30. Projects I-80-1(10) and S-921(3). Comments made by EPA, HUD, DOI, DOT, and Nebraska Game and Parks Commission. (ELR Order No. 1388, 25 pages) (NTIS Order No. PB-198 862-F)

Final, December 3

SR-50: Lake County, Fla. Widening from SR-33 and SR-50 in Mascotte to SR-33/SR-50 in Groveland (2.3 miles). Project F-022-2 (18). Comments made by USDA, EPA, HUD, DOI, five State agencies. (ELR Order No. 1418, 56 pages) (NTIS Order No. PB-199 019-F)

SH-49: Cass and Morris Counties, Tex. Reconstruction on new location from L. & A.R.R. to SH-11, east of Hughes Springs (5 miles). Project F-364. Comments made by USDA, DOC, EPA, DOT, Arkansas-Texas Council of Government and Morris County. (ELR Order No. 1419, 26 pages) (NTIS Order No. PB-198 931-F)

Secondary Route 2216 (2): Elbert County, Ga. Upgrading of country road between Bowman and Match. Comments made by USDA, Army COE, EPA, DOI and two State agencies. (ELR Order No. 1420, 18 pages) (NTIS Order No. PB-204 899-F)

International Airport Road, Anchorage, Alaska. Construction of a four-lane divided facility from the airport terminal east 2.4 miles. Project F-042-1 (32). Comments made by HUD, DOI, three State agencies and Anchorage Borough School District. (ELR Order No. 1421, 24 pages) (NTIS Order No. PB-204 900-F)

K-177: Chase County, Kans. Replacing bridge over the Cottonwood River and widening road to four lanes through Cottonwood Falls (1.2 miles). Project 177-9 S-1167 (13). Comments made by USDA, Army COE, HEW, DOI, State Clearinghouse, and concerned citizens. (ELR Order No. 1422, 74 pages) (NTIS Order No. PB-200 803-F)

Appalachian Route 2697 (001): Bartow County, Ga. Construction of a bypass around Cartersville from the Cartersville-Rockmart Hwy. (SR-113) east to SR-293. Project APL 2697 (001) P.E. Comments made by USDA, EPA, HUD, DOT, and Bureau of State Planning and Community Affairs. (ELR Order No. 1423, 22 pages) (NTIS Order No. PB-204 898-F)

Secondary Route S-2576: Lumpkin County, Ga. Replacement of an unimproved county road between Lumpkin Park Road and SR-60 with an all-weather paved road. Project S-2576 (1). Comments made by Army COE, EPA, HUD, DOI, and State Clearinghouse. (ELR Order No. 1424, 24 pages) (NTIS Order No. PB-204 901-F)

Spur and SR-247: Warner Robins, Houston County, Ga. Construction and improvement of a limited access facility from S-1298 to Robins Air Force Base and from Robins' Gate 4 to South Davis Drive. May displace 82 facilities. Projects R-AD-18(2), F-034-3(6), and S-2041(1). Comments made by USDA, Air Force, EPA, and three State agencies. (ELR Order No. 1425, 38 pages) (NTIS Order No. PB-201 844-F)

Final, December 10

KY-17 and KY-467: Pendleton County, Ky. Construction of bridges and approaches to replace two deficient Bailey bridges over Grassy Creek at KY-17/KY-467 intersection. Comments made by USDA, HUD, DOI, DOT, and Kentucky Department of Natural Resources. Projects S589 and S902. (ELR Order No. 1433, 25 pages) (NTIS Order No. PB-204 896-F)

FHWA 4(f) Statements

The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act, 49 U.S.C. 1653(f).²

November 11

Project S-256(2), Boone-Callaway Counties, Mo. Use of land from Cedar Creek Management area for highway purposes. (Order through ELR by title, date and Department, 2 pages)

UREAN TRANSIT ADMINISTRATION

Final, December 2

Personal Rapid Transit System, Morgantown, W. Va. Installation of a computer-controlled transport system with fully automatic service and operation to demonstrate the feasibility of a new system concept. Vehicles will be propelled by electricity. (ELR Order No. 1416, 11 pages) (NTIS Order No. PB-202 713-F)

U.S. COAST GUARD

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 Seventh Street SW., Washington, D.C. 20591, (202) 436-2012.

Draft, December 8

U.S. Coast Guard Base, Portsmouth, Va. Construction of a new base, consisting of a reinforced concrete pier, a steel pile bulkhead, a small boat harbor, a mess hall, barracks, miscellaneous outbuildings, and dredging incidental to the construction to replace inadequate facilities. (ELR Order No. 1446, 3 pages) (NTIS Order No. PB-204 905-D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.71-18976 Filed 12-29-71; 8:45 am]

FEDERAL MARITIME COMMISSION

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE MERCHANT'S FREIGHT CONTRACT

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015 or at the Field

²These statements cannot be ordered through NTIS.

Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Eric G. Brown, Secretary, Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, 10, Place de la Jollette, Marseilles, France.

The Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, Agreement No. 8260, as amended, has filed an application for permission to institute a dual rate contract in the trade from all ports of loading in the whole of the Mediterranean Sea including Marmara, Black Sea and Adriatic ports and from Iberian Peninsula ports and North African ports including Morocco, to all inclusive U.S.A. ports of the Great Lakes by direct call or transshipment, in accordance with the terms and conditions enumerated therein.

Dated: December 27, 1971.

By order of the Federal Maritime Commission,

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-19104 Filed 12-29-71; 8:52 am]

OUTWARD CONTINENTAL NORTH PACIFIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hear-

ing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. G. Brandt, Secretary, Outward Continental North Pacific Freight Conference, Diergaardesingel 73-A, Post Office Box 341, Rotterdam-3, Holland.

Agreement No. 93-7, among the member lines of the Outward Continental North Pacific Freight Conference, modifies the basic agreement by enlarging its scope to include the trade from the United Kingdom to the U.S. Pacific Coast and by dissolving concurrently the United Kingdom/U.S. Pacific Freight Association Agreement No. 3357. Changes in connection with the above plus other minor changes are also included.

Dated: December 27, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-19105 Filed 12-29-71; 8:52 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP71-108, RP71-110]

PANHANDLE EASTERN PIPELINE CO.

Order Approving Rate Settlement Agreement, Prescribing Refunds, and Terminating Proceedings

DECEMBER 21, 1971.

Panhandle Eastern Pipeline Co. (Panhandle Eastern) filed with the Commission on October 13, 1971, a motion for approval of an agreement as to rates concerning its rates for sales of natural gas for resale. The rate agreement would settle all issues in the pending rate proceedings in Dockets Nos. RP71-108 and RP71-110. Among other things, the agreement provides for rates as shown in Appendix A set forth below, to become effective on October 27, 1971, or the first day that is permissible under the Economic Stabilization Act of 1970 and Executive Order No. 11615. The settlement rates produce a reduction of \$17,839,896 below rates presently in effect subject to refund.

These proceedings began with a filing of a rate increase by Panhandle Eastern on April 26, 1971, in which it proposed an increase of \$38,279,361 in jurisdictional rates annually based upon cost and sales data for the 12-month period ended January 31, 1971, as adjusted. By order issued May 26, 1971, the Commission suspended Panhandle Eastern's proposed rates until October 27, 1971, and set the matter for hearing.

During the course of these proceedings, the parties including the Commission staff, engaged in numerous settlement discussions. The agreement as to rates which is here under consideration is the result of those discussions.

The principal provisions of the agreement may be briefly summarized as follows:

(1) *Future rates.* Panhandle Eastern will file revised tariff sheets reflecting rates shown in Appendix A, to become effective, on Commission approval, on the first day subsequent to October 26, 1971, that such action is permissible under the Economic Stabilization Act of 1970 and Executive Order No. 11615 or any applicable amendment, revision or extension thereof.

(2) *Refunds and rate reductions.* Panhandle Eastern will recalculate its rates and refund to its jurisdictional customers such amounts as may result should the tariff sheets suspended by the Commission's order of May 26, 1971, become effective prior to Commission approval of the rate agreement. All such refunds to jurisdictional customers will bear interest computed at the prime rate established by the First National City Bank of New York as applied to the period from the date of payment to the date of refund. Such refund shall be made not later than 10 days following Commission approval of the rate agreement.

(3) *Rate changes related to the Pan Eastern Exploration Company proceedings.* The rate agreement includes two sets of alternate rates in which the difference relates to the Pan Eastern Exploration Proceedings in Dockets Nos. CP71-237 and CI71-714. Contingent upon Commission approval of Panhandle Eastern's proposal to transfer its production properties in undeveloped leases to Pan Eastern Exploration Co., the alternate rates as shown in Appendix B will reflect a cost of purchased gas from Pan Eastern Exploration Co. priced at the area rate level specified in the Commission's Opinion No. 586.

(4) *Agreement to commence \$35 million exploration and development program by Pan Eastern.* Panhandle Eastern agrees that upon approval by the Commission of the transfer of its production properties and undeveloped leases to Pan Eastern, and the approval of rates reflecting the cost of purchased gas from Pan Eastern Exploration Co. priced at area rate levels, Pan Eastern will commence a \$35 million exploration and development program for new gas reserves for the Panhandle system. Pan Eastern further agrees to invest additional amounts equal to 3 cents per Mcf for Pan Eastern's net working interest in recoverable natural gas reserves and

50 cents per barrel for its net working interest in recoverable oil reserves discovered as a result of the \$35 million expenditure.

(5) *Purchased gas adjustment clause.* The agreement as to rates contains a purchased gas adjustment clause requiring Panhandle Eastern to reduce its rates and charges to reflect decreases and allows adjustments upward to reflect increases in its cost of purchased gas.

(6) *Waiver of notice required.* A waiver of the Commission's rules and regulations is requested, with particular reference to the notice requirement so as to permit rate increases and reductions made, pursuant to the agreement as to rates, to become effective as of the time provided for without suspension.

Copies of Panhandle Eastern's motion seeking approval of the agreement as to rates, as set forth below, were served on all parties. By notice issued October 29, 1971, answers or comments relating to the agreement were to be filed with the Commission on or before November 10, 1971.

On November 10, 1971, the municipal intervenors filed objections to the settlement on the grounds that (1) the settlement was in violation of the President's price stabilization program and (2) it violates § 154.38(d) of the Commission's regulations in that a purchase gas adjustment clause is included.

This settlement is presented to the Commission as an agreement among all parties to the cost of service for Panhandle Eastern. No objections have been made to any facts or issues in this proceeding that require development by cross-examination or rebuttal. The objections raised by the municipal intervenors are questions of law and policy on which adequate opportunity for comment has been afforded through pleadings.

The settlement agreement provides that the purchase gas adjustment clause shall conform to such regulation as may result from the current rulemaking in Docket No. R-406 or be deleted if § 154.38(d) is not amended.

Based upon review of Panhandle Eastern's filing, the data distributed and made available by the Staff to the parties, the settlement proposal as contained in the agreement as to rates, and the various pleadings filed with respect thereto, the Commission concludes that the proposed agreement as to rates provides a reasonable and appropriate disposition of the issues in this proceeding and should be approved.

The Commission finds:

(1) The settlement of this proceeding on the basis of the agreement as to rates, submitted for Commission approval by Panhandle Eastern on October 18, 1971, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective.

(2) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) The agreement as to rates submitted by Panhandle Eastern on October 18, 1971, which is incorporated by reference herein and made part hereof, is approved and made effective subject to the terms and conditions of this order; and Panhandle Eastern shall fully comply with each of the provisions of the agreement as to rates and of this order.

(B) In accordance with Article II of the agreement as to rates, Panhandle Eastern shall file revised tariff sheets, acceptable to the Commission, reflecting the rates set forth in Appendix A hereto to be effective November 14, 1971.

(C) In accordance with Article VII, we herein waive compliance by Panhandle Eastern with those provisions of Part 154 of the Commission's regula-

tions under the Natural Gas Act so as to permit revised rates filed in accordance with the agreement as to rates to become effective November 14, 1971.

(D) Within 20 days after making each refund required by the rate agreement and in Commission order, Panhandle Eastern shall:

(1) Submit a detailed report setting forth the amounts being flowed through to each of its customers, together with supporting schedules showing the billing determinants utilized for distribution of such refund to the jurisdictional customers;

(2) Serve a copy of such report upon each customer; and

(3) File releases from its customers showing receipt of such refund.

(E) This order is without prejudice to any finding or orders which have been made or may hereafter be made by the Commission, and without prejudice to any claims or contentions which may be made by the Commission, its staff, Panhandle Eastern, or by any other party or person affected by this order in any proceeding now pending or hereafter instituted by or against Panhandle Eastern or any other person or party.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

BP71-168 SETTLEMENT RATES EXCLUDING PAN EASTERN

Rate schedules and zones:	Charges per MCF		
	Demand	Commodity	Straight Base
General Service:		Cents	Cents
G-1 Eastern Zone.....	\$2.99	28.91	.....
G-2 Central Zone.....	2.79	26.91	.....
G-3 Western Zone.....	2.69	26.41	.....
Small General Service:			
SG-1 Eastern Zone.....			47.63
SG-2 Central Zone.....			44.25
SG-3 Western Zone.....			43.26
Limited Service:			
LS-1 Eastern Zone.....	2.90	28.91	.....
LS-2 Central Zone.....	2.70	26.91	.....
Storage Service:			35.74
S-1 Eastern Zone.....			.....
Seasonal Service:			
SS-1 Eastern Zone.....	2.99	28.91	.....
Combined Service:			
CS-1 Eastern Zone:			
Contract Demand Volumes.....	2.99	28.91	.....
Annual Contracted Volumes:			
November-March.....			35.74
April-October.....			36.50
Interruptible Service:			
I-1 Eastern Zone.....			35.74
I-2 Central Zone.....			36.06
I-3 Western Zone.....			35.25
Winter Service:			
WS-1 Eastern Zone.....	.25	28.91	.....
WS-2 Central Zone.....	.25	26.91	.....
WS-3 Western Zone.....	.25	26.41	.....

APPENDIX B

RPT-108 SETTLEMENT RATES INCLUDING PAN EASTERN

Rate schedules and zones:	Charges per MCF		
	Demand	Commodity	Straight line
		Cents	Cents
General Service:			
G-1 Eastern Zone.....	\$2.99	29.99	
G-2 Central Zone.....	2.79	27.99	
G-3 Western Zone.....	2.69	27.49	
Small General Service:			
SG-1 Eastern Zone.....			48.71
SG-2 Central Zone.....			45.46
SG-3 Western Zone.....			44.34
Limited Service:			
LS-1 Eastern Zone.....	2.90	29.99	
LS-2 Central Zone.....	2.70	27.99	
Storage Service:			
S-1 Eastern Zone.....			39.82
Seasonal Service:			
SS-1 Eastern Zone.....	2.90	29.99	
Combined Service:			
CS-1 Eastern Zone:			
Contract Demand Volumes.....	2.90	29.99	
Annual Contracted Volumes:			
November-March.....			39.82
April-October.....			37.83
Interruptible service:			
I-1 Eastern Zone.....			39.82
I-2 Central Zone.....			37.16
I-3 Western Zone.....			36.33
Winter Service:			
WS-1 Eastern Zone.....	.25	29.99	
WS-2 Central Zone.....	.25	27.99	
WS-3 Western Zone.....	.25	27.49	

[PR Doc.71-18959 Filed 12-29-71;8:45 am]

[Docket No. CS72-484, etc.]

TOLAND & JOHNSTON ET AL.

Notice of Applications for "Small Producer" Certificates¹

DECEMBER 20, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 17, 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 Com-

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

mission'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 is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date Filed	Name of Applicant
CS72-484.....	12- 3-71	Toland & Johnston, Post Office Box 94326, Oklahoma City, OK 73103.
CS72-485.....	12- 6-71	Ray Ryan et al. and/or Ryan Oil Co., 218 Court Bldg., Evansville, Ind. 47708.
CS72-486.....	12- 9-71	S & S Gas Co., Box 191, Borger, TX 79007.
CS72-487.....	12- 9-71	David L. Murphy, 508 Oil & Gas Bldg., Oklahoma City, Okla. 73102.
CS72-488.....	12-10-71	Estate of W. D. McBee, 1305 Dallas Federal Savings Bldg., Dallas, Tex. 75201.
CS72-489.....	12-10-71	Warren American Oil Co., 915 First National Bldg., Tulsa, Okla. 74103.
CS72-490.....	12-10-71	John M. McCollum et al., 2875 Bank of New Orleans Bldg., 1010 Common St., New Orleans, LA 70112.
CS72-491.....	12-10-71	J. D. Wraithier, Jr., Eldorado Bldg., Suite 201, 2929 Cedar Springs Rd., Dallas, TX 75219.
CS72-494.....	12-13-71	The National Oil Co., 1111 Vickers Tower, Wichita, Kans. 67202.

Docket No.	Date Filed	Name of Applicant
CS72-495.....	12-13-71	Mobley & Davis 1968, 1011 Commercial National Bank Bldg., Shreveport, La. 71101.
CS72-496.....	12-13-71	Amrox Drilling Partnership No. A-2, 313 Hightower Bldg., Oklahoma City, Okla. 73102.
CS72-497.....	12-13-71	Amarko Co., 313 Hightower Bldg., Oklahoma City, Okla. 73102.
CS72-498.....	12-31-71	J. H. Bander, 800 Building of the Southwest, Midland, Tex. 79601.
CS72-499.....	12-13-71	Central Leduc Oils, Inc., 1407 Main, Suite 1300, Dallas, Tex. 75202.
CS72-500.....	12-31-71	Bradley Drilling, Inc., 1620 Vickers-KSB&T Bldg., Wichita, Kans. 67202.
CS72-501.....	12-13-71	Roberts and Murphy, Inc., Post Office Box 7135, Shreveport, LA 71107.
CS72-502.....	12-13-71	Ernest B. Fay, 2304 First City National Bank Bldg., Houston, Tex. 77002.
CS72-503.....	12-13-71	Falcon Seaboard Inc., Strong, Allen and Gray, 1111 Judson Rd., Longview, TX 75601.
CS72-504.....	12-13-71	Cologne Production Co., D- 116 Petroleum Center, 900 Northeast Loop 410, San Antonio, TX 78200.
CS72-505.....	12-13-71	G. E. Penn, 817 First Na- tional Bank Bldg., Long- view, Tex. 75601.

[PR Doc.71-18962 Filed 12-29-71;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., 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 80 percent or more of the voting shares of Mercantile National Bank of Miami Beach, Miami Beach, Fla. (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 has 29 subsidiary banks with aggregate deposits of approximately \$881 million, representing 6 percent of the commercial bank deposits in Florida, and Bank has deposits of \$62 million. (Banking data are as of June 30, 1971.) Approval of the acquisition of Bank will increase Applicant's percentage share of deposits in Florida by only one-half of 1 percent.

Applicant presently has only one subsidiary bank in Dade County, and this subsidiary is the 37th largest of 38 banking organizations in the County, with only 0.2 percent of deposits. Bank, which primarily serves the Miami Beach area of Dade County, ranks eleventh, with 2.2 percent of Dade County deposits. Due to the distance between Bank and the subsidiary, the large number of intervening banks and the natural barrier of Biscayne Bay which separates the two, there is only a minimal amount of competition

existing between them. These considerations and other facts of record also render unlikely the possibility of increased future competition between applicant and Bank. Alternatively, approval of this application should serve to strengthen applicant's competitive capabilities with regard to its much larger competitors in the Dade County area. On this basis, the Board finds that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of applicant, its subsidiary banks, and Bank are regarded as consistent with approval. Considerations related to the convenience and needs of the community lend weight for approval of the application. Applicant intends to more aggressively promote the trust, international and bond investment departments of Bank and to make Bank a full service banking competitor in its area. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction 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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,¹
December 23, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-19025 Filed 12-29-71;8:46 am]

BRENTON BANKS, INC.

Order Approving Acquisition of Bank

Brenton Banks, Inc., of Des Moines, Iowa, 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 99 percent of the voting shares of Brenton Bank and Trust Co. of Cedar Rapids, Cedar Rapids, Iowa (Bank), a proposed new 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 controls 16 banks with aggregate deposits of \$220 million, representing 3.2 percent of the total commercial bank deposits in the State, and is the third largest banking organization in Iowa. (All banking data are as

of June 30, 1971, and reflect holding company formations and acquisitions approved through October 31, 1971.) Since Bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area.

Bank will be located in downtown Cedar Rapids (estimated population: 111,000), and will represent the initial entry by applicant into the Cedar Rapids banking market. Applicant's closest subsidiary to Bank is located 27 road miles northwest of the proposed bank, and there are numerous offices of banks in the intervening area. Applicant's acquisition of Bank would have a procompetitive effect as it would mark the first entry in 37 years into this market of a banking institution not associated with existing Cedar Rapids banks. That market is concentrated with the two largest organizations controlling 50.3 percent and 14.4 percent, respectively, of deposits and the entrance of applicant should stimulate competition without having adverse effects on any competing bank.

The financial condition, management, and prospects of applicant and its subsidiary banks are regarded as generally satisfactory. Bank has no operating financial history. It will open with satisfactory capital, and it will be able to draw on applicant for its management. Its prospects are favorable and the banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend weight toward approval as Bank will provide an additional source of full banking services. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction 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; and (c) Brenton Bank and Trust Co. of Cedar Rapids, Iowa, shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,¹
December 23, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc. 71-19024 Filed 12-29-71;8:46 am]

CODY AGENCY, INC.

Formation of Bank Holding Company

Cody Agency, Inc., whose principal place of business is in Cody, Nebr., has

¹ Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel and Brimmer. Absent and not voting: Chairman Burns and Governor Mitchell.

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 of Bank of Cody, Cody, Nebr. 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 January 24, 1972.

Board of Governors of the Federal Reserve System, December 23, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-19046 Filed 12-29-71;8:47 am]

CODY AGENCY, INC.

Proposed Acquisition of Cody Insurance Agency

Cody Agency, Inc., whose principal place of business is in Cody, Nebr., 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 Cody Insurance Agency, Cody, Nebr. Notice of the application was published on December 9, 1971, in the Valentine Newspaper, a newspaper circulated in Valentine, Nebr.

Applicant states that the proposed subsidiary would engage in the general insurance business. 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 January 24, 1972.

¹ Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Mitchell.

Board of Governors of the Federal Reserve System, December 23, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-19045 Filed 12-29-71;8:47 am]

FIRST AT ORLANDO CORP.

Order Denying Request for Reconsideration

First at Orlando Corp., Orlando, Fla., has requested reconsideration of the Order of the Board of Governors dated November 9, 1971, whereby the Board denied the application of First at Orlando Corp. for prior approval for the acquisition of 90 percent or more of the voting shares of National Bank of Sarasota, Sarasota, Fla., pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)).

Pursuant to § 262.3(f) (6) of the Board's rules, applicant requests reconsideration of its original proposal. The Board finds that the request for reconsideration does not present substantially new facts or issues which would appear appropriate in the public interest for the Board to consider. Accordingly, the Board concludes that the request for reconsideration is hereby denied.

By order of the Board of Governors, December 23, 1971.

[SEAL]

ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-19026 Filed 12-29-71;8:46 am]

FIRST TENNESSEE NATIONAL CORP.

Acquisition of Bank

First Tennessee National Corp. (formerly First National Holding Corp.), Memphis, Tenn., 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 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Kingsport National Bank, Kingsport, Tenn. 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 January 21, 1972.

Board of Governors of the Federal Reserve System, December 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-19023 Filed 12-29-71;8:45 am]

¹ Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Mitchell.

FLORIDA BANCORP, INC.

Formation of Bank Holding Company

Florida Bancorp, Inc., Pompano Beach, Fla., 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 80 percent or more of the voting shares of Pompano Beach Bank and Trust Co., and Oceanside Bank, both located in Pompano Beach, Fla. 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 Atlanta. 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 January 24, 1972.

Board of Governors of the Federal Reserve System, December 23, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-19047 Filed 12-29-71;8:47 am]

HUNTINGTON BANCSHARES INC.

Acquisition of Bank

Huntington Bancshares Incorporated, Columbus, Ohio, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of the voting shares of The First National Bank of Wadsworth, Wadsworth, Ohio. 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 Cleveland. 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 January 21, 1972.

Board of Governors of the Federal Reserve System, December 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-19027 Filed 12-29-71;8:46 am]

SOUTHWEST BANCSHARES, INC.

Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., 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 100 percent of the voting shares (less directors' qualifying shares) of Continental National Bank of Fort Worth, Fort Worth, Tex. The factors that are considered in acting on the applica-

tion are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 24, 1972.

Board of Governors of the Federal Reserve System, December 23, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-19048 Filed 12-29-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5127]

ARKANSAS-MISSOURI POWER CO. AND MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Issue and Sale of Notes by Subsidiary Company and Acquisition Thereof by Holding Company

DECEMBER 23, 1971.

Notice is hereby given that Arkansas-Missouri Power Co. (Ark-Mo), 405 West Park Street, Blytheville, AR 72315, a subsidiary company of Middle South Utilities, Inc. (Middle South), 280 Park Avenue, New York, NY 10017, a registered holding company, and Middle South have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7(a), 9(a), 10(a), 12(b), and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ark-Mo proposes to issue and sell from time to time through December 31, 1972, up to \$4,100,000 of its unsecured short-term promissory notes of a maturity of not more than 12 months and Middle South proposes to acquire such notes. These notes are in addition to short-term bank borrowings previously authorized up to an aggregate of \$8,250,000 (Holding Company Act Release No. 17268). The net proceeds to be received by Ark-Mo from the issuance and sale of the notes will be applied to its 1972 construction program presently estimated at \$5,573,000. The notes will be payable not more than 12 months from the date of issuance and will bear interest at the prime rate (currently 5½ percent) in effect at the Manufacturers Hanover Trust Co. from time to time. The notes will, at the option of Ark-Mo, be prepayable in whole or in part at any time without premium or penalty.

It is stated that no State commission and no Federal commission, other than

this Commission, has jurisdiction over the proposed transactions. It is further stated that no fees, commissions or expenses are expected to be incurred in connection with the proposed transactions.

Notice is further given that any interested person may, not later than January 13, 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 of law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-19057 Filed 12-29-71; 8:47 am]

[811-1870]

BARON FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

DECEMBER 22, 1971.

Notice is hereby given that Baron Fund, Inc. (Applicant), c/o Mr. Ronald Baron, 8200 Kennedy Boulevard East, Apartment 27L, North Bergen, NJ 07047, a Delaware corporation registered as an open-end, nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file

with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant represents that it registered under the Act on May 23, 1969, by filing a notification of registration on Form N-8A. Applicant further represents that it has no assets, and that it has not issued or made any public offering or sale of its securities and does not intend to do so in the future. Applicant's Form S-5 Registration Statement filed with the Commission on August 26, 1969, was withdrawn by an order of the Commission on September 24, 1971.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 12, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-19058 Filed 12-29-71; 8:47 am]

[812-3069]

CHEMICAL FUND, INC.

Notice of Filing of Application for an Order Exempting Sale by Open-End Company of Its Securities at Other Than Public Offering Price

DECEMBER 23, 1971.

Notice is hereby given that Chemical Fund, Inc. (Applicant), 61 Broadway, New York, NY 10006, a Delaware corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(e) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act transactions in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of Wauregan Investment Co. (Wauregan) and Webster Co. (Webster). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Wauregan, a Delaware corporation, and Webster, a Rhode Island corporation, are personal holding companies, all of whose outstanding stock is owned by two and four persons, respectively, and are thus exempted from the definition of an investment company and the necessity to register under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to Applicant's agreement with Wauregan and Webster, assets owned by Wauregan and Webster with an aggregate value of approximately \$5,751,500 on October 31, 1971, will be transferred to Applicant in exchange for shares of Applicant's stock.

The number of shares of Applicant to be issued to Wauregan and Webster is to be determined by dividing the aggregate market value of the assets of Wauregan and Webster (subject to certain adjustments as set forth in the application) to be transferred to Applicant by the net asset value per share of Applicant (as defined in the agreement), both to be determined as of the valuation time. If the valuation provided for in the agreement, including the adjustments, had taken place on October 31, 1971, the market value of the assets of Wauregan and Webster to be acquired would have been decreased by 2.7 percent and 1.7 percent, respectively.

When received by Wauregan and Webster, the shares of Applicant are to be distributed to the Wauregan and Webster shareholders upon the liquidation of Wauregan and Webster. Applicant has been advised by the management of Wauregan and Webster that the shareholders of Wauregan and Webster do not have any present intention of redeeming or otherwise transferring the shares of Applicant to be received upon

such liquidation following the sale of assets of Wauregan and Webster to Applicant, except that Wauregan will transfer to the Applicant along with its other assets the shares of the Applicant received by it as a stockholder of Webster. Applicant intends to sell a portion of the securities acquired from Wauregan and Webster subsequent to their acquisition as set out in the application.

Applicant represents that no affiliation exists between Wauregan and Webster or any officer, director or stockholder thereof and Applicant, and that the agreement was negotiated at arm's-length by the parties.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) of the Act permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d), and submits that the granting of the application would be in accordance with established practice of the Commission, and is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 13, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.71-19059 Filed 12-29-71;8:47 am]

[File No. B34-1790]

COATINGS UNLIMITED, INC.

Order Suspending Trading

DECEMBER 22, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Coatings Unlimited, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 27, 1971, through January 5, 1972.

By the Commission.
[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.71-19060 Filed 12-29-71;8:47 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 22, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 27, 1971, through January 5, 1972.

By the Commission.
[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.71-19061 Filed 12-29-71;8:47 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

DECEMBER 22, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange,

the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such 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 December 25, 1971, through January 3, 1972.

By the Commission.
[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.71-19062 Filed 12-29-71;8:48 am]

[70-5085]

GEORGIA POWER CO.

Notice of Proposed Modification of Indenture

DECEMBER 23, 1971.

Notice is hereby given that Georgia Power Co. (Georgia), 270 Peachtree Street NW., Atlanta, GA 30303, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) (2) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to execute a supplemental indenture modifying certain provisions contained in its Indenture dated March 1, 1941, to the New York Trust Co., as trustee, succeeded by Chemical Bank of New York, and as supplemented by various supplemental indentures. The proposed modification would (a) immediately increase the aggregate principal amount of bonds of all series which may at any one time be outstanding under and secured by the Indenture from one billion dollars (\$1,000,000,000) to two billion dollars (\$2,000,000,000), and (b) provide that such aggregate principal amount of bonds, which may at any one time be outstanding, may thereafter be increased or decreased from time to time by a supplemental indenture or indentures executed and delivered to the trustee by Georgia pursuant to authorization by its board of directors and stockholders. No change is proposed in any of the other provisions of the Indenture relating to or restricting the issue and authentication of bonds.

The declaration states that the \$1-billion limitation was placed in the Indenture solely for the purpose of complying with the laws of the State of Georgia, which in the opinion of Georgia's counsel, required a mortgage to state a maximum amount of bonds which might be outstanding thereunder to be valid in Georgia. It is further stated that in the opinion of counsel for Georgia, the proposed amendment will satisfy any requirements of Georgia law relating to specification of the maximum principal amount of bonds to be issued under and secured by the Indenture.

It is stated that by 1958, Georgia had realized that it would be necessary, given its anticipated rate of growth, to exceed the \$1-billion limitation of outstanding mortgage bonds, but had assumed that such need would not arise prior to the retirement of the bonds then outstanding. Commencing in 1958, all supplemental indentures were written in such manner as to permit the maximum amount of secured indebtedness to be established or modified by Georgia, through the filing of a supplemental indenture relating thereto. Growth of plant during the intervening period has proved to be of a greater magnitude than anticipated in 1958, and Georgia now predicts the need to issue mortgage bonds under the Indenture in such amounts as will bring the total outstanding amount up to \$1 billion in 1972 or early 1973. It is an consequence of this prediction Georgia now proposes to modify its Indenture as described herein. As of the date of filing, \$777,414,000 principal amount of mortgage bonds was outstanding, of which \$126,789,000 were issued prior to 1958 and thus were not affected by the supplemental indentures removing the \$1-billion restriction which have been executed since that year.

The fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. The declarant states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said 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 amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under

the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall serve a copy of this notice by registered mail upon Chemical Bank, trustee.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-19064 Filed 12-29-71;8:48 am]

[812-3040]

WASATCH NATIONAL, INC.

Notice of Filing of Application for Order of Temporary Exemption

DECEMBER 23, 1971.

Notice is hereby given that Wasatch National, Inc. (applicant), c/o Commercial Security Bank, Ogden, Utah 84401, a Delaware corporation, has applied pursuant to sections 6(c) and 6(e) of the Investment Company Act of 1940 (Act) for an order of the Commission temporarily exempting it from the provisions of section 7 of the Act. Applicant, in requesting such temporary exemption, has agreed that applicant and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though applicant were a registered investment company, other than the following: Section 8; subsections (a) and (c) of section 10; subsection (a) (2) of section 13; subsections (f), (g), and (h) of section 17; section 30 (except subsection (f) thereof); section 31; and Section 32 of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations, which are summarized below:

This request has been made as an amendment to an application filed by applicant pursuant to section 3(b) (2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b) (2) of the Act provides that the filing of an application thereunder shall exempt the applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The last business day before the expiration of the 60-day period of exemption provided in section 3(b) (2) was on December 10, 1971. Applicant, which has not registered as an investment company under the Act, has asked that it be exempted, as requested, from December 10, 1971, until the Commission has acted upon the application under section 3(b) (2) of the Act.

Notice is further given that, with respect to the application filed pursuant to sections 6(c) and 6(e) of the Act for an order of temporary exemption, any interested person may, not later than January 13, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in 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 for an order of temporary exemption may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon 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.71-19065 Filed 12-29-71;8:48 am]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Dockets Nos. E72-025-E72-054]

ATTORNEY GENERAL'S LIST OF ORGANIZATIONS

Notice of Hearings

John N. Mitchell, Attorney General of the United States, Petitioner, in regard:

- American Committee for Spanish Freedom, Docket No. E72-026.
- American Committee for Yugoslav Relief, Inc. (AKA: War Relief Fund of Americans of South Slavic Descent), Docket No. E72-027.
- American Council on Soviet Relations, Docket No. E72-028.
- American Croatian Congress, Docket No. E72-029.
- American-Russian Fraternal Society, Docket No. E72-030.
- American Russian Institute, New York (AKA: American Russian Institute for Cultural Relations), Docket No. E72-031.
- American Russian Institute, Philadelphia, Docket No. E72-032.
- American Slav Congress, Docket No. E72-033.
- American Women for Peace, Docket No. E72-034.

American Youth Congress, Docket No. E72-035.
 American Youth for Democracy, Docket No. E72-036.
 Association of German Nationals (Reichs-deutsche Vereinigung) Docket No. E72-037.
 Ausland-Organisation der NSDAP, Overseas Branch of Nazi Party, Docket No. E72-038.
 Baltimore Forum, Docket No. E72-039.
 Benjamin Davis Freedom Committee, Docket No. E72-040.
 Black Dragon Society (AKA: Kokuryu Kai), Docket No. E72-041.
 Boston School for Marxist Studies, Boston, Mass., Docket No. E72-042.
 Bridges-Robertson-Schmidt Defense Committee, Docket No. E72-043.
 Bulgarian American People's League of the United States of America, Docket No. E72-044.
 California Emergency Defense Committee, Docket No. E72-045.
 California Labor School, Inc., Docket No. E72-046.
 Carpatho-Russian People's Society, Docket No. E72-047.
 Central Council of American Women of Croatian Descent (AKA: Central Council of American Croatian Women; National Council of Croatian Women), Docket No. E72-048.
 Central Japanese Association (Belkoku Chuo Nipponjin Kai), Docket No. E72-049.
 Central Japanese Association of Southern California, Docket No. E72-050.
 Central Organizations of the German-American National Alliance (Deutsche-Amerikanische Einheitsfront), Docket No. E72-051.
 Cervantes Fraternal Society, Docket No. E72-052.
 China Welfare Appeal, Inc., Docket No. E72-053.
 Chopin Cultural Center, Docket No. E72-054.

On November 9, 1971, the Attorney General petitioned the Subversive Activities Control Board for a determination that the above organizations now on the Attorney General's List have ceased to exist. The petitions are published in accordance with the rules of the Subversive Activities Control Board.

Notice is hereby given pursuant to Executive Order 11605 and the Rules of the Subversive Activities Control Board issued in accordance therewith that hearings on the petitions will be held Tuesday, January 18, 1972, at 11 a.m., in Room 500, 2120 L Street NW., Washington, DC 20037.

JOHN W. MAHAN,
 Chairman, Subversive
 Activities Control Board.

[Docket No. E72-026]

In regard American Committee for Spanish Freedom, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Committee for Spanish Freedom ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about September 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 1205, 299 Madison Avenue, New York City, NY.

Therefore the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Committee for Spanish Freedom has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
 Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American Committee for Spanish Freedom, at the following last known address: Room 1205, 299 Madison Avenue, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
 Attorney, Department of Justice.

[Docket No. E72-027]

In regard American Committee for Yugoslav Relief, Inc. (AKA: War Relief Fund of Americans of South Slavic Descent), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Committee for Yugoslav Relief, Inc., ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1949. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 22, 465 Lexington Avenue, New York 17, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Committee for Yugoslav Relief, Inc., has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
 Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American Committee for Yugoslav Relief, Inc., at the

following last known address: Room 22, 465 Lexington Avenue, New York 17, NY.

For the Attorney General.

THOMAS E. MARUM,
 Attorney, Department of Justice.

[Docket No. E72-028]

In regard American Council on Soviet Relations, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Council on Soviet Relations ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1945. There is no record of any known activity since that date.

The last known address of the above-named organization was 112 East 19th Street, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Council on Soviet Relations has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
 Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American Council on Soviet Relations, at the following last known address: 112 East 19th Street, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
 Attorney, Department of Justice.

[Docket No. E72-029]

In regard American Croatian Congress, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Croatian Congress ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1949. There is no record of any known activity since that date.

The last known address of the above-named organization was 434 Diamond Street, Pittsburgh, PA.

Therefore, the Government petitions this Board for a determination in accordance with

section 12(1) of Executive Order 10450, as amended, that the American Croatian Congress has ceased to exist.

In the absence of a specific request from the Board, at least ten days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American Croatian Congress, at the following last known address: 434 Diamond Street, Pittsburgh, Pa.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-030]

In regard American-Russian Fraternal Society, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American-Russian Fraternal Society ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 Fifth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American-Russian Fraternal Society has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American-Russian Fraternal Society, at the following last known address: 80 Fifth Avenue, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-031]

In regard American Russian Institute, New York (AKA: American Russian Institute

for Cultural Relations with the Soviet Union), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Russian Institute, New York, ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about September 1950. There is no record of any known activity since that date.

The last known address of the above-named organization was 58 Park Avenue, New York, 16, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Russian Institute, New York, has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American Russian Institute, New York, at the following last known address: 58 Park Avenue, New York, 16, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-032]

In regard American Russian Institute, Philadelphia, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Russian Institute, Philadelphia, ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1947. There is no record of any known activity since that date, and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Russian Institute, Philadelphia has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-033]

In regard American Slav Congress, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Slav Congress ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about November 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was 130 East 16th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Slav Congress has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American Slav Congress, at the following last known address: 130 East 16th Street, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-034]

In regard American Women For Peace, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Women For Peace ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 125, 1186 Broadway, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Women For Peace has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan

to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American Women For Peace, at the following last known address: Room 125, 1186 Broadway, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-035]

In regard American Youth Congress, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the American Youth Congress ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was 230 Fifth Avenue, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Youth Congress has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day November 1971 to the American Youth Congress, at the following last known address: 230 Fifth Avenue, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-036]

In regard American Youth for Democracy, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions

this Board for a determination that the American Youth for Democracy ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1949. There is no record of any known activity since that date.

The last known address of the above-named organization was 150 Nassau Street, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the American Youth for Democracy has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the American Youth for Democracy, at the following last known address: 150 Nassau Street, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-037]

In regard Association of German Nationals (Reichsdeutsche Vereinigung), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Association of German Nationals ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about September 1939. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o Fritz Koehler, 1422½ North Benton Way, Los Angeles, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Association of German Nationals (Reichsdeutsche Vereinigung) has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board

(Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Association of German Nationals (Reichsdeutsche Vereinigung), c/o Fritz Koehler, 1422½ North Benton Way, Los Angeles, CA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-038]

In regard Ausland-Organization der NSDAP, Overseas Branch of Nazi Party, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Ausland-Organization der NSDAP, Overseas Branch of Nazi Party ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date, and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Ausland-Organization der NSDAP, Overseas Branch of Nazi Party has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-039]

In regard Baltimore Forum, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Baltimore Forum ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1953. There is no record of any known activity since that date.

The last known address of the above-named organization was 1613 Pulaski Street, Baltimore, MD.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Baltimore Forum has ceased to exist.

In the absence of a specific request from the Board at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Baltimore Forum, at the following last known address: 1613 Pulaski Street, Baltimore, MD.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-040]

In regard Benjamin Davis Freedom Committee, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Benjamin Davis Freedom Committee ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1955. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 415, 217 West 125th Street, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Benjamin Davis Freedom Committee has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Benjamin Davis Freedom Committee, at the following last known address: Room 415, 217 West 125th Street, New York City, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-041]

In regard Black Dragon Society (AKA: Kokuryu Kai), petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Black Dragon Society ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization

ceased to exist on or about December 1941. There is no record of any known activity since that date, and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Black Dragon Society has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-042]

In regard Boston School for Marxist Studies, Boston, Mass., petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Boston School for Marxist Studies, Boston, Mass., ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about September 1949. There is no record of any known activity since that date.

The last known address of the above-named organization was Regent Manor, 646 Warren Street, Roxbury, MA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Boston School for Marxist Studies, Boston, Mass., has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Boston School for Marxist Studies, Boston, Mass., at the following last known address: Regent Manor, 646 Warren Street, Roxbury, MA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-043]

In regard Bridges-Robertson-Schmidt Defense Committee, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions

this Board for a determination that the Bridges-Robertson-Schmidt Defense Committee ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1953. There is no record of any known activity since that date.

The last known address of the above-named organization was 150 Golden Gate Avenue, San Francisco, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Bridges-Robertson-Schmidt Defense Committee has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Bridges-Robertson-Schmidt Defense Committee, at the following last known address: 150 Golden Gate Avenue, San Francisco, CA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-044]

In regard Bulgarian American People's League of the United States of America, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Bulgarian American People's League of the United States of America ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was 1314 East Ferry Street, Detroit, MI.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Bulgarian American People's League of the United States of America has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Bulgarian American People's League of the United States of America, at the following last known address: 1314 East Ferry Street, Detroit, MI.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-045]

In regard California Emergency Defense Committee, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the California Emergency Defense Committee ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about March 1957. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 202, 323 South Western Avenue, Los Angeles, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the California Emergency Defense Committee has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the California Emergency Defense Committee, at the following last known address: Room 202, 323 South Western Avenue, Los Angeles, CA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E-72-046]

In regard California Labor School, Inc., petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the California Labor School, Inc., ceased to exist more than 10 years prior to the filing of this

petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1957. There is no record of any known activity since that date.

The last known address of the above-named organization was 321 Divisadero Street, San Francisco, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the California Labor School, Inc., has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the California Labor School, Inc., at the following last known address: 321 Divisadero Street, San Francisco, CA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-047]

In regard Carpatho-Russian People's Society, petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Carpatho-Russian People's Society ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 Fifth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Carpatho-Russian People's Society has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of

the attached petition has been mailed this 9th day of November 1971 to the Carpatho-Russian People's Society, at the following last known address: 80 Fifth Avenue, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket E72-048]

In regard Central Council of American Women of Croatian Descent (AKA: Central Council of American Croatian Women; National Council of Croatian Women), petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Central Council of American Women of Croatian Descent ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about September 1949. There is no record of any known activity since that date.

The last known address of the above-named organization was 632 Blakewell Building, 417 Grant Street, Pittsburgh, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(i) of Executive Order 10450, as amended, that the Central Council of American Women of Croatian Descent has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Central Council of American Women of Croatian Descent, at the following last known address: 632 Blakewell Building, 417 Grant Street, Pittsburgh, PA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-049]

In regard Central Japanese Association (Beikoku Chuo Nipponjin Kai), petition for a determination pursuant to section 12(i) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(i) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Central Japanese Association ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Central Japanese Association has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-050]

In regard Central Japanese Association of Southern California, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Central Japanese Association of Southern California ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date, and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Central Japanese Association of Southern California has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-051]

In regard Central Organization of the German-American National Alliance (Deutsche-Amerikanische Einheitsfront), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Central Organization of the German-American National Alliance ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was 1606 North Larrabee Street, Chicago, IL.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Central Organization of the German-American National Alliance has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW, Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Central Organization of the German-American National Alliance, at the following last known address: 1606 North Larrabee Street, Chicago, IL.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-052]

In regard Cervantes Fraternal Society, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Cervantes Fraternal Society ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 Fifth Avenue, New York, N.Y.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Cervantes Fraternal Society has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW, Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Cervantes Fraternal Society, at the following last known address: 80 Fifth Avenue, New York, N.Y.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-053]

In regard China Welfare Appeal, Inc., petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the China Welfare Appeal, Inc., ceased to exist more than 10 years prior to the filing of this petition and has not existed during said period.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about June 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 153 East 33d Street, New York 16, N.Y.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the China Welfare Appeal, Inc. has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW, Washington, DC 20037) on Proceedings Under Executive Order No. 11605 issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971, to the China Welfare Appeal, Inc., at the following last known address: 153 East 33d Street, New York 16, N.Y.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-054]

In regard Chopin Cultural Center, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Chopin Cultural Center has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about November 1967. There is no record of any known activity since that date.

The last known address of the above-named organization was 1547 North Leavitt Street, Chicago, IL.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Chopin Cultural Center has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to §201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11805, issued July 2, 1971, a copy of the attached petition has been mailed this 9th day of November 1971 to the Chopin Cultural Center, at the following last known address: 1547 North Leavitt Street, Chicago, IL.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[FR Doc.71-19072 Filed 12-29-71;8:48 am]

TARIFF COMMISSION

[TEA-W-128]

BATES MANUFACTURING CO., INC.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of former workers of the Hill Division of the Bates Manufacturing Co., Inc., Lewiston, Maine, the U.S. Tariff Commission instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with broadwoven fabrics of cotton and/or manmade fibers of the types produced by the Hill Division of the firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such division.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: December 27, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-19069 Filed 12-29-71;8:51 am]

[337-L-46]

CLOSED TOE CIRCULAR HOSIERY KNITTING MACHINES AND DEVICES

Extension of Time for Filing Written Views

On December 2, 1971, the U.S. Tariff Commission published notice of the re-

ceipt of a complaint under section 337 of the Tariff Act of 1930, filed by Scott & Williams, Inc., of Laconia, N.H., alleging unfair methods of competition and unfair acts in the unauthorized importation and sale of certain closed toe circular hosiery knitting machines and devices said to be embraced within the claims of U.S. Patent No. 3,340,706 and Reissue No. 26,580 and certain knitted stockings said to be embraced within the claims of U.S. Patent No. 3,327,500 and Reissue No. 26,581, both of which reissued patents are owned by complainant. 36 F.R. 23018. The complaint also alleged further unfair methods or acts in the form of a conspiracy or combination among the respondents to avoid competition among themselves in the United States and to boycott complainant's patents.

Interested parties were given until January 10, 1972, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The time for filing written views has been extended until the close of business on February 9, 1972.

Issued: December 27, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-19068 Filed 12-29-71;8:51 am]

WILTON AND VELVET CARPETS AND RUGS

Report to the President

DECEMBER 27, 1971.

The U.S. Tariff Commission, in a report sent to the President today on recent developments in the trade in Wilton and velvet carpets and rugs, indicated that U.S. output of Wiltons and velvets in the first half of 1971 was 23 percent less than in the corresponding period of 1970, continuing the downward trend in output of those types of carpets and rugs that started in 1959. In most of the 16 firms producing Wiltons and velvets, such floor coverings account for a minor part of their total output, but in some three or four smaller firms Wiltons and velvets account for all or a major part of total production of the firms.

At the close of 1969, the President extended the escape-clause rate (40 percent ad valorem) on Wilton and velvets other than imitation oriental types to the close of December 31, 1972, but permitted the escape-clause rate of duty on imitation oriental types of carpeting to revert to 21 percent ad valorem (which was the trade-agreement rate of duty).

U.S. imports of all Wiltons and velvets declined in 1970, following a gradual increase during 1965-69, but in the first 9 months of 1971 they were nearly double those in the corresponding period of 1970. Imports of imitation oriental types, on which the escape-clause rate had been terminated, increased from 451,000 square yards in 1970 to 728,000 square yards in the first 9 months of 1971. Imports of nonoriental types, on which the escape-clause rate was extended,

amounted to 244,000 square yards in 1970 and 182,000 square yards in the first 9 months of 1971. It is estimated that imports of the nonoriental types in 1971 will be less than 2 percent of U.S. consumption of such floor coverings.

The Commission report was submitted to the President in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides as follows:

So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Copies of the public report (TC Publication No. 447) will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By direction of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-19067 Filed 12-29-71;8:51 am]

TENNESSEE VALLEY AUTHORITY

FINAL ENVIRONMENTAL STATEMENT

Notice of Availability

Notice is hereby given that copies of a document entitled "Environmental Statement, Policies Relating to Sources of Coal Used by the Tennessee Valley Authority for Electric Power Generation" dated December 6, 1971, have been made available to the President, the Council on Environmental Quality, and to the public as required by section 102(2)(C) of the National Environmental Policy Act. Copies of the document are available for public examination in the office of the Director of Information, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets NW., Washington, DC 20444.

Single copies of the final statement will be furnished upon request addressed to the Director of Information, at the above address.

Dated at Knoxville, Tenn., this the 20th day of December 1971, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.71-19069 Filed 12-29-71;8:51 am]

REHABILITATION OF THE NOLICHUCKY PROJECT

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a document entitled "Draft Environmental

Statement, Rehabilitation of the Nollchucky Project" has been prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and became available to the public on December 10, 1971. Copies of the document are accessible for public examination in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets, Washington, DC 20444. This statement covers the environmental considerations of TVA's proposed rehabilitation of Nollchucky Dam and reservoir site and the development and management of a waterfowl sanctuary in Greene County, Tenn.

Single copies of the draft statement will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tenn., this the 22d day of December 1971, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.71-19127 Filed 12-29-71;8:53 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

DECEMBER 27, 1971.

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 83539 Sub 311, C & H Transportation Co., Inc., assigned January 13, 1972, at San Francisco, Calif., canceled and application dismissed.

MC 134928, Donald L. Myers, doing business as L & D Cartage, assigned January 10, 1972, at Atlanta, Ga., is canceled and application dismissed.

MC-C 7182, Illinois-California Express, Inc., Investigation and Revocation of Certificates, assigned February 7, 1972, at Denver, Colo., is postponed to April 10, 1972, at Albuquerque, N. Mex.

MC 135620, Hjalmer W. Lappalainen, doing business as Viking Coach Lines, assigned January 10, 1972, at Duluth, Minn., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-19085 Filed 12-29-71;8:49 am]

ASSIGNMENT OF HEARINGS

DECEMBER 16, 1971.

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 135312, Floyd W. Mensch, assigned February 9, 1972, at Washington, D.C., is canceled and application dismissed.

MC 134112 Sub 2, Allen & Spittler, now being held January 13, 1972, at Omaha, Nebr., in the Hilton Hotel, Suite 1032-1034, 16th and Dodge.

MC 134112, Allen & Spittler, location of hearing room, scheduled to be held in Omaha, Nebr., during the period from January 13, 1972, to January 14, 1972, will be in the Hilton Hotel, Suite 1032-1034, 16th and Dodge.

MC 134063 Sub 3, Frank R. Chullino, doing business as Midwest Transportation, location of hearing scheduled to be held in Omaha, Nebr., during the period from January 11 to January 12, 1972, will be in the Castle Motor Hotel, Parlors A and B, 632 South 16th Street.

MC 113651 Sub 140, Indiana Refrigerated Lines, location of hearing room, scheduled to be held in Omaha, Nebr., during the period of January 10, 1972, will be held in the Continental Room, Continental Tower Motor Hotel, 2121 Douglas Street.

MC 25869 Sub 106, Notie Bros. Truck Line, MC 74321 Sub 50, B. F. Walker, MC 113678 Sub 432, Curtis, Inc., MC 135153 Sub 9, Great Overland, location of hearing room, scheduled to be held in Denver, Colo., during the period from January 17 to January 27, 1972, will be in Room B-230, U.S. Customhouse, 19th and Stout Street.

MC 133220 Sub 3, Record Truck Line, Inc., assigned for hearing on January 27, 1972, at Atlanta, Ga., hearing room to be later designated.

MC 35320 Sub 127, T.I.M.E.-DC, Inc., MC 41432 Sub 116, East Texas Motor Freight Lines, Inc., MC 105881 Sub 46, MR&R Trucking Co., now being assigned for hearing on February 28, 1972, in Room 305, 1252 West Peachtree Street, N.W., Atlanta, GA. I & S No. 8692 Sub 1, Citrus Fruits, Arizona and California to Eastern States, assigned for hearing February 14, 1972, at the Office of the Interstate Commerce Commission, Washington, D.C.

FD 25726, Wellsville, Addison & Galeton Railroad Corp., abandonment between Wellsville, N.Y., and Galeton, Pa., now being assigned further hearing on February 22, 1972, at Wellsville, N.Y., hearing room to be designated later.

MC 3700 Sub 64, Manhattan Transit Co., assigned January 31, 1972, will be held in Room 312, Public Utilities Commission, 1100 Raymond Boulevard, Newark, NJ.

MC 668 Sub 94, Inter-City Transportation Co., Inc., assigned January 24, 1972, will be held in Room 212, Public Utilities Commission, Newark, N.J.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-19086 Filed 12-29-71;8:49 am]

[Notice 102]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 23, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 115826 (Sub-No. 232), filed December 13, 1971. Applicant W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekiel Gomez (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, frozen and not frozen, from points in Minnesota, Illinois, Wisconsin, Iowa, Nebraska, and Missouri, to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Washington, Wyoming, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Hearing: January 17, 1972, in Room B-230, U.S. Customhouse, 19th and Stout Streets, Denver, CO.

No. MC 119632 (Sub-No. 49), filed November 26, 1971. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned and preserved foodstuffs (except cold pack or frozen), from Crowell and Edmore, Mich., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Hearing: January 10, 1972, Room 1614, U.S. Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

No. MC 115669 (Sub-No. 121) (Republication), filed November 30, 1970, published in the FEDERAL REGISTER issue of December 24, 1970, and republished in this issue. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. An order of the Commission, Division 1, Acting as an Appellate Division, dated November 24, 1971, and served December 13,

1971, upon consideration of the record in this proceeding including the report and order of the Commission, Review Board No. 3, of August 31, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of potash from points in Eddy County, New Mex., to points in Nebraska, restricted to the transportation of shipments originating from points in Eddy County, N. Mex., the FEDERAL REGISTER notice of December 24, 1970, in this matter was incorrect in that the authority as granted in this proceeding can in fact be tacked with applicant's existing authority, so as to permit a through service by applicant, from, to, or between points not included in the application. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice that the authority granted in this proceeding can be tacked with applicant's outstanding authority, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding.

No. MC 115826 (Sub-No. 212) (Republication), filed December 31, 1970, published in the FEDERAL REGISTER issues of January 28, 1971, and March 4, 1971, and republished this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088 T.A., Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. A report and order of the Commission, Review Board No. 3, decided December 2, 1971, and served December 14, 1971, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Pueblo, Colo., to points in California. Note: The Board further finds that no gateway elimination is involved herein as was stated in the previous publication. Because it is possible that other parties, who may have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER allowing any proper party, 30 days from the date of such publication, to file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced; that this proceeding shall be held open and the

issuance of any certificate herein shall be withheld pending final determination of applicant's fitness in No. MC-115826 (Sub-No. 212).

No. MC 135082 (Republication), filed November 6, 1970, published in the FEDERAL REGISTER issue of December 3, 1970, and republished this issue. Applicant: BURSCH TRUCKING, INC., 415 Rankin Road, Albuquerque, NM 87107. Applicant's representative: Wayne C. Wolfe, 820 Simms Building, Albuquerque, NM 87101. A decision and order of the Commission, Review Board No. 2, dated December 6, 1971, and served December 14, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of dry animal or poultry feed, from points in New Mexico and Texas (except points in Brazoria, Harris, Waller, Montgomery, Chambers, Galveston, and Fort Bend Counties) to points in Colorado and Arizona; (2) of dry livestock feed, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Colorado, Kansas, and Texas (except points in Brazoria, Harris, Waller, Montgomery, Chambers, Galveston, and Fort Bend Counties); and (3) of farm implements and supplies used in the raising of livestock, except those items which because of size or weight require the use of special equipment and self-propelled vehicles weighing 15,000 pounds, or more, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Colorado, Kansas, and Texas (except points in Brazoria, Harris, Waller, Montgomery, Chambers, Galveston, and Fort Bend Counties), restricted in (3) above to the transportation of traffic originating at and destined to the origin and destination points specified above. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.340).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11406. Authority sought for control and merger by ARTIM TRANSPORTATION SYSTEM, INC., 7105 Ken-

neddy Avenue, Hammond, IN 46323, of the operating rights and property of THE GLENN CARTAGE COMPANY, 11103 Memphis Road, Cleveland, OH 44144, and for acquisition by R. RALPH ARTIM, also of Hammond, Ind., of control of such rights and property through the transaction. Applicants' attorney: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Operating rights sought to be controlled and merged: *Steel, steel products, and machinery, as a common carrier over irregular routes, from Pittsburgh, Pa., and Youngstown, Ohio, and points within 50 miles of each, certain specified points in Ohio, Buffalo, N.Y., and Monroe and Detroit, Mich., and those points in Kentucky within 5 miles of the Ohio River, to points in Michigan, Ohio, Pennsylvania, New York, West Virginia, and points in Kentucky within 5 miles of the Ohio River, from Gibraltar, Mich., to points in Ohio, Pennsylvania, New York, West Virginia, and points in Kentucky within 5 miles of the Ohio River, from the site of the Ford Motor Co. plant located at the northeast intersection of Mound Road and 17-Mile Road in Sterling Township, Macomb County, Mich., to points in Ohio, Pennsylvania, New York, West Virginia, and points in Kentucky within 5 miles of the Ohio River, between the site of the Kelsey-Hayes Co. plant located at the intersection of North Line Road and Huron River Drive, in Romulus Township, Wayne County, Mich., on the one hand, and, on the other, points in Michigan, Ohio, Pennsylvania, New York, West Virginia, and that part of Kentucky within 5 miles of the Ohio River;*

Paper and paper products, from Detroit and Monroe, Mich., and certain specified points in Ohio, to the above-specified destination points; building material, from Bessemer, Pa., certain specified points in Ohio, and Detroit and Monroe, Mich., with restriction; steel and steel products, from points in the Detroit, Mich., commercial zone, as defined by the Commission, except Detroit, to points in New York, Ohio, Pennsylvania, West Virginia, and those in Kentucky within 5 miles of the Ohio River, from points in the Cleveland, Ohio, commercial zone, as defined by the Commission, except Cleveland, to points in Michigan, Pennsylvania, New York, West Virginia, and those in Kentucky within 5 miles of the Ohio River, from certain specified points in New York, to points in Michigan, Ohio, Pennsylvania, West Virginia, and those in Kentucky within 5 miles of the Ohio River; bituminized fiber conduit and conduit connections, from Ironton, Ohio, to points in Maryland, Michigan, New Jersey, New York, Pennsylvania, Indiana, and West Virginia, from Ironton, Ohio, to points in Delaware; pallets and other articles used in the transportation of the above-specified commodities, from points in Maryland, Michigan, New Jersey, New York, Pennsylvania, Indiana, and West Virginia, to Ironton, Ohio; plastic pipe and plastic pipe connections, from Huntington, W. Va., to points in Delaware,

Maryland, Michigan, New Jersey, New York, West Virginia, Pennsylvania (except points on and west of U.S. Highway 219), and Indiana (except points on and east of U.S. Highway 31 and on and south of U.S. Highway 40), with restriction; iron and steel articles and equipment and supplies used or useful in the manufacture of iron and steel and iron and steel articles, between the plantsite of the Bethlehem Steel Corp. at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Michigan, Ohio, Pennsylvania, New York, West Virginia, and those points in Kentucky within 5 miles of the Ohio River, with restriction;

Concrete and plastic pipe (except that requiring special equipment) and *pipe fittings*, from Springfield, Ill., to points in Delaware, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia; and *pre-cast concrete slabs and beams, and accessories, supplies, and materials* incidental to the installation thereof, from Kent and Dayton, Ohio, to points in New York and West Virginia, from points in Wayne Township, in Montgomery County, Ohio, to points in Kentucky, Indiana, Michigan, Pennsylvania, New York, and West Virginia. ARTIM TRANSPORTATION SYSTEM, INC., is authorized to operate as a common carrier in Indiana, Illinois, Wisconsin, Iowa, Michigan, Ohio, Missouri, Kentucky, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11407. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: IMPERIAL TRUCK LINES, INC., 101 North Avenue 18, Los Angeles, CA 90031 (MC-99745 Sub-1), and O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, CA 94303 (MC-71459), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. IMPERIAL TRUCK LINES, INC., is authorized to operate as a common carrier in Washington.

No. MC-F-11408. Authority sought for purchase by CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Post Office Box 212, Billings, MT 59103, of a portion of the operating rights of BELL & MOONEY, INC., 112 Richards Avenue, Post Office Box 925, Gillette, WY 82716. Applicants' attorney: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment*, incidental to or used in the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a common carrier over irregular routes, between railheads in Wyoming, on the one hand, and, on the other, points in

Wyoming not on railheads; *machinery, equipment, materials, and supplies*, except complete drilling rigs, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, from points in Niobrara County, Wyo., to points in Colorado, Montana, South Dakota, and Utah. Vendee is authorized to operate as a common carrier in Wyoming, Montana, Ohio, South Dakota, Washington, Illinois, Indiana, Iowa, Kansas, Minnesota, Nebraska, North Dakota, Utah, Wisconsin, Michigan, Colorado and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11409. Authority sought for purchase by USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001, of a portion of the operating rights of DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001, and for acquisition by WILLIAM A. USHER AND H. L. USHER, both of Paducah, Ky. 42001, of control of such rights through the purchase. Applicants' attorney: H. S. Melton, Jr., Post Office Box 1407, Paducah, KY 42001. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a common carrier, over irregular routes, from Paducah, Ky., and points within 10 miles thereof, to points in described portions of Kentucky and Tennessee; *petroleum and petroleum products*, in bulk, in tank vehicles, from Paducah, Ky., and points within 10 miles thereof, to points in described portions of Missouri, from Memphis, Tenn., and points in Tennessee within 10 miles thereof, to points in that part of Kentucky on and west of U.S. Highway 41; *gasoline*, in bulk, in tank vehicles, for the U.S. Government and moving under Government bills of lading, from Cairo, Ill., to installations of the Tennessee Valley Authority near Jackson, Tenn.; *petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209, in bulk, in tank vehicles, from River Terminal at Birds Point, Mo., to points in described portions of Illinois, Indiana, Kentucky, and Tennessee, from the site of the pipeline terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark., to points in Tennessee and Kentucky on and west of U.S. Highway 231, except points in Kentucky on and west of U.S. Highway 41;

Asphalt, asphalt cutback, road oil, and fuel oil, from Kuttawa, Ky., and points within 10 miles thereof, to points in Tennessee on and west of U.S. Highway 231, points in Indiana on and south of U.S. Highway 150, points in Illinois on and south of U.S. Highway 50, and points in

Missouri on and east of U.S. Highway 67, with restriction; *liquid fertilizer solutions*, in bulk, in tank vehicles, from Birds Point, Mo., and points within 4 miles thereof, to points in Arkansas, Illinois, Kentucky, and Tennessee; *asphalt and asphalt products*, in bulk, in tank vehicles, from the site of the terminal of Kentucky Asphalt Terminal, Inc., near Louisville, Ky., to points in Illinois, Indiana, and Ohio; *coal tar products*, as described in appendix XIV to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209, in bulk, in tank vehicles, from the site of the terminal of Kentucky Asphalt Terminal, Inc., near Louisville, Ky., to points in Illinois, Indiana, Ohio, and Tennessee; *defective and contaminated shipments of asphalt and asphalt products, coal tar products* as described by the Commission, and molasses, all in bulk, in tank vehicles, from their respective destination points to the site of the terminal of Kentucky Asphalt Terminal, Inc., near Louisville, Ky.; *liquid fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Hooker Chemical Corp. at or near Columbia, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, and Missouri; *coal spray oil, and residual fuel oil*, in bulk, in tank vehicles, from the plantsite of Delta Refining Co. at Memphis, Tenn., to points in the defined portions of Illinois; *liquefied petroleum gas* (except anhydrous ammonia), in bulk, in tank vehicles, from the plantsite of the Tamak Gas Products Co., at West Memphis, Ark., to points in Tennessee. Vendee is authorized to operate as a common carrier in Illinois, Missouri, Wisconsin, Kentucky, Tennessee, Indiana, Ohio, Michigan, West Virginia, Alabama, Georgia, Mississippi, North Carolina, South Carolina, Florida, Kansas, Nebraska, Iowa, Louisiana, Arkansas, Oklahoma, Pennsylvania, Texas, Virginia, and Maryland. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11410. Authority sought for purchase by SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521, of the operating rights and certain properties of BE-RITE DELIVERY SERVICE, INC., 1024 South Vandeventer Avenue, St. Louis, MO, and for acquisition by LEASEWAY TRANSPORTATION CORP., and, in turn, by HUGH O'NEILL, both of 21111 Chargin Boulevard, Cleveland, OH 44122, of control of such rights and certain properties through the purchase. Applicants' attorneys: John Andrew Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114, and Roland Rice, 618 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be transferred: *Such commodities* as are dealt in by retail mail order houses or department stores, as a contract carrier over irregular routes, between St. Louis, Mo., on the one hand, and, on the other, certain specified points in Illinois and Mis-

souri, between St. Louis, Mo., and Alton, Ill., with restrictions. Vendee is authorized to operate as a *contract carrier* in Illinois, Indiana, Michigan, Ohio, Maryland, New York, Pennsylvania, West Virginia, Wisconsin, Massachusetts, Vermont, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, North Carolina, South Carolina, Virginia, Missouri, Arkansas, Louisiana, New Jersey, Connecticut, Delaware, Kansas, Iowa, Maine, New Hampshire, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11411. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, CA 90015, of a portion of the operating rights of UNITED-BUCKINGHAM FREIGHT LINES, INC., and of NORWALK TRUCK LINES, INC., 5773 South Prince Street, Littleton, CO 80120. Applicants' attorneys: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105, and Jack Goodman and Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, with certain specified exceptions and specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Illinois, Indiana, Missouri, Iowa, Kansas, Nebraska, South Dakota, Colorado, Utah, Wyoming, Montana, Idaho, Oregon, Washington, and Wisconsin, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in the following subnumbers (a part or all of which may be involved) in: (1) Docket No. MC-103435, Subnumbers 2, 34, 81, 89, 90, 104, 110, 118, 121, 143, 145, 158, 189, 192, 196, and 214, and (2) Docket No. MC-71906, Subnumber 37. The operating authority of UNITED-BUCKINGHAM FREIGHT LINES, INC., and NORWALK TRUCK LINES, INC., to be purchased may otherwise be summarized to extend generally between Seattle, Wash., and Portland, Oreg., on the west and Milwaukee, Wis., Chicago, Ill., and St. Louis, Mo., on the east passing through such points as Spokane, Wash., New Castle, Wyo., Denver, Colo., Omaha, Nebr., and Kansas City, Mo. This notice does not purport to be a complete description of all the operating rights of the carriers involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the carrier operating authority involved, without stating, in full, the entirety thereof. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-19087 Filed 12-29-71; 8:49 am]

[Notice 801]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 27, 1971.

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 special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73058. By order of December 23, 1971, the Motor Carrier Board approved the transfer to I. S. Johnson, Jr., Sumter, S.C., of the operating rights in certificates Nos. MC-127844 (Sub-No. 1), and MC-127844 (Sub-No. 4) issued May 31, 1968, and July 9, 1970, respectively, to L. B. Barnhill and I. S. Johnson, Jr., doing business as B & J Transportation, Sumter, S.C., authorizing the transportation of new bedroom furniture (crated), from Mullins, S.C., to points in Connecticut, Delaware, Rhode Island, Massachusetts, and specified points in Maryland, and Virginia, subject to restrictions; and antiques, used furniture, and used office equipment, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to points in Georgia, North Carolina, Florida, Alabama, and South Carolina. Henry P. Willimon, Post Office Box 1075, Greenville, SC 29602, attorney for applicants.

No. MC-FC-73333. By order of December 22, 1971, the Motor Carrier Board approved the transfer to Clinton Truck Lines, Inc., Clinton, Mo., of certificate No. MC-125117 issued June 26, 1964, to Claude Hayes, doing business as Browning Truck Line, Clinton, Mo., authorizing the transportation of: *General commodities*, with exceptions, and livestock, between specified points and areas in Kansas, Illinois, and Missouri. Herman W. Huber, attorney, 101 East High Street, Jefferson City, MO 65101.

No. MC-FC-73338. By order of December 23, 1971, the Motor Carrier Board approved the transfer to Romeo's Drayage & Warehousing Co., San Francisco, Calif., of certificate of registration No. MC-120773 (Sub-No. 1), issued February 24, 1964, to Romeo Faenzi and Joe Amaral, doing business as Romeo's De-

livery & Drayage, San Francisco, Calif., evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity granted in Decision No. 61203 issued by the Public Utilities Commission of the State of California. G. Alfred Roensch, 1800 Crocker Plaza, San Francisco, CA 94104, attorney for applicants.

No. MC-FC-73339. By order of December 23, 1971, the Motor Carrier Board approved the transfer to K & R Delivery, Inc., Des Plaines, Ill., of certificate of registration No. MC-120569 (Sub-No. 1) issued November 25, 1963, to Airline Cartage, Inc., Chicago, Ill., evidencing a right to engage in transportation in interstate commerce as described in certificate of public convenience and necessity No. 14570 MC dated September 23, 1959, issued by the Illinois Commerce Commission. Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, attorney for applicants.

No. MC-FC-73341. By order of December 23, 1971, the Motor Carrier Board approved the transfer to Kane Freight Lines, Inc., Springbrook, Pa., of certificate of registration No. MC-99567 (Sub-No. 1) and certificate of public convenience and necessity Nos. MC-99567 (Sub-No. 2) and MC-99567 (Sub-No. 3) issued March 16, 1971, June 1, 1965, and June 3, 1965, to Eugene J. Kane, Scranton, Pa., authorizing the transportation of: *General commodities* with exceptions, and various specified commodities, solely within the State of Pennsylvania. William F. King, attorney, Tavern Square, 421 King Street, Alexandria, VA 22314.

No. MC-FC-73361. By order of December 23, 1971, the Motor Carrier Board approved the transfer to D. C. Parker and Keith Parker, doing business as Parker & Parker, Greenleaf, Kans., of certificate No. MC-59731, issued June 27, 1956, to Veva Otwell, doing business as Otwell Truck Line, Palmer, Kans., authorizing the transportation of livestock, hides, wool, and household goods, from Palmer, Kans., to Kansas City, Mo., serving the intermediate point of Kansas City, Kans., the intermediate and off-route points within 20 miles of Palmer, and the off-route points of North Kansas City, Mo., with certain restrictions; livestock, feed, building materials, agricultural machinery, twine, oil and grease in containers, newsprint paper, ink, steel tanks, hardware, congoeum rugs, caskets, and vaults, from Kansas City, Mo., to Palmer, Kans., serving the intermediate point of Kansas City, Kans., the intermediate and off-route points within 20 miles of Palmer, and the off-route points of North Kansas City, Mo., with certain restrictions; and egg case material, household goods, feed, and livestock, between Palmer, Kans., and St. Joseph, Mo., serving the intermediate and off-route points within 20 miles of Palmer. Clyde N. Christey, 641 Harrison, Topeka, KS 66603, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-19088 Filed 12-29-71; 8:49 am]

[Notice 103]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 23, 1971.

The following applications are governed by special rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2980 (Sub-No. 8), filed December 1, 1971. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road 130, Valparaiso, Ind. 46383. Applicant's representatives: Robert W. Loser, 1001 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), between Valparaiso, Ind., and junction U.S. Highway 421 and Indiana Highway 10, from Valparaiso over Indiana Highway 2 to junction U.S. Highway 231 at or near Hebron, Ind., thence south on U.S. Highway 231 to Rensselaer, Ind., thence east on Indiana Highway 114 to junction U.S. Highway 421, thence north on U.S. Highway 421 to junction Indiana Highway 10 near Pierre, Ind., and return over the same route, serving all intermediate points and the off-route points of Boone Grove and Wheatfield, Ind. NOTE: Applicant states that the above described route will connect with existing authorized service at Valparaiso, Ind., and the junction of U.S. Highway 421 and Indiana Highway 10 at or near San Pierre, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 4405 (Sub-No. 491), filed November 26, 1971. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveway service, from points in Adams County, Colo., to points in the United States (except Colorado and Hawaii); and (2) *tractors*, in secondary movements in driveway service only when driving trailers other than those designed to be drawn by passenger automobiles, in initial movements, from points in Adams County, Colo., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed neces-

sary, applicant requests it be held at Denver, Colo.

No. MC 8948 (Sub-No. 99), filed November 29, 1971. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, CA 90058. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, liquid, in bulk, from points in Imperial County, Calif., to points in Arizona. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 9325 (Sub-No. 56), filed December 6, 1971. Applicant: K LINES, INC., 341 Foothills Road, Lake Oswego, OR 97335. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, 806 Southwest Broadway, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk (a) from Fernley, Nev., to points in California north of San Luis Obispo, Kern, and San Bernardino Counties, and (b) points in Curry, Josephine, Jackson, Klamath, Lake, Harney, and Malheur Counties, Oreg.; and (2) *gypsum*, in bulk, from Gerlach, Nev., to San Juan Bautista, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Reno, Nev.

No. MC 22195 (Sub-No. 142), filed December 6, 1971. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, SD 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from terminal sites and loading facilities located on the ammonia pipeline of Gulf Central Pipeline Co., located at or near Algona and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked to Sub-134 at Sioux Falls, S. Dak., to provide service to Wyoming and Montana, but tacking is not intended at present. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 29120 (Sub-No. 133), filed December 6, 1971. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and hides and skins), serving Forest City, Iowa, as an off-route point in connection with applicant's presently authorized regular route operations. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Des Moines, Iowa.

No. MC 29120 (Sub-No. 134) filed December 6, 1971. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (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 by Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from and originating at the plantsite, warehouses, and storage facilities of Tama Meat Packing Corp., located at or near Tama, Iowa, and destined to points in Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, and South Dakota. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Des Moines, Iowa.

No. MC 29392 (Sub-No. 17), filed December 3, 1971. Applicant: LES JOHNSON CARTAGE, a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevet (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Steel beams*, from Wausau, Wis., to points in Illinois, and (2) *lightweight aggregate*, in bulk, and *limestone*, from Green Bay, Wis., to points in the Upper Peninsula of Michigan. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 35320 (Sub-No. 131), filed December 6, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representative: Frank M. Garrison (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 described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Monfort Packing Co., at or near Greeley, Colo., to Detroit, Mich., the District of Columbia, and points in Connecticut, Illinois, In-

diana, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 35358 (Sub-No. 26), filed December 1, 1971. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, MN 55421. Applicant's representative: Frank A. Dvorak, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture, fixtures, furnishing and kitchen equipment*, between points in Calumet, Manitowoc, Sheboygan, Fond du Lac, Ozaukee, and Washington Counties, Wis., and points in Pennsylvania on the one hand, and points in the United States (except Alaska and Hawaii), on the other. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant also states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 45656 (Sub-No. 16), filed December 3, 1971. Applicant: ANDERSON TRUCK LINE, INC., 531 West Harper Avenue, Post Office Drawer 191, Lenoir, NC 28645. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Charleston, S.C., to Lenoir, N.C. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C., or Washington, D.C.

No. MC 45868 (Sub-No. 12), filed November 9, 1971. Applicant: FULLERTON MOTOR TRUCK SERVICE, INC., 1817 West 33d Place, Chicago, IL 60608. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (a) *Iron and steel articles*, as described in appendix V to the report in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (b) *aluminum and aluminum articles*; (c) *brass, bronze, or copper articles*; *cupronickel articles*; *nickel silver articles*; (d) *alloys or combinations of articles named in paragraphs (a), (b), and (c) above*, in the rough partially finished or fabricated; and (e) *commodities re-*

lated to the above, materials and supplies used or useful in the sale or distribution of articles named in paragraphs (a), (b), (c), and (d) when shipped or distributed by the Central Steel & Wire Co. from or to its warehouse or shipping facilities at Chicago, Ill., on the one hand, and, on the other, points in Indiana, Michigan (except Detroit, Mich. commercial zone as defined by the Commission), Iowa, and Wisconsin (except Milwaukee, Wis.), under contract with Central Steel & Wire Co. Restriction: Application is restricted to single line service only. NOTE: Applicant holds common carrier authority under MC 119684 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 47171 (Sub-No. 84), filed November 22, 1971. Applicant: COOPER MOTOR LINES, INC., Post Office Box 4255, 301 Hammett Street, Greenville, SC 29608. Applicant's representative: Harris G. Andrews, Post Office Box 4255, Greenville, SC 29608. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverage and related advertising materials*, from the plantsite of Pabst Brewing Co., at Pabst, Ga. (near Perry, Ga.), to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and *empty returned containers and related advertising matter*, from the above-specified destination territory to the plantsite of Pabst Brewing Co., Pabst, Ga. (near Perry, Ga.). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 52704 (Sub-No. 88), filed November 26, 1971. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, Lafayette, AL 36862. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Henderson, N.C., and Laurens, S.C., to points in Virginia, West Virginia, Rhode Island, Maryland, Delaware, Pennsylvania, Massachusetts, Connecticut, New Jersey, and New York, and *materials supplies, and equipment used in the manufacture thereof*, on return, restricted against commodities in bulk, in tank or hopper trailers. **NOTE:** Applicant states that the requested authority can be tacked at Laurens, S.C., with its existing authority, to serve territory applied for from Rushton, La. If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C., or Washington, D.C.

No. MC 61403 (Sub-No. 215), filed November 29, 1971. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, TN

37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride resins*, in bulk, in tank vehicles, from Plaquemine, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, North Carolina, Ohio, Tennessee, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 251), filed November 29, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 45204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) and *tractor attachments*, in mixed loads with tractors (except commodities which by reason of size or weight require the use of special equipment), from the facilities of Oliver Farm Equipment Co. (a division of White Farm Equipment Co.), in DeKalb County, Ga., to points in the United States (except Alaska, Hawaii, Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, and the District of Columbia). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67450 (Sub-No. 43), filed November 29, 1971. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, IL 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk in tank vehicle, from Hammond, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 79737 (Sub-No. 14), filed December 6, 1971. Applicant: EARL J. BERTA AND JOSEPH E. BERTA, a partnership, doing business as: BERTA BROS. TRANSPORTATION, Post Office Box 429, Canon City, CO 81212. Applicant's representative: John P. Thompson,

450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, (1) from the plantsite of Allied Chemical Corp. at Alchem, in Sweetwater County, Wyo., to Canon City, Colo., and (2) from Denver, Colo., to Canon City, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 82841 (Sub-No. 90), filed November 5, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Live-stock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer spreaders, fertilizer applicators, hoist carriers, metal bins and tanks, agricultural stock tank heaters, agricultural implement parts, and wheels*, from Lennox, Iowa and Beatrice, Nebr., to points in Oregon, South Dakota, Washington, and Wyoming, restricted to traffic originating at Lennox, Iowa and Beatrice, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 325), filed December 1, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard and wallboard*, from Diboll, Tex., to points in Alabama, Arkansas, Connecticut, Florida, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 85465 (Sub-No. 46), filed December 2, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat packinghouses, and meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Geo. A. Hormel & Co. at Scottsbluff, Nebr., to points in Alabama, Georgia,

Florida, North Carolina, and South Carolina, restricted to traffic originating at the above-named facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 87720 (Sub-No. 119) filed December 3, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, naval stores, and tall oil products* (except in bulk), from Flemington, N.J., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire, under contract with Tenneco Chemicals, Inc. (Newport Division), subsidiary of Tenneco, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87909 (Sub-No. 14) filed November 26, 1971. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass glazing units*, from Mason City, Iowa to Bayport, Minn. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 104523 (Sub-No. 48), filed December 3, 1971. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. 68359. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, cove, adhesives, and accessories*, used in the installation of the foregoing, from Houston, Tex., to points in California and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Houston, Tex.

No. MC 106398 (Sub-No. 571), filed December 6, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, also materials, equipment and supplies* used in the manufacture of iron and steel articles, including open web steel joists, trusses and girders, from the plantsite of Tennessee Forging Steel Corp., Arkansas Division, in Newport, Ark., to points in the

United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (Sub-No. 572), filed December 6, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* (except oilfield commodities as described by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from points in Calhoun County, Ark., to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106398 (Sub-No. 573), filed December 6, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and plastic raw materials and accessories*, used in the installation of such products, from Slidell and New Orleans, La., to points in the United States (except Washington, Oregon, California, Alaska, and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106603 (Sub-No. 116), filed November 29, 1971. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. 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) *Roofing and building materials, and materials used in the installation and application of such commodities* (except iron and steel, portland cement, and commodities in bulk), from the plantsite of Certain-teed Products Corp. at Avery, Ohio, to points in New Jersey, Delaware, Maryland, Virginia, District of Columbia; those points in New York east of Wayne, Seneca, Schuyler, and Chemung Counties; and those points in Pennsylvania east of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties; and (2) *materials, equipment, and supplies used in the manufacture, installation, or application of roofing or*

building materials, from points in New Jersey, Delaware, Maryland, Virginia, District of Columbia, and those points in Pennsylvania east of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties to the plantsite of Certain-teed Products Corp. at Avery, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 46240 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107012 (Sub-No. 137) filed December 6, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and organs*, from Grand Haven, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 586) filed December 6, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsite of Logan-Long Co. at Chicago, Ill., to points in Indiana, Iowa, Wisconsin, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 826), filed November 26, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquors*, in bulk, in tank vehicles, from Baltimore, Md., to points in Wisconsin; and (2) *liquid chemicals*, in bulk, in tank vehicles, from South Danville, Pa., to Stonewall (Rockingham County), Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

ing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 827), filed November 23, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John E. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Wallingford, Conn., to points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and New York. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 830), filed November 29, 1971. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry core compounds*, in bulk, (a) from Milwaukee, Wis., to points in Michigan, Ohio, New York, Kentucky, Indiana, Illinois, Iowa, and Minnesota; and (b) from Muscatine, Iowa, to Cleveland and Okron, Ohio; Elmira, N.Y.; Columbus, Ga., and Minneapolis, Minn. (2) *sulphuric acid*, from Charles City, Iowa, to points in Minnesota; (3) *nitric acid*, from Pine Bend, Minn., to points in Iowa and Wisconsin; (4) *limestone*, in bulk, from points in Larimer County, Colo., to points in Nebraska and Wyoming; (5) *cement*, in bulk, from Tupelo and Jackson, Miss., to Memphis, Tenn.; (6) *refined soybean oil*, in bulk, in tank vehicles, from Belmond, Iowa, to points in Illinois; and (7) *corn syrup and blends of corn syrup and sugar*, from Memphis, Tenn., to points in Arkansas, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107515 (Sub-No. 786), filed November 29, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Unexposed photographic paper, unexposed photographic film and photographic chemicals* (except in bulk), in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Louisiana, Texas, Oklahoma, and Arkansas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 787), filed December 1, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk and except hides and skins), from Wichita, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis and its commercial zone), Kentucky and Virginia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 108207 (Sub-No. 336) (Clarification), filed October 1, 1971, published in the FEDERAL REGISTER issue of November 25, 1971, clarified and republished as clarified, this issue. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street 75207, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). **NOTE:** The purpose of this partial republication is to clarify the tacking note as follows: Applicant states it proposes to tack with Sub 12 to points in Mississippi at New Orleans, La. The rest of the application remains the same.

No. MC 108393 (Sub-No. 57), filed December 6, 1971. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances and equipment, material and supplies*, used in the manufacture, distribution, and repair of electrical or gas appliances, under continuing contract or contracts with Whirlpool Corp., (1) from Crestline, Ohio, to St. Joseph, Mich., (2) from Muncie, Ind., to Findlay,

Ohio, and (3) from East Canton, Ohio, to Evansville, Ind. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110098 (Sub-No. 123), filed December 6, 1971. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Tama, Iowa, to points in Oklahoma, Arkansas, Louisiana, Texas, and New Mexico. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110353 (Sub-No. 14), filed December 6, 1971. Applicant: MINERAL TRANSPORT, INC., Rural Delivery 2, York Springs, PA 17372. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Adams County, Pa., to points in Virginia, North Carolina, and South Carolina. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 88), filed November 29, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 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: *Molten sulphur*, in bulk, in tank vehicles, from points in Escambia County, Ala., Santa Rosa and Escambia Counties, Fla., to points in Florida, Georgia, Alabama, Mississippi, and Louisiana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be in-

volved. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111401 (Sub-No. 355), filed November 29, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Road, Box 632, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible bones*, in bulk, in tank vehicles, from Liberal, Kans., to St. Joseph, Mo. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 111729 (Sub-No. 328), filed November 29, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds*, between Syracuse, N.Y., on the one hand, and, on the other, (a) Paulsboro, N.J., and points in Bergen County, N.J.; Bucks, Dauphin and York Counties, Pa.; (b) between Philadelphia, Pa., Burtonsville, and Waldorf, Md., and Culpeper, Va.; (c) between Paramus, N.J., on the one hand, and, on the other, Binghamton, Elmsford, and Melville, N.Y.; (d) between Allentown, Pa., on the one hand, and, on the other, New York, N.Y.; Fairfield, N.J.; and Washington, D.C.; (e) between Warren, Ohio, on the one hand, and, on the other, points in Michigan. (2) *Small office machine parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Paramus, N.J., on the one hand, and, on the other, Binghamton, Elmsford, and Melville, N.Y.; (3) *Proofs, cuts, copy, manuscripts, art work and mechanicals*, between Allentown, Pa., on the one hand, and, on the other, New York, N.Y.; Fairfield, N.J.; and Washington, D.C.; (4) *Clinical Pathology, consisting of: blood samples, PAP smears, tissue cultures, urine specimens; and supplies such as test tubes, slides, test kits, and needles*, between Warren, Ohio, on the one hand, and, on the other, points in Michigan; (5) *Microfilm, exposed, unexposed and processed*, between Paramus, N.J., on the one hand, and, on the other, Binghamton, Elmsford, and Melville, N.Y.; (6) *Radiopharmaceuticals, radioactive drugs and medical isotopes*, between points in Texas on traffic having an immediately prior or subsequent movement by air; (7) *New and used small replacement parts for agricultural machinery*, between Coldwater, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, and

Pennsylvania. NOTE: Applicant holds contract carrier authority under MC 112750 and subs, therefore common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 460), filed November 22, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and related items*, including materials and supplies used in distribution and installation thereof, from Marcus Hook, Pa.; Trenton and Kearny, N.J., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 111812 (Sub-No. 461), filed December 1, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Wilmington, Del., to points in Iowa, Minnesota, and Wisconsin. NOTE: Applicant states it intends to tack at Minnesota and Iowa with its Subs-276 and 368 to provide a through service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del.

No. MC 112520 (Sub-No. 252), filed December 1, 1971. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from points in Escambia Counties, Ala., Santa Rosa, and Escambia Counties, Fla., to points in Florida, Georgia, Alabama, Mississippi, and Louisiana (except from points in

Santa Rosa County, Fla., to LeMoyne, Ala.). NOTE: Common control may be involved. Applicant states that it would be possible to tack the requested authority with its existing authority, but operations under such combination of authorities would be extremely circuitous and does not contemplate tacking. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112595 (Sub-No. 50), filed November 26, 1971. Applicant: FORD BROTHERS, INC., Post Office Box 727, Ironton, OH 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum and petroleum products*, in bulk, in tank vehicles, from Hamilton, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 112595 (Sub-No. 51), filed December 1, 1971. Applicant: FORD BROTHERS, INC., Post Office Box 727, Ironton, OH 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lawrenceville, Ill., to points in Kentucky and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 113624 (Sub-No. 59), filed November 26, 1971. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Holdrege, Nebr., to points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a

hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 443), filed November 23, 1971. Applicant: CURTIS, INC., Post Office Box 16004 (Stockyard Station), Denver, CO 80216. Applicant's representative: Duane W. Ackle, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 81 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Swift & Co., at Scottsbluff and Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to apply only on shipments originating at the above named plantsite and destined to the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Omaha, Nebr., or Chicago, Ill.

No. MC 113678 (Sub-No. 444), filed November 23, 1971. Applicant: CURTIS, INC., 4810 Pontiac, Post Office Box 16004, Stockyard Station, Denver CO 80216. Applicant's representative: Duane W. Ackle, Post Office Box 80806, Lincoln, NE 68510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 81 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Swift & Co., at Scottsbluff and Gering, Nebr., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Mississippi, and Tennessee, restricted to apply only to shipments originated at the above-named plantsite and destined to the above name States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.; Omaha, Nebr., or Chicago, Ill.

No. MC 113678 (Sub-No. 445), filed November 24, 1971. Applicant: CURTIS, INC., 4810 Pontiac, Post Office Box 16004, Stockyard Station, Denver, CO 80216. Applicant's representative: Duane W. Ackle, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 81 M.C.C. 209 and 766, from the plantsites and storage facilities of Iowa Beef Processors, Inc., at Luverne, Minn.; West Point, Iowa; Dennison and Fort Dodge, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode

Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at and destined to named locations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.; Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 446) filed November 26, 1971. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyard Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, household pet cages, and aquarium accessories, supplies, and equipment*, from Los Angeles, Calif., to points in Utah, Arizona, and Nevada. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 113678 (Sub-No. 447) filed December 1, 1971. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyard Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Kalona, Iowa, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Kalona, Iowa. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 114533 (Sub-No. 244), filed November 26, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, (1) between points in Nevada, Mo., on the one hand, and, on the other, points in Kansas; and (2) between Wichita, Kans., on the one hand, and, on the other, points in Oklahoma. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128616, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Wichita, Kans., or Tulsa, Okla.

No. MC 114533 (Sub-No. 245), filed November 26, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh cut*

flowers, decorative greens, and supplies, as are used in the conduct and operation of floral shops, between North Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128616, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 114692 (Sub-No. 6), filed November 29, 1971. Applicant: O. B. HILL MOTOR TRANS. COMPANY, INC., 209 West Central Street, Natick, MA 01780. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses and buildings*, assembled and unassembled and parts and accessories thereof, under contract with Hodgson Houses, Inc., Millis, Mass., from Millis, Mass., to points in Maine, New York, Virginia, and Maryland. **NOTE:** Applicant holds authority to serve portions of the above States. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 115331 (Sub-No. 327), filed December 6, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, from Fort Dodge, and Fort Madison, Iowa, to points in Illinois, Indiana, Iowa, Colorado, South Dakota, Nebraska, North Dakota, Wyoming, Montana, Ohio, Michigan, Missouri, Minnesota, Kansas, Oklahoma, Kentucky, Tennessee, and Wisconsin. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115654 (Sub-No. 15), filed November 29, 1971. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Post Office Box 1193, Nashville, TN 37202. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, confectionery products, chocolates and related chocolate items, and advertising and promotional materials* moving in conjunction with said commodities (except in bulk), in vehicles mechanically equipped for protection against heat and cold, from Nashville, Tenn., to points in Tennessee east of U.S. Highway 127; points in Montgomery and Robertson Counties, Tenn.; Jackson, Limestone, and Madison Counties, Ala., and Barren, Christian, Logan, and Warren Counties, Ky. **NOTE:** Applicant states that the requested authority will be

tacked at Nashville, Tenn., with its Sub-5 certificate authorizing transportation of same commodities to points in Tennessee and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116045 (Sub-No. 37), filed December 1, 1971. Applicant: NEUMAN TRANSIT CO., INC., Post Office Box 38, Rawlins, WY 82301. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Casper, Wyo., to points in Converse County, Wyo., located north of Interstate Highway 25. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116073 (Sub-No. 211), filed November 26, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. 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 Steel County, Minn., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 116459 (Sub-No. 42), filed December 3, 1971. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Chattanooga, TN 37405. Applicant's representative: Harold Sligman, Parkway Towers, Suite 1704, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *commodities* in bulk, from the site of Bulk Distribution Center, Inc., at or near Chattanooga, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 117574 (Sub-No. 213), filed November 26, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turbines and electrical and mechanical power generating and transmission equipment, industrial furnaces, control systems and parts and accessories of the*

items named herein, loose or in skids or packages, which because of size or weight require the use of special equipment, and (2) commodities listed in (1) above, which because of size or weight do not require the use of special equipment when moving in mixed shipments with the items in (1) above, (a) between points in Maryland, New Jersey, New York, Pennsylvania, and Virginia; and (b) between points in the aforementioned States on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117644 (Sub-No. 25), filed December 1, 1971. Applicant: D & T TRUCKING CO., INC., Box 2611, New Brighton, MN 55112. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Mason City, Iowa, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, West Virginia, and Mississippi, under contract with Armour Foods Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117644 (Sub-No. 26), filed December 6, 1971. Applicant: D & T TRUCKING CO., INC., Box 2611, New Brighton, MN 55112. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Macaroni, noodles, spaghetti, vermicelli, and sauces, (1) from Danielson, Conn., and Warminster, Pa., to points in Illinois, Indiana, Ohio, Michigan, Minnesota, and Wisconsin, and (2) from Milwaukee, Wis., to Danielson, Conn., and Warminster, Pa., under contract with V. LaRosa & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 117765 (Sub-No. 138), filed November 29, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Petroleum and petroleum products, in containers, and advertising ma-

terials and articles distributed or used by wholesale or retail suppliers, marketers, or distributors or petroleum products when moving in the same vehicle and at the same time with petroleum products, in containers, (a) from Wichita, Kans.; Enid and Oklahoma City, Okla., to points in Indiana; (b) from Ponca City, Okla., to points in South Dakota, and (2) empty containers and lids, from Kansas City, Mo., to Enid, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117799 (Sub-No. 19), filed October 26, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Val Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, from Chicago and Deerfield, Ill., to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, Virginia, West Virginia, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Maryland, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117883 (Sub-No. 163), filed November 29, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Saugatuck, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at Saugatuck, Mich., and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118745 (Sub-No. 12) (Correction), filed November 5, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished in part as corrected this issue. Applicant: JOHN PFROMMER, INC., Post Office Box 307, Douglassville, PA 19518. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. NOTE: The purpose of this partial republication is to reflect applicant's correct name as JOHN PFROMMER, INC., in lieu of JOHNSON PFROMMER, INC., shown erroneously in previous publication. The rest of the application remains as previously published.

No. MC 119765 (Sub-No. 26), filed December 6, 1971. Applicant: HENRY G.

NELSEN, INC., 1548 Locust Street, Avoca, IA. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Dairy products and dairy byproducts, from points in Nebraska to Champaign, Mattoon, and Toulon, Ill., and (2) Empty containers and cheese packaging supplies from Champaign, Mattoon, and Toulon, Ill., to points in Nebraska on and east of U.S. Highway 83. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 119777 (Sub-No. 230), filed November 18, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 42431. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New crated furniture and flakeboard, from Hope, Ark., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126970 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123407 (Sub-No. 99), filed December 6, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, South Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Furring, studding, lathing, and ribbing and accessories, materials and supplies used in the installation of furring, studding, lathing and ribbing (except lumber), from Glen Burnie, Md., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) materials and supplies used in the manufacturing of the above described commodities, from the above described destination territory to Glen Burnie, Md. NOTE: Applicant states that the requested authority can be tacked at Warren and Freeport, Ill., to various States, however, applicant has no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125168 (Sub-No. 21), filed November 26, 1971. Applicant: OIL TANK LINES, INC., Box 190, Hook Road and Darby Creek, Darby, PA 19023. Applicant's representative: Edwin H. Van

Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils and waxes*, in bulk, in tank vehicles, from Falling Rock, W. Va., to Reno and Rouseville, Pa., under contract with Pennzoil United, Inc. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 125497 (Sub-No. 16), filed December 6, 1971. Applicant: L. WOODS & SON TRANSPORT, LTD., 5905 Irwin Avenue, La Salle, PQ, Canada. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cargo containers*, between points in the New York, N.Y., commercial zone and Boston, Mass., on the one hand, and, on the other, ports of entry on the United States-Canada boundary line located in Maine, New Hampshire, Vermont, and New York. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126375 (Sub-No. 12), filed November 26, 1971. Application: CEL TRANSPORTATION COMPANY, a corporation, Rural Delivery No. 6, Route 30 West, Greensburg, PA 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fats, tallow, and grease*, in bulk, in tank vehicles under continuing contracts with Mayco Oil and Chemical Co., Inc., between the facilities of Mayco Oil and Chemical Co., Inc., in Allegheny County, Pa., on the one hand, and, on the other, points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, North Carolina, New York, Ohio, Rhode Island, Virginia, West Virginia, Wisconsin, and vice versa. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 126822 (Sub-No. 41), filed November 26, 1971. Applicant: NATIONAL EXPRESSWAYS, INC., 300 Southwest Boulevard, Kansas City, KS 66103. Applicant's representative: Tom B. Kretzinger, 450 Professional Building, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, (1) from Denver and Greeley, Colo., to Los Angeles, Calif., and San Antonio, Fort Worth and Houston, Tex., and (2) from Scottsbluff, Nebr.; Albert Lea, Minn.; Cedar Rapids, Iowa; and St. Joseph, Mo., to San Antonio, Tex. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories that can be served through tacking. Persons interested in the tacking

possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Washington, D.C.

No. MC 126844 (Sub-No. 15), filed November 26, 1971. Applicant: R. D. S. TRUCKING CO., INC., 583 North Main Road, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of Chef Pierre, Inc., located at or near Traverse City, Mich., to points in Pennsylvania, New Jersey, New York, Connecticut, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Maryland, Massachusetts, Rhode Island, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128256 (Sub-No. 11) filed November 29, 1971. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (a) between Wilkesboro, N.C., on the one hand, and, on the other, points in West Virginia, Virginia, and South Carolina; (b) from the International Boundary line between the United States and Canada at Sault Ste. Marie, Mich., to points in Michigan, New York, Pennsylvania, Ohio, and Illinois; and (c) from Redby, Minn., to points in Michigan, Illinois, Ohio, Pennsylvania, Wisconsin, and Kentucky; (2) *plywood*, from Bessemer, Mich., to points in Indiana, Wisconsin, Illinois, Minnesota, and Ohio; and (3) *wooden fencing*, from Redby, Minn., to points in Tennessee, Texas, Oklahoma, Missouri, Kansas, New Mexico, Illinois, Nebraska, Arkansas, Louisiana, Kentucky, Arizona, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128256 (Sub-No. 12) filed December 1, 1971. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden mouldings and molded fiberglass products*, from Elkhart, Ind., to Middlebury, Ind. **NOTE:** Applicant states that the requested authority can be tacked with its

existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128285 (Sub-No. 10), filed November 22, 1971. Applicant: MELLOW TRUCK EXPRESS, INC., Post Office Box 17063, Portland, OR 97217. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer, plywood, and particleboard*, between points in Oregon, Washington, and California, under a continuing contract with Fronville Commercial Co., Inc. **NOTE:** Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128355 (Sub-No. 9), filed December 2, 1971. Applicant: HURLIMAN TRUCKING CORPORATION, Post Office Box 17204, Portland, OR 97217. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, between points in the United States (except Alaska, Arkansas, Hawaii, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, and Florida), under contract with Rich Products Corp., Buffalo, N.Y. **NOTE:** Common control may be involved. Applicant states it does not seek duplicating authority and therefore will surrender permits issued in MC 128355 and MC 128355 (Sub-No. 1) when this application is granted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128375 (Sub-No. 77) filed November 26, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Duane W. Acklie, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds, floor wax, floor polishers and carpet washers, vacuum cleaner bags and related advertising, display and promotional materials, and materials and supplies used in the manufacture of the involved items* (except liquids in bulk), between French Lick, Ind., on the one hand, and, on the other, points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, and West Virginia, under contract with Liggett & Myers, Inc., its subsidiaries and divisions. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128527 (Sub-No. 24) filed November 29, 1971. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies and accessories* (except commodities in bulk), used in the installation of the foregoing commodities, from points in California to points in Idaho south of the southern boundary of Idaho County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128575 (Sub-No. 6) (Correction) filed November 22, 1971, published in the FEDERAL REGISTER of December 17, 1971, and republished in part as corrected this issue. Applicant: LAHMANN FILM SERVICE, INC., 5657 Green Acres Court, Cincinnati, OH 45211. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. NOTE: The purpose of this partial republication is to reflect No. MC 128575 (Sub-No. 1) in lieu of MC 128757 as erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 128616 (Sub-No. 8), filed November 26, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, 22220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coins, currency and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between St. Joseph, Mo., on the one hand, and, on the other, points in Kansas, under contract with American National Bank and First National Bank, St. Joseph, Mo. NOTE: Applicant holds common carrier authority under MC 114533 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., or Chicago, Ill.

No. MC 129049 (Sub-No. 5), filed November 12, 1971. Applicant: HAUL-AWAY, INC., 419 West Pike Street, Jackson Center, OH 45334. Applicant's representative: Norman P. Smith, Ohio Building, Sidney, Ohio 45365. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Travel trailers and camping trailers* in initial movements, in truckaway service, from Versailles (Darke County), Ohio, to points in the United States, including Alaska (but excluding Hawaii); (2) *Travel trailers and camp-*

ing trailers, in secondary movements, in truckaway service, from the respective destination points described herein to their respective origin specified herein and (3) *Accessories, equipment, materials, parts, and supplies*, used in, by, or incidental to camping trailers and travel trailers, when moving in conjunction with the transportation of camping trailers and travel trailers (otherwise authorized), from Versailles (Darke County), Ohio, to points in the United States, including Alaska (but excluding Hawaii), with no transportation for compensation on return except as otherwise authorized. Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Alstream, Division of Beatrice Foods Co., of Sidney, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Toledo, Ohio.

No. MC 129445 (Sub-No. 10), filed December 6, 1971. Applicant: DIXIE TRANSPORT CO. OF TEXAS, a corporation, Post Office Box 5447 (3840 Interstate 10 South), Beaumont, TX 77706. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Antifreeze preparations, glycols, glycol ethers, jet fuel anti-icing agents and motor fuel antiknock compound*, from the plantsite of Houston Chemical Co., located near Beaumont, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the plantsite of Houston Chemical Co., and destined to the above named destination States. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., New Orleans or Baton Rouge, La.

No. MC 129445 (Sub-No. 11), filed December 6, 1971. Applicant: DIXIE TRANSPORT CO. OF TEXAS, a corporation, Post Office Box 5447 (3840 Interstate 10 South, Beaumont, TX 77706. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Beaumont, Tex., to points in Louisiana. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 129477 (Sub-No. 2), filed December 6, 1971. Applicant: RICHARDS TRANSPORTATION CO., INC., Port Richards, Savage, MN 55378. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular

routes, transporting: (1) *Asphalt and asphalt compositions, black oils and road oils*, from the manufacturing plant, warehouses, storage and supply facilities utilized by Richard Oil Co., at Savage, Pine Bend, St. Paul Park, and Wrenshall, Minn., and Superior, Wis., to points in North Dakota, South Dakota, Iowa, Wisconsin, Illinois, and Minnesota; and (2) *chemicals used in processing and blending asphalt and oils, and surplus asphalt and asphalt compositions, black oils and road oils*, from points in North Dakota, South Dakota, Iowa, Wisconsin, Illinois, and Minnesota to Richards Oil Co. at Savage, Pine Bend, St. Paul, and Wrenshall, Minn., and Superior, Wis., under contract with Richards Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133221 (Sub-No. 7), filed December 1, 1971. Applicant: OVERLAND CO., INC., Route 1, Box 406A, Lawrenceville, GA 30245. Applicant's representative: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic foam products*, from the plantsite and warehouse facilities of The Dow Chemical Co. at Gales Ferry, Conn., Midland, Mich., Magnolia, Ark., and Pevely, Mo., to points in Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack due to the circuitry of operation and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Detroit, Mich.

No. MC 133229 (Sub-No. 11), filed November 26, 1971. Applicant: COATS FREIGHTWAYS, INC., 601 32d Avenue, Council Bluffs, IA 51501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities utilized by Swift Fresh Meats Co. at Grand Island, Nebr., to points in Illinois, Maine, New Hampshire, and Vermont, restricted to traffic originating at the above-named plantsite and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133233 (Sub-No. 21), filed November 18, 1971. Applicant: CLARENCE L. WERNER, doing business as WERNER

ENTERPRISES, 805 32d Avenue, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Illinois, Minnesota, Missouri, and Wisconsin to points in Idaho, Oregon, and Washington, under continuing contract with Rangen, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 134145 (Sub-No. 14), filed November 30, 1971. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Jon Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, supplies, and equipment used in the manufacture of motor bikes, lawnmowers and attachments, and snowmobiles*, from points in California, Connecticut, Massachusetts, and New Jersey, to Omaha, Nebr., under contract with General Leisure Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 134201 (Sub-No. 3), filed December 1, 1971. Applicant: JAMES V. PALMER, doing business as JIM PALMER TRUCKING, 1618 Humble Road, Missoula, MT 59801. Applicant's representative: Jerome Anderson, 100 Transwestern Building, 404 North 31st Street, Billings, MT 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Beaverhead, Flathead, Lake, Missoula, Ravalli, and Sanders Counties, Mont., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, and Wisconsin, under contract with P & M Sales Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 134922 (Sub-No. 21), filed December 6, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: George Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hartford, Bailey, and Grawn, Mich., to points in Arkansas, Louisiana, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135943 (amendment), filed August 16, 1971, published in the FEDERAL REGISTER issue of September 23, 1971, and republished as amended this issue. Applicant: SUNTAC NUCLEAR CORPORATION, 1528 Walnut Street, Philadelphia, PA 19102. Applicant's representative: V. Baker Smith, 2107 The

Fidelity Building, Philadelphia, PA 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive spent nuclear fuel*, from points in the United States (except Alaska and Hawaii), to the Barnwell Nuclear Industrial Park in Barnwell County, S.C.; and (2) *empty shipping containers* for radioactive spent nuclear fuel, from the Barnwell Nuclear Industrial Park in Barnwell County, S.C., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with N L Industries, Inc., and/or Allied-Gulf Nuclear Services. NOTE: The purpose of this republication is to more properly reflect the location of the origin in South Carolina in (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136008 (Sub-No. 1), filed November 26, 1971. Applicant: JOE BROWN COMPANY, INC., 20 Third Street Northeast, Post Office Box 1669, Ardmore, OK 73107. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, or in packages, insecticides, fungicides, and herbicides (except liquid in bulk), including these commodities in mixed shipments with manufactured fertilizer and fertilizer materials, from points on the Arkansas and Verdigris Rivers in Oklahoma to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, or Tulsa, Okla.

No. MC 136047 (Amendment), filed September 21, 1971, published in the FEDERAL REGISTER issue of December 2, 1971, and republished in part, as amended, this issue. Applicant: MARSHALL DELIVERY SERVICE, INCORPORATED, 1700 North Scott Street, Wilmington, DE 19806. Applicant's representative: Byron G. Rogers, 918 16th Street NW, Suite 501 Washington, DC 20006. NOTE: The sole purpose of this partial republication is to include the city of New York, N.Y., and Long Island, N.Y., to the territorial scope of the application in item (2). The rest of the application remains as previously published.

No. MC 136116 (Sub-No. 1), filed November 29, 1971. Applicant: GENERAL TRANSPORTATION SERVICES, INC., 100 West Clarendon, Phoenix, AZ 85013. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certi-*

icates, 61 M.C.C. 209 and 766, from Wallula, Wash., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under a continuing contract with Cudahy Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Portland, Oreg.

No. MC 136165 (Sub-No. 1), filed November 15, 1971. Applicant: MAC REBER, doing business as REBER TRANSPORTATION, 314 Security Bank Building, Sioux City, IA 51101. Applicant's representative: Wallace W. Huff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in Sections C and A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsites of Iowa Beef Processors, Inc., located at Luverne, Minn.; Denison, Fort Dodge, LeMars and Mason City, Iowa; Dakota City and West Point, Nebr.; and Emporia, Kans., to points on the international boundary line between the United States and Canada, which points are located in the States of Michigan, New York, and Minnesota. No return movement is sought. The authority will be limited to meats and packinghouse products with destination points beyond the boundaries of the United States, with no service from the origin points as listed above to any points within the continental limits of the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Woodbury County, Iowa, or Omaha, Nebr.

No. MC 136177 filed November 1, 1971. Applicant: MARVIN PLAGENS, 2140 Werner Road, Richmond, MI 48062. Applicant's representative: S. Martin Tweedie, 511 Fort Street, Port Huron, MI 48060. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Foundry coke and furnace residue slag*, between Trenton, Mich., and the port of entry on the international boundary line between the United States and Canada, located in Michigan from Trenton over Interstate Highway 75 to Detroit, thence over Interstate Highway 94 to the port of entry on the international boundary line between the United States and Canada for furtherance to Sarina, Ontario Canada, under contract with Holmes Foundry Ltd., and Holmes Insulation Ltd.-Sarnia, Ontario. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 136191 (Correction) filed November 12, 1971, published in the FEDERAL REGISTER issue of December 23, 1971, and republished in part, as corrected this issue. Applicant: FRANK J. MARRONE, doing business as ALL STATE MOBILE HOME MOVERS, 2526 West Tennessee

Street, Tallahassee, FL 32301. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32301. The purpose of this partial republication is to reflect the correct docket number as: MC 136191 in lieu of MC 136101, which was erroneously published. The rest of the application remains as previously published.

No. MC 136218, filed December 2, 1971. Applicant: KANE FREIGHT LINES, INC., Route 690, Springbrook, PA 18444. Applicant's representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). I. (1) Between Scranton, Pa., and Hunlock Creek, Pa. (formerly Croops Glen, Pa.). From Scranton over U.S. Highway 11 to Hunlock Creek, and return over the same route. Serving all intermediate points and the off-route points of Glen Lyon and Nanticoke, Pa.; (2) between Glen Lyon, Pa., and Wilkes-Barre, Pa. From Glen Lyon over unnumbered highway to Nanticoke, thence over unnumbered highway (Middle Road) to Wilkes-Barre and return over the same route. Serving all intermediate points; (3) between Ashley, Pa., and Dallas, Pa. From Ashley over Pennsylvania Highway 309 to Dallas, and return over the same route. Serving all intermediate points; (4) between Scranton, Pa., and Wilkes-Barre, Pa. From Scranton over unnumbered highway (Main Street) to Wilkes-Barre, and return over the same route. Serving all intermediate points and the off-route points of Ransom and Harding, Pa. (5) between Wilkes-Barre, Pa., and Dupont, Pa. From Wilkes-Barre over Pennsylvania Highway 315 to Dupont, and return over the same route. Serving the off-route point of Springbrook, Pa., and II. *Paper, waste paper, paperboard, junk parts and materials; store equipment and fixtures; and used furniture*, between Scranton, Pa., on the one hand, and, on the other, points in Pennsylvania within 50 miles of Scranton. Restriction: The authority specified in II is restricted against joinder with other authority for the purpose of rendering a through service. NOTE: The above authority is co-extensive with the authority contained in the Certificate of Registration in Docket No. MC-99567 (Sub-No. 1) to be acquired by Kane Freight Lines, Inc., from Eugene J. Kane, except that it has been rephrased to conform with the terminology normally utilized by the Commission. No request for conversion of the authority contained in Parts I, II, V, and VI, of the Certificate of Registration is included, as it is duplicative of the above authority. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa., or Washington, D.C.

No. MC 136222, filed November 18, 1971. Applicant: MOVERS PORT SERV-

ICE, INCORPORATED, San Diego, Calif. 92112. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York City, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, and used automobiles*, restricted to the transportation of export and import traffic in containers, between points in the United States (including Hawaii but excluding Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136224, filed December 1, 1971. Applicant: SOUTHERN TRANSPORTS, INC., North Meridian Avenue and 15th Street, Post Office Box 896, Laurel, MS 39440. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Jones, Jasper, Lamar, Marion, Covington, Smith, Clarke, Wayne, Lauderdale, and Forrest Counties, Miss., on the one hand, and, on the other, Houston, Tex., and points within its commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Laurel, Miss., or Houston, Tex.

No. MC 136229, filed November 26, 1971. Applicant: P.M.E. MOTOR EXPRESS, INC., 80 South Galena Avenue, Dixon, IL 61021. Applicant's representative: Hal Roberts (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal, sand, slag, iron ore, sludge, ice stone, dirt, fuel, machinery, fuel oil, fly ash, and bricks*, between Chicago and Dixon, Ill.; Gary and Hammond, Ind.; Cleveland, Ohio; Charlevoix, Mich.; York and Wampum, Pa.; Beloit, Madison, and Manitowoc, Wis., under contract with Medusa Portland Cement Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136230, filed November 26, 1971. Applicant: INTERSTATE WAREHOUSING CORPORATION, 455 Roberts Street, Post Office Box 6338, Jacksonville, FL 32205. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers, having a prior or subsequent movement by water, between (1) Charleston, S.C., North Charleston, S.C., Jacksonville, Fla., and Savannah, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, and (2) *empty cargo containers*, be-

tween points in the States named in (1) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136238, filed November 24, 1971. Applicant: LYMAN WALTERS, Rural Delivery No. 2, Mehoopany, PA. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed additives*, (1) from Waverly, N.Y., to points in Susquehanna County, Pa., and (2) from Binghamton, N.Y., to points in Wyoming and Luzerne Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 136244, filed December 6, 1971. Applicant: GEORGE VINCENT CHARETTE, 930 Broadway Street, Windsor 10, ON, Canada. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel*, from Detroit, Mich., and its commercial zone to the international boundary line between the United States and Canada at or near Detroit, Mich., for the account of Namasco Limited; and (2) *reconditioned pallets, boxes and shipping containers, and materials* used in the reconditioning of pallets, boxes and shipping containers, between points in Michigan, on the one hand, and, on the other, the international boundary line between the United States and Canada located at or near Detroit, Mich., for the account of Auto Pallets & Boxes Ontario Ltd., or Auto Pallets & Boxes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 136239, filed November 23, 1971. Applicant: COASTAL TRUCKING COMPANY, a corporation, Post Office Box 1256, Bell Point Street, Brunswick, GA 31520. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and storage facilities of SeaPak/Division of W. R. Grace & Co., at or near Brunswick, St. Simons Island, and Savannah, Ga., and Buffalo, N.Y.; to points in Florida, Georgia, South Carolina, North Carolina, Virginia, New York, Maryland, Delaware, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, Ohio, Tennessee, Kentucky, West Virginia, Alabama, Indiana, and the District of Columbia, under contract with SeaPak/Division of W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Savannah, Ga.

No. MC 136246, filed December 6, 1971. Applicant: GEORGE BROS. INC., Post Office Box 492, Sutton, NE 68979. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center

Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, fertilizer solutions, liquid feed and liquid feed supplements*, from the plantsite of Phillips Petroleum Co. at or near Aurora, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming; and (2) *anhydrous ammonia and fertilizer solutions*, from the plantsite of Phillips Petroleum Co. at or near Hoag, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Oklahoma, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

MOTOR CARRIERS OF PASSENGERS

No. MC 135754 (Sub-No. 1), filed December 1, 1971. Applicant: ROBERT E. WILLIAMSON, JR., doing business as HILTON HEAD ISLAND TRANSPORTATION CENTER, Post Office Box 5185, Hilton Head Island, SC 29928. Applicant's representative: Albert Watson, c/o Watson and Adams, Security Federal Building, Columbia, S.C. 29202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, light express, mail and newspapers*, up to 100 pounds in weight, on call, scheduled, or charter service, between Hilton Head Island, S.C., on the one hand, and, on the other, Savannah, Ga., and Savannah Airport. Note: If a hearing is deemed necessary, applicant requests it be held at Columbia or Beaufort, S.C.

No. MC 136225, filed December 1, 1971. Applicant: ALOIS PHILIPPS, doing business as PHILIPPS' BUS SERVICE, Route 3, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Winona County, Minn., and extending to points in Illinois, Wisconsin, Iowa, South Dakota, Michigan, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 97357 (Sub-No. 43), filed November 29, 1971. Applicant: ALLYN

TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from points in Imperial County, Calif., to points in Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-19000 Filed 12-29-71;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Wage Determination for Specified Localities in Certain States

Modification to area wage determination decisions for specified localities in Alabama, Florida, Illinois, Kentucky, Montana, Ohio, and Tennessee.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-339	Aug. 13, 1971
AM-404, AM-405, AM-406, AM-407, AM-408, AM-409, AM-410, AM-411, AM-412, AM-413, AM-414, AM-415, AM-416, AM-417	Aug. 18, 1971
AM-442, AM-453, AM-454, AM-455, AM-478, AM-480, AM-501, AM-503	Aug. 20, 1971
AM-2519	Aug. 25, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of

the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for predetermination of wage rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determination, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. No. 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 23d day of December 1971.

HORACE E. MENASCO,
Acting Assistant Secretary
for Employment Standards.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-44-50 F.R. 16340, Jefferson County, Ala. Modification No. 2</i>						
CHANGE: Glaziers.....	\$5.75	\$0.20	\$0.20		\$0.01	
<i>WD No. AM-453-56 F.R. 16373, Dade County, Fla. Modification No. 3</i>						
CHANGE: Carpenters.....	7.60	.30	.20		.01	
Millwrights.....	7.85	.30	.20		.01	
Piledrivers.....	7.60	.30	.20		.01	
Soft floor layers.....	7.60	.30	.20		.01	
<i>WD No. AM-454-56 F.R. 16377, Duval County, Fla. Modification No. 2</i>						
CHANGE: Carpenters.....	5.82	.20	.15	\$0.15	.02	
Millwrights.....	6.59	.29	.15		.02	
Piledrivers.....	5.82	.29	.15	.15	.02	
Acoustical workers.....	5.82	.29	.15	.15	.02	
Dry wall applicators.....	5.82	.29	.15	.15	.02	
Soft floor layers.....	5.82	.29	.15	.15	.02	
<i>WD No. AM-455-56 F.R. 16361, Hillsborough County, Fla. Modification No. 3</i>						
CHANGE: Carpenters.....	6.28	.20	.10		.02	
Piledrivers.....	6.53	.20	.10		.02	
Millwrights.....	6.24	.30	.45			
Soft floor layers.....	6.28	.20	.10		.02	
<i>WD No. AM-359-56 F.R. 15805, Vermilion County, Ill.</i>						
CHANGE: Electricians, linemen and equipment operators.....	7.10	.20	1%+.20		34%	
<i>WD No. AM-476-56 F.R. 16457, Boyd County, Ky. Modification No. 3</i>						
CHANGE: Ironworkers:						
Structural.....	8.10	.40	\$0.55		\$0.01	
Ornamental.....	8.10	.40	.55		.01	
Reinforcing.....	8.10	.40	.55		.01	
<i>WD No. AM-480-56 F.R. 16457, Jefferson County, Ky. Modification No. 3</i>						
CHANGE: Painters:						
Zone 1-35 mile radius from Jefferson County, Courthouse, Louisville, Ky.:						
New construction:						
Basic.....	6.14	.15	.10		.03	
Special.....	6.49	.15	.10		.03	
Spray.....	6.59	.15	.10		.03	
Old construction:						
Basic.....	6.02	.15	.10		.03	
Special.....	6.37	.15	.10		.03	
Spray.....	6.47	.15	.10		.03	
Zone 2-Over 35 mile radius of Jefferson Co., Courthouse:						
New construction:						
Basic.....	6.49	.15	.10		.03	
Special.....	6.84	.15	.10		.03	
Spray.....	6.94	.15	.10		.03	
Old construction:						
Basic.....	6.37	.15	.10		.03	
Special.....	6.72	.15	.10		.03	
Spray.....	6.82	.15	.10		.03	
<i>WD No. AM-2,519-56 F.R. 17101, Missoula County, Mont. Modification No. 2</i>						
CHANGE: Carpenters:						
Carpenters.....	5.575	.25	.35		.02	
Millwrights.....	5.835	.25	.35		.02	
Laborers:						
Laborers.....	4.785	.30	.20		.03	
Air tool operator, jackhammer, pipelayers, pipewrappers, small concrete mixers, vibrator.....	5.035	.30	.20		.03	
Mason tenders and plasterer tenders.....	5.185	.30	.20		.03	
Painters:						
Brush.....	5.66	.30	.15			
Spray.....	5.66	.30	.15			
Truck drivers.....	4.785					
<i>WD No. AM-404-56 F.R. 15897, Butler County, Ohio Modification No. 3</i>						
CHANGE: Laborers (building construction):						
Common laborers.....	5.85	.35	.15			
Asphalt rakers, tamper, smoother, hand air pump, hand air tamper, chisel, vibrator power tamper operator.....	5.05	.35	.15			
Gunitite operators, sandblasters, concrete pumps and hose men.....	6.20	.35	.15			
Mason tenders, mortar mixers and scaffold builders.....	6.18	.35	.15			
Power equipment operators:						
Building construction:						
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting building materials, hoers (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panel-board (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction onsite), tower derricks, trench machines (over 24 in. wide).....	8.63	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohiman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats.....	8.45	.28	.55		.05	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
Ohio—6—PEO					
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenchers (24 in. and under)	8.33	.28	.55		.05
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers welder operator	7.70	.28	.55		.05
Backfillers and tampers, batch plant, bar and joint installing machine, bull floats, burlap and curing machines, cleplanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachment), finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge), hydro seeders, self-propelled power spreaders, self-propelled subgrader, tire repairman, tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	7.40	.28	.55		.05
Other, helper, signalman, light plant operator, power driven beaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge)	6.80	.28	.55		.05
<i>WD No. AM-408-86 P.R. 15908, Clark County, Ohio Modification No. 5</i>					
CHANGE:					
Plasterers	8.25				
Power equipment operators:					
Building construction:					
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24 in. wide)	8.63	.28	.55		.05
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push carts	8.48	.28	.55		.05
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenchers (24 in. and under)	8.33	.28	.55		.05
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers welder operator	7.70	.28	.55		.05
Backfillers and tampers, batch plant, bar and joint installing machine, bull floats, burlap and curing machines, cleplanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachment), finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge), hydro seeders, self-propelled power spreaders, self-propelled subgrader, tire repairman, tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	7.40	.28	.55		.05
Other, helper, signalman, light plant operator, power driven beaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge)	6.80	.28	.55		.05
<i>WD No. AM-408-86 P.R. 16906, Cuyahoga County, Ohio, Modification No. 5</i>					
CHANGE:					
Glassers	9.46	.26	.30		.01
Power equipment operators:					
Building construction:					
A-frames, air compressor on steel erection, all rotary drills used on caisson for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24 in. wide)	9.55	.28	.55		.05
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohman type loaders (dirt loading), mucking machines, power graders, power scoops, power scrapers	8.90	.28	.55		.05
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boiler (over 15 lbs. pressure), pump operator installing or operating well points or other type of dewatering system, pump (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenchers (24 in. and under)	8.75	.28	.55		.05
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity, more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	8.12	.28	.55		.05
Backfillers and tamper, batch plant, bar and joint installing machine, bull floats burlap and curing machines, cleplanters, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractors (pulling attachment), finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge), hydroseeders, self-propelled power spreader, self-propelled subgrader, tractor (pulling sheep foot roller or grader), tire repairman, vibratory compactors (with integral power)	7.82	.28	.55		.05
Other, helper, signalmen, lightplant operator, power driver beaters (oil fired), power boilers (less than 15 lbs. pressure), submersible pumps (under 4 in. discharge), pumps (under 4 in. discharge)	7.22	.28	.55		.05

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-407-86 F.R. 15911, Franklin and Pickaway Counties, Ohio Modification No. 3</i>						
CHANGE:						
Ohio-S-PEO M						
Building construction:						
Power equipment operators:						
A-frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and trowel, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting building materials, hoe (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24 in. wide)	8.55	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlmann type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cuts	8.40	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator (installing or operating well points or other type of dewatering system), pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenchers (24 in. and under)	8.25	.28	.55		.05	
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	7.62	.28	.55		.05	
Back filler and tamper, batch plant, bar and joint installing machine, bull floats, bur-lap and curing machines, cleplanes, concrete spreading machines, crushers, drum firemen (asphalt), farm type tractor (pulling attachments), finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge), hydro seeders, self-propelled power spreader, self-propelled subgrader, tire repairman, tractor (pulling sheet foot roller or grader), vibratory compactors (with integral power)	7.32	.28	.55		.05	
Oilier, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge)	6.72	.28	.55		.05	
<i>WD No. AM-408-86 F.R. 15913, Green and Montgomery Counties, Ohio Modification No. 4</i>						
CHANGE:						
Marble setters	7.45	.25				
Painters:						
Brush	8.19	.24	.20		.02	
Structural steel and swing stage	8.59	.24	.20		.02	
Paperhanging	8.44	.24	.20		.02	
Spray and sandblasting	8.69	.24	.20		.02	
Rollers	8.19	.24	.20		.02	
Plasterers	8.25					
Terrazzo workers	7.45	.25				
Tile setters	7.45	.25				
Power equipment operators:						
Building construction:						
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equip-ment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting building materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24 in. wide)	8.63	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlmann type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cuts	8.48	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator (installing or operating well points or other type of dewatering system), pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenchers (24 in. and under)	8.33	.28	.55		.05	
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	7.70	.28	.55		.05	
Backfillers and tampers, batch plant, bar and joint installing machine, bull floats, burlap and curing machines, cleplanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines form trenchers, high pressure pumps (over 1/2 in. discharge), hydro seeders, self-propelled power spreaders, self-propelled subgrader, tire repairman, tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	7.40	.28	.55		.05	
Oilier, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge)	6.80	.28	.55		.05	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
WD No. AM-10-36 F.R. 15980, Hamilton County, Ohio Modification No. 3					
CHANGE:					
Ohio-15-PEO P 1 of 2					
Power equipment operators:					
Building construction:					
A-frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), derrick (all types), draglines, elevating grader euclid loader, floating equipment, gradalls, helicopter operator hoisting builders materials, helicopter winch operator hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction site), tower derricks, trench machines (over 24 in. wide)	7.49	.28	.55		.05
Asphalt paver, bulldozer, CMI type equipment, endloaders, Kohiman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.34	.28	.55		.05
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator installing or operating well points or other type of dewatering system, submersible pumps (4 in. and over discharge), pumps (4 in. and over discharge), trenchers (24 in. and under)	7.10	.28	.55		.05
Compressors on building construction, conveyors (building material), granite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader) post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, roller, welder operator	6.65	.28	.55		.05
Backfillers, tampers, batch plant, bar and joint installing machine, bull floats, burlap and curing machines, elevators, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge), hydro seeders, self-propelled power spreader, self-propelled subgrader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compactors (with integral power)	6.35	.28	.55		.05
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge)	5.75	.28	.55		.05
WD No. AM-10-36 F.R. 15985 Licking County, Ohio Modification No. 3					
CHANGE:					
Bricklayers and stonemasons					
Power equipment operators:					
Building construction:					
A-frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and trowel, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting builders materials, helicopter winch operator hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks trench machines (over 24 in. wide)	8.55	.28	.55		.05
Asphalt paver, bulldozer, CMI type equipment, endloaders, Kohiman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	8.40	.28	.55		.05
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenchers (24 in. and under)	8.25	.28	.55		.05
Compressors on building construction, conveyors (building material), granite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	7.62	.28	.55		.05
Backfiller and tamper, batch plant, bar and joint installing machine, bull floats, burlap and curing machines, elevators, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge) hydro seeders, self-propelled power spreader, self-propelled subgrader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compactors (with integral power)	7.32	.28	.55		.05
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge)	6.72	.28	.55		.05

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments								
		H & W	Pensions	Vacation	App. Tr. Other					
<i>WD No. AM-41-38 P.R. 15989, Lucas County, Ohio Modification No. 6</i>										
CHANGE:										
Bricklayers and stonemasons.....	8.775	.35	.35		.01					
Marble setters.....	8.775	.35	.35		.01					
Sheet metal workers.....	8.975	.35	.40		.02					
Soft floor layers.....	7.09	.35	.35		.005					
Power equipment operators:										
Building construction:										
A-Frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom truck (all types), cableways, cherry pickers, combination concrete mixer and trowel, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator, hoisting builders materials, helicopter winch operator hoisting builders materials, hoec (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types onsite), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction onsite), tower derricks, trench machines (over 24 in. wide).....						8.80	.28	.55		.05
Asphalt paver, bulldozer, DMI type equipment, endloader, Kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats.....						8.65	.28	.55		.05
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator, installing or operating well points or other type of dewatering system, pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenchers (24 in. and under).....						8.50	.28	.55		.05
Compressor on building construction, conveyors building material, granite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator, post driver.....						7.87	.28	.55		.05
Backfillers and tamper, batch plant, bar and jointing installing machine, bull floats, burlap and curing machines, cleplanes, concrete spreading machines, crushers, drum firemen (asphalt), farm type tractors (pulling attachments), finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge), hydro seeders, self propelled power spreader, self propelled subgrader, tire repairman, tractors (pulling sheep foot roller or grader), vibratory compactors (with integral power).....						7.57	.28	.55		.05
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge).....						6.91	.28	.55		.05
<i>WD No. AM-44-95 P.R. 15934, Mahoning County, Ohio Modification No. 3</i>										
CHANGE:										
Painters:										
Commercial:										
Brush.....	7.865	.35	.30							
Paperhanging, waterproofing and wall washing.....	7.865	.35	.30							
Dry wall taping.....	8.015	.35	.30							
Swing, interior scaffolding and window jack.....	8.04	.35	.30							
Open structural steel.....	8.08	.35	.30							
Spray.....	8.165	.35	.30							
Industrial:										
Brush and bridges.....	7.57	.35	.30							
Spray and sandblasting.....	8.07	.35	.30							
Television, radio towers, and smoke stacks.....	8.445	.35	.30							
<i>WD No. AM-45-30 P.R. 15938, Muskingum County, Ohio Modification No. 5</i>										
CHANGE:										
Marble setters.....	8.30	.20								
Terrazzo workers.....	8.30	.20								
Tile setters.....	8.30	.20								
Power equipment operators:										
Building construction:										
A-frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and sub-structure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and trowel, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator, hoisting builders materials, helicopter winch operator hoisting builders materials, hoe (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types onsite), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction onsite), tower derricks trench machines (over 24 in. wide).....						8.55	.28	.55		.05
Asphalt paver, bulldozer, CMI type equipment, endloaders, Kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats.....						8.40	.28	.55		.05
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator, installing or operating well points or other type of dewatering system, pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenchers (24 in. and under).....						8.25	.28	.55		.05
Compressors on building construction, conveyors (building material), granite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post hole digger, pavement breaker, (hydraulic or cable), road widening trencher, rollers, welder operator.....						7.62	.28	.55		.05
Back filler and tamper, batch plant, bar and joint installing machine, bull floats, burlap and curing machines, cleplanes, concrete spreading machines, crushers, drum firemen (asphalt), farm type tractor (pulling attachments), finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge) hydro seeders, self-propelled power spreader, self-propelled, sub-grader, tire repairman, tractor (pulling sheet foot roller or grader), vibratory compactors (with integral power).....						7.32	.28	.55		.05
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge).....						6.72	.28	.55		.05

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-414-86 F.R. 18945, Portage County, Ohio Modification No. 4</i>						
CHANGE:						
Glaziers.....	9.46	.25	.30		.01	
Painters:						
West one-third of county:						
Brush.....	7.64	.30	.20			
Structural steel.....	7.89	.30	.20			
Spray.....	8.14	.30	.20			
Ravenna and Windham Townships:						
Brush.....	7.665	.35	.30			
Structural steel.....	8.08	.35	.30			
Spray.....	8.165	.35	.30			
Sheet metal workers.....	8.50	.30	.20		.02	
Power equipment operators:						
Building construction:						
A-frame, air compressor on steel erection, all rotary drills used on caisson work for foundation and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradall, helicopter operator (hoisting builders materials), helicopter winch operator (hoisting builders materials), hoists (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24 in. wide).....	8.50	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats.....	8.65	.28	.55		.05	
Air compressor, pressurizing shafts or tunnels, all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge) trenches (24 in. and under).....	8.50	.28	.55		.05	
Compressors on building construction, conveyors building material, granite machines, mixers (capacity, more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.....	7.87	.28	.55		.05	
Backfillers and tamper, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading machine, crushers, drum fireman (asphalt), farm type tractors, pulling attachments, finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge), hydro seeders, self-propelled power spreader, self-propelled sub-grader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compactors (with integral power).....	7.67	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4 in. discharge) submersible pumps (under 4 in. discharge).....	6.97	.28	.55		.05	
<i>WD No. AM-415-86 F.R. 15948, Stark County, Ohio Modification No. 5</i>						
CHANGE:						
Plumbers and steamfitters:						
Massillon and vicinity.....	7.95	.40	.25			
Sheet metal workers.....	8.50	.30	.20		.02	
Power equipment operators:						
Building construction:						
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundation and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradall, helicopter operator (hoisting builders materials), helicopter winch operator (hoisting builders materials), hoists (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24 in. wide).....	8.50	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats.....	8.65	.28	.55		.05	
Air compressor, pressurizing shafts or tunnels, all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenches (24 in. and under).....	8.50	.28	.55		.05	
Compressors on building construction, conveyors building material, granite machines, mixers (capacity, more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.....	7.87	.28	.55		.05	
Backfillers and tamper, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading machine, crushers, drum fireman (asphalt), farm type tractors, pulling attachments, finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge) hydro seeders, self-propelled power spreader, self-propelled sub-grader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compactors (with integral power).....	7.67	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4 in. discharge) submersible pumps (under 4 in. discharge).....	6.97	.28	.55		.05	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-416-56 F.R. 15955, Summit County, Ohio Modification No. 4</i>						
CHANGE:						
Painters (south of and including the East West Turnpike):						
Brush, rollers and paperhangers.....	7.64	.30		.20		
Structural steel.....	7.80	.30		.20		
Spray.....	8.14	.30		.20		
Sheet metal workers.....	8.50	.30		.20	.02	
Power Equipment Operators:						
Building Construction:						
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundation and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradall, helicopter operator (hoisting builders materials), Helicopter winch operator (hoisting builders materials), hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types onsite), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction onsite), tower derricks, trench machines (over 24 in. wide).....	8.80	.28		.65	.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, Kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats.....	8.65	.28		.65	.05	
Air compressor, pressurizing shafts or tunnels, all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4 in. and over discharge), submersible pumps (4 in. and over discharge), trenches (24 in. and under).....	8.50	.28		.65	.05	
Compressors on building construction, conveyors building material, gunite machines, mixers (capacity, more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.....	7.87	.28		.65	.05	
Backfillers and tamper, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading machine, crushers, drum fireman (asphalt), farm type tractors, pulling attachments, finishing machines, form trenchers, high pressure pumps (over 1/2 in. discharge), hydro seeders, self-propelled power spreader, self-propelled subgrader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compactors (with integral power).....	7.57	.28		.65	.05	
Oilier, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4 in. discharge), submersible pumps (under 4 in. discharge).....	6.97	.28		.65	.05	
<i>WD No. AM-417-56 F.R. 15958, Trumbull County, Ohio, Modification No. 2</i>						
CHANGE:						
Painters (commercial):						
Brush.....	7.865	.35		.30		
Spray.....	8.165	.35		.30		
Structural steel.....	8.08	.35		.30		
Painters (Industrial):						
Brush.....	7.57	.35		.30		
Spray.....	8.07	.35		.30		
Stacks and towers.....	8.445	.35		.30		
<i>WD No. AM-101-56 F.R. 16482, Hamilton County, Tenn. Modification No. 2</i>						
CHANGE:						
Building construction:						
Carpenters and soft floor layers.....	6.08	.15		.15	.02	
Millwrights.....	6.53	.15		.15	.02	
Flodrivermen.....	6.335	.15		.15	.02	
Elevator constructors.....	6.65	.195		.20	2%+a&b .005	
Elevator constructors' helpers.....	4.655	.195		.20	2%+a&b .005	
Elevator constructors' helpers (probationary).....	3.325					
Ironworkers:						
Within 8-mile radius of Hamilton County Courthouse.....	6.20	.15		.15	.05	
Outside 8-mile radius of Hamilton County Courthouse.....	6.45	.15		.15	.05	
Roofers:						
Slate and tile.....	5.60			.10		
Composition, damp and waterproof.....	5.40			.10		
Kettlemen.....	5.10			.10		
Helpers.....	3.75			.10		
12-Tenn. L.A.B. J						
Building construction:						
Laborers:						
Powderman and motorized post hole diggers.....	4.65	.10		.20		
Asphalt rakers, wagon drill operators.....	4.30	.10		.20		
Sewer pipelayers, yarner and potmen, steel form setters, mortar mixers, power saw operator, air tool operator.....	4.20	.10		.20		
Powdermen helpers, form strippers, concrete puddlers, vibrator operator, tenders to all trowel trades, carrying reinforced steel, operating motorized wheelbarrows, doping and painting of pipe, railroad track laborers, air spade operator.....	4.10	.10		.20		
Concrete and general laborers.....	4.00	.10		.20		
Barco tamper operator and specially designed tamper operator.....	4.35	.10		.20		
Free air shafts and tunnels:						
Tunnel miner.....	4.80	.10		.20		
Pneumatic concrete gun operator and nozzleman.....	4.70	.10		.20		
Chuck tender.....	4.55	.10		.20		
Tunnel laborers.....	4.40	.10		.20		
<i>WD No. AM-603-56 F.R. 16489, Shelby County, Tenn. Modification No. 1</i>						
CHANGE:						
10-Tenn. Laborers M 1 of 1:						
Building construction:						
Laborers:						
General and common laborers, concrete laborers, track laborer-walkers, cement finisher helpers, plumber helpers, carpenter tenders, asphalt rakers-tampers, form strippers, roofing helpers.....	3.475					
Well driller helpers, storm and sanitary pipe layers, mat weavers.....	3.575					
Motor buggie operators, chain saw operators.....	3.625					
Jackhammer, vibrator and electric hammers, and all air tool and pneumatic tools.....	3.63					
Deep hole man.....	3.825					
Powdermen, toolroom attendant, torchman on demolition and salvage, sand hog (free air).....	4.025					
Hod carriers, mason tenders and plasterer and plasterer tenders.....	4.35					
Mortar mixers.....	4.45					

[FR Doc.71-18943 Filed 12-29-71;8:45 am]

Office of the Secretary

[TEA-W-71]

ORNSTEEN SHOE CO., INC.

Notice of Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Following a Tariff Commission report under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884), the President's decision under section 330(d)(1) of the Tariff Act of 1930, as amended, in respect thereto, and subsequent investigation as authorized under 29 CFR Part 90 and notice in 34 F.R. 18342; 36 F.R. 8420, a certification under section 302(c) of the Trade Expansion Act was made on June 14, 1971, certifying that "all workers (hourly, piecework, and salaried) of the Ornsteen Shoe Co., Inc., plant located in Haverhill, Mass., who became unemployed or underemployed after October 4, 1970, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962." (36 F.R. 11836)

On the basis of a further showing and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such Act, the certification issued by the Department on June 14, 1971, is hereby revised to change the date shown therein, and accordingly, to include within the coverage of the certifi-

cation additional workers who became unemployed or underemployed.

Such revised certification is hereby made as follows:

All workers (hourly, salaried, and piecework) of the Ornsteen Shoe Co., Inc., plant, located in Haverhill, Mass., who become unemployed or underemployed after July 20, 1970, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 21st day of December, 1971.

DONALD M. IRWIN,
Deputy Under Secretary,
International Affairs.

[FR Doc.71-19063 Filed 12-29-71;8:48 am]

[TEA-W-75]

SINCLAIR SHOE CO.

Notice of Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Following a Tariff Commission report under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884), the President's decision under section 330(d)(1) of the Tariff Act of 1930, as amended, in respect thereto, and subsequent investigation as authorized under 29 CFR Part 90 and notice in 34 F.R. 18342; 36 F.R. 8420, a certification under section 302(c) of the Trade Expansion Act was made on

June 14, 1971, certifying that "all workers (hourly, salaried, and piecework) of the Sinclair Shoe Co. plant located at Haverhill, Mass., who became, or will become, unemployed, or underemployed after November 5, 1970, are eligible to apply for adjustment assistance under title III, chapter 3 of the Trade Expansion Act of 1962." (36 F.R. 11837)

On the basis of a further showing and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such Act, the certification issued by the Department on June 14, 1971, is hereby revised to change the date shown therein, and accordingly, to include within the coverage of the certification additional workers who became unemployed or underemployed.

Such revised certification is hereby made as follows:

All workers (hourly, salaried, and piecework) of the Sinclair Shoe Co. plant, located at Haverhill, Mass., who became, or will become, unemployed or underemployed after October 12, 1970 are eligible to apply for adjustment assistance under title III, chapter 3 of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 21st day of December 1971.

DONALD M. IRWIN,
Deputy Under Secretary,
International Affairs.

[FR Doc.71-19080 Filed 12-29-71;8:49 am]

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THURSDAY, DECEMBER 30, 1971
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PART II



COST ACCOUNTING STANDARDS BOARD

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National Defense Contract and
Subcontract Requirements
Concerning Cost Accounting
Practices

Notice of Proposed Rule Making

COST ACCOUNTING STANDARDS BOARD

[4 CFR Parts 331, 351, 401, 402]

NATIONAL DEFENSE CONTRACT AND SUBCONTRACT REQUIREMENTS CONCERNING COST ACCOUNTING PRACTICES

Notice of Proposed Rule Making

Notice is hereby given of standards, rules and regulations which the Cost Accounting Standards Board is considering for promulgation to implement the requirements of section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the requirements will be binding upon all relevant Federal agencies and national defense contractors and subcontractors.

The regulations specify and explain a solicitation notice and contract clauses (Part 331), the Disclosure Statement (Part 351), and two Cost Accounting Standards (Parts 401 and 402).

The solicitation notice spells out the conditions which bidders and proposers must satisfy to obtain a contract which is subject to or which may result in modifications subject to Cost Accounting Standards Board requirements. The contract clauses set forth the precise nature of the contractor's and contracting agency's rights and duties concerning such requirements. The Disclosure Statement and its related regulation specify the data regarding cost accounting practices which covered contractors and subcontractors must submit to contracting agencies as a condition of contracting. The requirements which contracting agencies must meet in obtaining and utilizing such statements are also spelled out. The proposed Disclosure Statement form appears at § 351.14.

The standards are the first of a series of such issuances which the Board is required to develop "to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts." (See sec. 719(g) of the Defense Production Act of 1950, as amended.) One standard establishes the requirement for consistency in estimating, accumulating, and reporting costs. The other standard establishes the requirement for consistency in charging and allocating costs incurred for the same purpose.

SPECIAL NOTICE

The Cost Accounting Standards Board has been advised that parties outside of the Federal Government may seek access to some of the Disclosure Statements submitted pursuant to the Board's requirements. Therefore, the Cost Accounting Standard Board has before it the question of whether data submitted in response to Disclosure Statements should be made available to the public upon appropriate request. The Public Information Section of the Administrative Proce-

dures Act (5 U.S.C. 552) requires that a record promptly be made available to any person requesting it. Nevertheless, data which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential" need not under that section be made available. The Board has been urged that such data be made available to the public and has also been urged that such data be withheld from public inspection. The Board earnestly solicits arguments for or against public availability in comments on this regulation. Anyone commenting on the Disclosure Statement regulation (Part 351) may state why such information should be made available to the public, or which particular question or questions elicit data which he believes should be withheld from the public; in the latter case, he should provide specific illustrations indicating why injury to legitimate interests would result from public inspection of the data.

Interested parties are invited to submit written data, views, and arguments, in an original and two copies, concerning the proposals to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548 no later than February 4, 1972. All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

PART 331—CONTRACT COVERAGE

AUTHORITY: The provisions of this Part 331 are issued under 50 U.S.C. App. 2168.

§ 331.1 Purpose and scope.

The regulations contained in this Part are promulgated to implement the standards and the rules and regulations established by the Cost Accounting Standards Board pursuant to 50 U.S.C. App. 2168 (Public Law 91-379, August 15, 1970). The requirements set forth herein shall be binding upon all relevant Federal agencies and upon defense contractors and subcontractors.

§ 331.2 Definitions.

(a) A "relevant Federal agency" is any Federal agency making a national defense procurement and any agency whose responsibilities include review, approval, or other action affecting such a procurement.

(b) A "defense contractor" is any contractor entering into a contract with the United States for the production of material or the performance of services for the national defense.

(c) A "defense subcontractor" is any person other than the United States who contracts, at any tier, to perform any part of a defense contractor's contract.

(d) "National defense" is any program for military and atomic energy production or construction, military assistance to any foreign nations, stockpiling, space, and directly related activity.

(e) The definition of "established catalog or market prices of commercial items sold in substantial quantities to the general public" set out in the Armed Services Procurement regulation,

§ 3-807.1(b) (32 CFR 3.807-1(b)), in effect at the date of the contract, shall be used.²

(f) A "negotiated subcontract" is any subcontract except a firm fixed-price subcontract made by a contractor or subcontractor after receiving offers from at least two firms not associated with each other or such contractor or subcontractor, providing (1) the solicitation to all competing firms is identical and (2) the lowest offer received in compliance with the solicitation from among those solicited is accepted.

(g) A "Disclosure Statement" is the Disclosure Statement promulgated by Cost Accounting Standards Board regulation (Part 351 of this chapter).

§ 331.3 Applicability.

The head of each relevant Federal agency shall cause or require the clause set forth in § 331.5 and captioned "Cost Accounting Standards" to be inserted in all negotiated defense contracts and contract modifications in excess of \$100,000, other than contracts entered into by the agency where the price is based on: (a) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation. Additionally, all solicitations, including advertised solicitations, likely to result either in a contract in which the clause set forth in § 331.5 must be inserted or in a contract under which modifications will be made in which that clause must be inserted shall include the notice set forth in § 331.4 and captioned "Disclosure Statement—Cost Accounting Practices." Contracts which do not contain the clause set forth in § 331.5 under which modifications subject to the requirements of the Cost Accounting Standards Board are likely to be made shall include the contract clause set forth in § 331.6 captioned "Future Application of Cost Accounting Standards."

§ 331.4 Solicitation notice.

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES

Unless this is an advertised solicitation, any contract in excess of \$100,000 resulting from this solicitation, except contracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation, will be subject to the requirements of the Cost Accounting Standards Board. Also any modification in excess of \$100,000 whether made under a contract subject to such standards or not will be subject to such requirements unless the modification falls within the exceptions recited above. Any offeror submitting a proposal, which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation.

² It is assumed that the proposed revision of ASPR 3-807.1(b), now under active consideration by the ASPR Committee, will have been issued prior to the effective date of this regulation.

itation unless, in compliance with agency procedures, the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal, or unless post-award submission has been authorized by the contracting officer in accordance with regulations of the Cost Accounting Standards Board (see 4 CFR 331.7.) If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the following information:²

CERTIFICATION (APPLICABLE ONLY TO PROPOSALS RESULTING IN CONTRACTS SUBJECT TO COST ACCOUNTING STANDARDS BOARD REQUIREMENTS)

By submission of this offer, the offeror certifies that his practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

§ 331.5 Contract clause—current applicability.

The following clause shall be inserted in all contracts and contract modifications subject to Cost Accounting Standards Board requirements:

COST ACCOUNTING STANDARDS

(a) Unless the Cost Accounting Standards Board has prescribed rules or regulations exempting the contractor or this contract from Standards, rules, and regulations promulgated pursuant to 50 U.S.C. App. 2168 (Public Law 91-379, August 15, 1970), the contractor, in connection with this contract or contract modification as applicable shall:

(1) By submission of a Disclosure Statement, disclose in writing his cost accounting practices as required by regulations of the Cost Accounting Standards Board. The required disclosures must be made prior to contract award unless the Contracting Officer provides a written notice to the contractor authorizing post-award submission in accordance with regulations of the Cost Accounting Standards Board.

(2) Follow consistently the cost accounting practices disclosed pursuant to (1) in accumulating and reporting contract performance cost data concerning this contract or contract modification as applicable. Changes to the Disclosure Statement will be permitted only in accordance with the procedures set out in Cost Accounting Standards Board regulations.

(3) Comply with all Cost Accounting Standards in effect at the time of award of this contract or contract modification as applicable.

(4) To the extent and on such terms and conditions as may be mutually accepted, comply with each Cost Accounting Standard and with each rule and regulation which is duly promulgated by the Cost Accounting Standards Board with an effective date after the effective date of this contract or contract modification as applicable.

(5) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with a Cost Accounting Standard applicable to this contract or contract modification pursuant to (3) and (4) above or to follow any practice disclosed pursuant to (1) and (2) above and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at

the rate determined by the Secretary of the Treasury pursuant to Public Law 92-41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree as to whether the contractor or a subcontractor has complied with an applicable Cost Accounting Standard or the rules and regulations of the Cost Accounting Standards Board, as amended or supplemented to the date of award of this contract or contract modification, all of which are incorporated herein by reference, or as to cost adjustments demanded by the United States, such failure to agree shall be a dispute concerning a question of fact within the meaning of the disputes clause of this contract.

(c) The contractor shall permit any authorized representative of the head of the agency, of the Cost Accounting Standards Board, or of the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b) and shall require such inclusion in all other subcontracts of any tier, except that this requirement shall apply only to negotiated subcontracts in excess of \$100,000 where the price negotiated is not based on:

(1) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or

(2) Prices set by law or regulation.

(e) (1) Any willful failure to perform any requirement of this clause shall be deemed to be a breach of a material term of this contract, for which breach the contract may be terminated for default.

(2) Contractor agrees to terminate for default or require the termination for default of any subcontract of any tier under this contract as directed by the Contracting Officer in cases where the Contracting Officer makes a finding that the subcontractor has willfully failed to perform any requirement of the subcontract relating to cost accounting practices.

(f) The following words as used herein shall have the following meanings:

(1) A "defense contractor" is any contractor entering into a contract with the United States for the production of material or the performance of services for the national defense.

(2) A "defense subcontractor" is any person other than the United States who contracts, at any tier, to perform any part of a defense contractor's contract.

(3) "National defense" is any program for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.

(4) A "negotiated subcontract" is any subcontract except a firm fixed-price subcontract made by a contractor or subcontractor after receiving offers from at least two firms not associated with each other or such contractor or subcontractor, providing (1) the solicitation to all competing firms is identical, and (2) the lowest offer received in compliance with the solicitation from among those solicited is accepted.

(5) A "Disclosure Statement" is the Disclosure Statement promulgated by Cost Accounting Standards Board regulations (4 CFR Part 351).

§ 331.6 Contract clause—future applicability.

The following clause shall be inserted in all contracts to which Cost Accounting

Standards Board requirements are not applicable but under which it is likely that modifications will be made which will be subject to such requirements.

FUTURE APPLICATION OF COST ACCOUNTING STANDARDS

(a) The contractor agrees that any contract modification which by Cost Accounting Standards Board regulations in effect on the date of contract award is subject to the requirements of that Board shall include the contract clause as required by the Board's regulation (4 CFR 331.5).

(b) The contractor shall include the substance of this clause in all subcontracts of any tier.

§ 331.7 Post-award disclosure.

(a) As specified in the solicitation notice and contract clause set forth in § 331.5 *Disclosure Statements* must be submitted by offerors required to make disclosure prior to contract award unless the Contracting Officer authorizes in writing post-award submission. As specified in the contract clause set forth in § 331.5, *Disclosure Statements* must be submitted by prospective subcontractors required to make disclosure prior to subcontract award unless the Contracting Officer at the request of the contractor authorizes in writing post-award submission.

(b) Post-award submission may be authorized only when the Contracting Officer has made a written determination that such authorization is essential (1) to the national defense, (2) because of the public exigency, or (3) to avoid undue hardship. Each determination shall set forth facts which clearly support the determination to authorize post-award submission, and a copy of the determination shall be included in the contract file. Authorization issued pursuant to this paragraph shall specify the time, not to exceed 90 days after contract or subcontract award, by which disclosure must be made.

(c) In the event the agency head determines that it is impractical to secure a required Disclosure Statement in accordance with the contract clause and this section, he shall prior to contract or subcontract award submit a report to the Cost Accounting Standards Board, setting forth all material facts. The Cost Accounting Standards Board will promptly advise the agency head of the action to be taken to satisfy its requirements.

§ 331.8 Interpretation.

(a) Changes to disclosed practices which result from a unilateral change by the contractor or from agreement with the contracting agency may be made by amendment of the Disclosure Statement. Notice of such changes shall be submitted promptly to the Contracting Officer in writing as an amendment to the Disclosure Statement in effect at the time of award. If such changes result in increased costs being paid by the United States, adjustment of the contract price or of cost allowances, as appropriate, shall be made as provided in paragraph

²[The agency issuing the solicitation should specify the data which it will accept if any in lieu of resubmission of a Disclosure Statement already submitted.]

(a) (5) of the Cost Accounting Standards clause, § 331.5.

(b) For purposes of the contract clause, increased costs as referred to in paragraph (a) (5) of the Cost Accounting Standards clause, § 331.5, shall be deemed to have resulted whenever the cost paid is determined by application of practices other than the contractor's disclosed practices or by failure to comply with applicable Cost Accounting Standards, and such cost is higher than it would have been had the disclosed practices been followed or applicable Cost Accounting Standards been complied with.

(c) In negotiated firm fixed-price type contracts, however, "increased costs" cannot be interpreted in terms of a higher level of costs reimbursed during contract performance, since in such contracts the price to be paid would normally be the price agreed to. That price will have been based on the requirement that the contractor utilize his disclosed practices and comply with applicable Cost Accounting Standards. Subsequently, if the contractor fails during contract performance to follow his disclosed practices or to comply with applicable Cost Accounting Standards, his costs may be less than the estimated costs used in negotiation of that price, and therefore the fixed price should be reduced. In such cases, the increased cost to the United States must be measured by the difference between the cost estimates used in negotiations and the cost estimates that would have been used had the contractor proposed on the basis of his actual practices.

(d) The statutory requirement underlying this interpretation is that the United States not pay increased costs, including a profit enlarged beyond that in the contemplation of the parties to the contract when the contract costs, price, or profit is negotiated, by reason of a contractor's failure to utilize applicable Cost Accounting Standards or to follow his disclosed practices. In making price adjustments under paragraph (a) (5) of the Cost Accounting Standards clause, § 331.5, in fixed-price or cost-reimbursement incentive contracts, or contracts providing for prospective or retroactive price redetermination, the Federal agency shall enforce this requirement appropriately in the circumstances, including all aspects of contract pricing and the time at which the contractor's failure to utilize Cost Accounting Standards or to follow his disclosed practices became known to the government.

(e) The contractor and the Contracting Officer may enter into an agreement specifying the effect that a government or contractor proposed change in practice shall be deemed to have on costs paid under one or more existing contracts for which the Contracting Officer is responsible. Such agreement may be made final and binding, notwithstanding the fact that experience may subsequently establish that actual impact of the change differed from that agreed to.

(f) To facilitate such agreements with a contractor who may have a large number of contracts affected by a proposed change in the contractor's disclosed cost accounting practices, contracting agencies are urged to establish procedures under which the contractor may seek, and in proper cases obtain, agreement with a single official concerning the impact of the proposed change upon all such contracts of that agency.

(g) In one circumstance an adjustment to the contract price or of cost allowances may not be required when an amendment to disclosed practices is estimated to result in increased costs being paid under a particular contract by the United States. This circumstance may arise when a contractor is performing two or more defense contracts with an agency or agencies of the United States, and when he proposes to change a practice disclosed for all such contracts. The amendment may increase the cost paid under one or more of the contracts, while decreasing the cost paid under one or more of the contracts. In such case, the Government will not require price adjustment for any increased costs paid by the United States so long as the costs decreased under one or more contracts are at least equal to the increased cost under the other affected contracts, provided that the contractor and all affected Contracting Officers agree on the method by which the price adjustments are to be made for all affected contracts. In this situation, the contracting agencies would, of course, require an adjustment of the contract price or cost allowances, as appropriate, to the extent that the increases under certain contracts were not offset by the decreases under the remaining contracts.

(h) Where, through inadvertence, the contractor has failed to utilize applicable Cost Accounting Standards or to follow his disclosed practices and has not notified his contracting officer or officers of that failure, if the result of this failure, once it is identified, is to increase costs paid under one or more contracts, while decreasing costs paid under one or more contracts, the contracting officer or officers of the agency or agencies concerned may, in the interest of administrative convenience, adjust the contract prices or cost allowances, as appropriate, of the affected contracts by requiring repayment of only the difference between the estimated price increases and the estimated price decreases.

§ 331.9 Effective date.

The Disclosure Statement requirement at § 331.4 (4 CFR 331.4) shall be included in all applicable solicitations issued on or after July 1, 1972, and all resulting contracts shall contain the contract clause at § 331.5 (4 CFR 331.5) or the contract clause at § 331.6 (4 CFR 331.6), as appropriate. Relevant Federal agencies shall notify the Cost Accounting Standards Board not later than June 1, 1972, of the action taken to implement this regulation.

PART 351—BASIC REQUIREMENTS

AUTHORITY: The provisions of this Part 351 are issued under 84 Stat. 796, sec. 103; 50 U.S.C. App. 2168.

§ 351.1 [Reserved]

§ 351.2 Purpose.

This regulation is promulgated pursuant to section 719 of the Defense Production Act of 1950, as amended by 84 Stat. 796 (Public Law 91-379), to provide the means by which affected persons can satisfy the requirements established by that law for disclosure of their cost accounting practices and to promulgate the Disclosure Statement form. The regulation also sets forth the administrative procedures to be followed by the Cost Accounting Standards Board and relevant Federal agencies in connection with such disclosures.

§ 351.3 Definitions.

A "profit center" is the smallest organizationally independent segment of a company which has been charged by management with profit and loss responsibilities.

§ 351.4 Filing requirement.

(a) The requirements of this part are applicable to all defense contractors who enter into negotiated national defense contracts with the United States in excess of \$100,000 other than contracts where the price negotiated is based on: Established catalog or market prices of commercial items sold in substantial quantities to the general public; or prices set by law or regulation. A separate Disclosure Statement covering the practices of each of the contractor's profit centers, reporting units, divisions, or similar organizational units whose costs included in the total price of any contract exceed \$100,000 must also be submitted, except where such costs are based on: Established catalog or market prices of commercial items sold in substantial quantities to the general public; or prices set by law or regulation. If the cost accounting practices under contracts are identical for more than one organizational unit, then only one statement need be submitted for those units, but each such organizational unit must be identified.

(b) The requirements also apply to each subcontractor of whatever tier under a prime contract subject to these provisions provided the subcontract would, if it were a prime contract with the United States, be covered by the above statement of applicability for negotiated national defense contracts.

(c) Every contractor and subcontractor covered by this subchapter must submit a Disclosure Statement as a condition of contracting. In order to minimize the administrative burdens upon contracting agencies, the initial requirement for filing is a two-phased requirement. Each company which together with its subsidiaries received awards of negotiated national defense contracts including supplemental awards during Federal fiscal year 1971 (July 1, 1970 through June

30, 1971) totaling more than \$30 million must submit completed Disclosure Statements within 90 days following the effective date of this regulation. All other companies required to submit Disclosure Statements must do so not later than December 31, 1972. Because a failure to submit an adequate, timely Disclosure Statement may result in the denial of a contract or subcontract award, relevant Federal agencies should act promptly to assure that affected companies submit Disclosure Statements as prescribed herein at the earliest possible time.

§ 351.5 Contract awards.

(a) After the 90th day following the effective date of this regulation, no relevant Federal agency shall award any national defense contract subject to this regulation to any contractor who during Federal fiscal year 1971 received net awards totaling \$30 million or more unless such contractor has submitted a completed Disclosure Statement as required herein. After December 31, 1972, no such contract shall be awarded to any contractor unless he has submitted a completed Disclosure Statement in accord with this requirement. As set forth in the contract clause at § 331.5 of this chapter, 4 CFR 331.5, the contracting officer may, in certain circumstances, authorize post-award submission, notwithstanding the requirement of this section.

(b) No subcontract shall be awarded to any subcontractor required to file a Disclosure Statement pursuant to the filing requirement of § 351.4 unless the subcontractor has satisfied that requirement by submitting such statement to the Government in the manner prescribed by agency regulations and agreed to with the prime contractor under whom the subcontract is to be awarded.

§ 351.6 Forms.

Disclosure Statements shall contain complete responses to the items set forth in § 351.14. For the convenience of persons required to submit Disclosure Statements, the Cost Accounting Standards Board has devised a form, Form No. CASB-DS-1, which is recommended for use in submitting Disclosure Statements. Copies of the form may be requested by relevant Federal agencies for distribution to affected contractors and subcontractors from the Administrative Officer of the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548. If for any reason, copies of the form cannot be obtained, the required information shall be supplied in a form substantially in accord with the arrangement set forth in § 351.14.

§ 351.7 Submission.

Each national defense contractor shall submit a copy of each Disclosure Statement, and any amendments thereto in accordance with the method prescribed by each Federal agency for which the contractor is performing or proposes to perform contracts subject to the rules, regulations, and Standards of the Cost

Accounting Standards Board. Concurrently, a copy shall also be submitted to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20542.

§ 351.8 Incorporation of Disclosure Statements.

Every solicitation subject to the standards, rules, and regulations of the Cost Accounting Standards Board shall contain a provision allowing the contractor to identify and incorporate by reference, a Disclosure Statement already on file which will be applicable to that solicitation. Such identification and incorporation shall satisfy the requirement for disclosure as a condition of contracting. Agencies may, nonetheless, require submission of additional copies of such Disclosure Statement to the extent deemed necessary.

§ 351.9 Adequacy of Disclosure Statements.

Each Federal agency shall prescribe the method by which it will determine that a Disclosure Statement has adequately disclosed the practices required to be disclosed by Cost Accounting Standards Board's standards, rules, and regulations. The Disclosure Statement submitted to the Cost Accounting Standards Board in accord with § 351.7 is for evaluation and development of Board programs only. Consequently, such submission to the Board does not satisfy the requirement for disclosure as a condition of contracting, nor does any action by the Board with respect to such statement constitute a finding of any kind regarding the adequacy of the statement as submitted.

§ 351.10 Effect of filing Disclosure Statement.

Unless the Federal agency involved provides otherwise either by regulation or by specific notice to the contractor involved, a Disclosure Statement submitted to the agency or incorporated by reference shall be presumed adequate to meet the requirement that disclosure be made as a condition of contracting. The fact that the condition of contracting has been met shall serve only to establish what the contractor's cost accounting practices are or are proposed to be. In the absence of specific regulation or agreement, a disclosed practice shall not, by virtue of such disclosure, be deemed to have been approved by the agency involved, as a proper, approved, or agreed practice for pricing proposals or accumulating and reporting contract performance cost data.

§ 351.11 Early filing.

In order to permit orderly processing of Disclosure Statements, all prospective contractors and subcontractors are urged to submit Disclosure Statements as soon as possible. Notwithstanding such early filings, contractors will be bound to adhere to disclosed practices only with respect to contracts entered into after the last day of the period during which an affected contractor is required to submit his initial filing under § 351.4.

§ 351.12 Amendment of Disclosure Statement.

(a) Disclosure Statement amendments may be submitted at any time. Nothing contained in this regulation shall be construed to prohibit a contracting officer and a contractor from entering into an agreement specifying the effect that a Government or contractor proposed change in practice shall be deemed to have on costs paid under one or more existing contracts for which the contracting officer is responsible. Such agreement may be made final and binding, notwithstanding the fact that experience may subsequently establish that actual impact of the change differed from that agreed to.

(b) If an amendment involves a change in accounting practices which results in any increased costs being paid by the Government under any negotiated national defense contract awarded to the contractor prior to the amendment, and the parties have not reached agreement on an appropriate contract amendment, the Government shall be entitled to recover the increased costs together with interest as provided in the contract clause titled Cost Accounting Standards, set out in § 331.5 of this chapter.

(c) Pending and future awards to a contractor who has amended his Disclosure Statement shall be subject to the amended statement to the extent the contractor incorporates such amendment into the identification of applicable Disclosure Statement submitted in accord with § 331.4 of this chapter.

(d) Amendments shall be submitted to the same offices, including the Cost Accounting Standards Board, to which submission would have to be made were an original Disclosure Statement being filed. If fewer than five of the 60 items on the Disclosure Statement are changed, a letter notice precisely identifying the Disclosure Statement, the specific items being amended, and the nature of the changes will suffice. If five or more items are changed, the entire Disclosure Statement shall be resubmitted. Resubmitted Disclosure Statements must be accompanied by a notation specifying the items which have been changed and the nature of the change.

(e) Any change in disclosed practices made after proposal but prior to award will be treated in the same manner as an amendment to a proposal, if notice of the change reaches the Government prior to award.

§ 351.13 Instructions and information.

The following instructions and information shall be used by persons completing Disclosure Statements.

INSTRUCTIONS AND INFORMATION

(a) This Disclosure Statement has been designed to meet the requirements of Public Law 91-379, and persons completing it are to describe their contract cost accounting practices. A separate Disclosure Statement covering the practices of each of the contractor's profit centers, reporting units, divisions, or similar organizational units, whose costs included in the total price of any contract exceed \$100,000 must also be completed,

except where such costs are based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. If the cost accounting practices under contracts are identical for more than one organizational unit, then only one statement need be submitted for those units, but each such organizational unit must be identified.

(b) The statement must be signed by an authorized signatory of the reporting unit.

(c) The disclosure of a cost accounting practice by a contractor does not determine the allowability of particular items of cost. Irrespective of the practices disclosed by a contractor, the question of whether or not, or the extent to which, a specific element of cost is allowed under a contract remains for consideration in each specific instance. Contractors are cautioned that the determination of the allowability of cost items will remain a responsibility of the contracting officers pursuant to the provisions of the applicable procurement regulations.

(d) Unless the Federal agency involved provides otherwise, either by regulation or by specific notice to the contractor involved, a Disclosure Statement submitted to the agency or incorporated by reference should be presumed adequate to meet the requirement that disclosure be made as a condition of contracting. In the absence of specific regulation or agreement, a disclosed practice should not, by virtue of such disclosure, be deemed to have been approved by the agency involved as a proper, approved, or agreed practice for pricing proposals or accumulating and reporting contract performance cost data.

(e) The individual Disclosure Statement may be used in audits of contracts or in negotiation of prices leading to contracts. The authority of the audit agencies and the contracting officers is in no way abrogated by the material presented by the contractor in his Disclosure Statement. Contractors are cautioned that their disclosures in response to the questions herein must be complete and accurate; the practices disclosed may have a significant impact on ways in which contractors will be required to comply with Cost Accounting Standards.

(f) This Disclosure Statement should be answered by checking the appropriate box or inserting the applicable code letter which most nearly describes the reporting unit's cost accounting practices. Part I of the statement asks for general information concerning the reporting unit, while Parts II through VII deal with the cost accounting practices of the reporting unit. Part VIII covers Corporate and Group (Intermediate) Offices. Part VIII should be completed by each such office, and care should be taken to insure proper identification of such offices on the cover of the Disclosure Statement. In short, while a corporation may have more than one reporting unit submitting Disclosure Statements, only one statement need be submitted to cover the Corporate or Group Office operations.

(g) A number of questions in this statement may need narrative answers requiring more space than is provided. In such in-

stances, the reporting unit should use the continuation sheets provided. The number of the question involved should be indicated and the same coding required to answer the questions in the statement should be used in presenting the answer in the continuation sheet. The reporting unit should indicate on the last continuation sheet used, the number of such sheets that were used.

(h) Contractors to whom Public Law 91-379 is applicable are required to follow consistently their disclosed practices in pricing contract proposals and in accumulating and reporting contract performance cost data. If deviation from disclosed practices results in increased costs being paid by the Government, contractors will be required to repay to the Government the amount of the increased costs together with interest charges.

(i) Public Law 91-379 contains an access to records clause, section 719(j) of the law states:

"For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost accounting standards and has followed consistently his disclosed cost accounting practices, any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost accounting standards and principles."

(j) [Reserved]

§ 351.14 Disclosure statement.

The data which are required to be disclosed are set forth in detail in the proposed Disclosure Statement Form CASB-DS-1 issued by the Cost Accounting Standards Board and set forth herein.

COST ACCOUNTING STANDARDS BOARD §351.14 DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	COVER SHEET AND CERTIFICATION
Company or reporting unit name _____ Division or subsidiary of (if applicable) _____ Street address, city, state, zip code _____ Name, title and phone number of official to be contacted concerning this Statement _____ Date of this Statement _____ Date of your most recent prior Statement, or amendments thereto _____	
<u>CERTIFICATION</u>	
I certify that to the best of my knowledge and belief this Statement is the complete and accurate disclosure as of the date hereof by the above-named organization of its cost accounting practices, as required by the Disclosure Regulation of the Cost Accounting Standards Board under 50 U.S.C. App. 2168, Public Law 91-379, (4 C.F.R. 351).	
_____ (Date)	_____ (Name)
_____ (Title)	
- THE PENALTY FOR MAKING A FALSE STATEMENT IN THIS DISCLOSURE IS PRESCRIBED IN 18 U.S.C. 1001 -	

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART I - GENERAL INFORMATION	
Item No.	ITEM DESCRIPTION		
<u>Instructions for Part I</u>			
Data for this part should cover the most recently completed fiscal year of the reporting unit. "Government Sales" includes sales under both prime contracts and subcontracts. "Annual Total Sales" includes intracorporate transactions. Estimates are permitted for Items 4 through 8.			
1.	Type of Business Entity of which the Reporting Unit is a Part. (Check one.)		
	A. <input type="checkbox"/> Corporation -- profitmaking	B. <input type="checkbox"/> Partnership	
	C. <input type="checkbox"/> Proprietorship	D. <input type="checkbox"/> Nonprofit or not-for-profit organization	
	E. <input type="checkbox"/> Joint venture		
2.	Predominant Type of Government Sales. (Check one.)		
	A. <input type="checkbox"/> Manufacturing	B. <input type="checkbox"/> Research and Development	
	C. <input type="checkbox"/> Construction	D. <input type="checkbox"/> Services	
	E. <input type="checkbox"/> Other (specify) _____		
3.	Principal Product or Service Sold to the Government. (Specify name of product or service and enter code from Appendix to Instructions.)	Name _____ Code <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
4.	Annual Total Sales (Government and commercial). (Check one.)		
	A. <input type="checkbox"/> Less than \$1 million	B. <input type="checkbox"/> \$1-\$10 million	C. <input type="checkbox"/> \$11-\$25 million
	D. <input type="checkbox"/> \$26-\$50 million	E. <input type="checkbox"/> \$51-\$100 million	F. <input type="checkbox"/> \$101-\$200 million
	G. <input type="checkbox"/> \$201-\$500 million	H. <input type="checkbox"/> Over \$500 million	

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		INDEX	
PART I -	General Information	Page	1
PART II -	Direct Costs		4
PART III -	Direct Vs. Indirect		12
PART IV -	Indirect Costs		15
PART V -	Depreciation and Capitalization Practices		22
PART VI -	Other Costs and Credits		26
PART VII -	Deferred Compensation and Insurance Costs		29
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	Continuation Sheets		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-373		PART I - GENERAL INFORMATION	
Item No.	ITEM DESCRIPTION		
9.	<p>Description of Your Cost Accounting System for Government Contracts and Subcontracts. (Check one.)</p> <p>A. <input type="checkbox"/> Standard costs — Job order B. <input type="checkbox"/> Standard costs — Process</p> <p>C. <input type="checkbox"/> Actual costs — Job order D. <input type="checkbox"/> Actual costs — Process</p> <p>E. <input type="checkbox"/> Other or more than one system (Describe on a continuation sheet.)</p> <p>Formal or Informal System. The cost accounting system is: (Check one.)</p> <p>A. <input type="checkbox"/> Formal (controlled by the books of account.)</p> <p>B. <input type="checkbox"/> Informal (not controlled by the books of account.)</p> <p>Unit or Job Costs. Is your cost accounting system capable of producing unit or job lot costs during contract performance? (Check one.)</p> <p>A. <input type="checkbox"/> Yes (If Yes, describe on a continuation sheet the method used or which could be used to arrive at such costs.)</p> <p>B. <input type="checkbox"/> No (If No, describe on a continuation sheet the manner in which interim repricing presentations are developed.)</p> <p>Month, Day, Year on Which Your Most Recent Fiscal Year Ended. (Enter in blocks below. Use numeric terms, e.g., 06/30/71 for June 30, 1971, [2317] for December 31, 1971.)</p> <p>Practices Disclosed in this Statement are the same for Commercial Work. (Check one.)</p> <p>A. <input type="checkbox"/> Yes</p> <p>B. <input type="checkbox"/> No (If No, describe the difference on a continuation sheet.)</p>		
10.			
11.			
12.			
13.			

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-373		PART I - GENERAL INFORMATION															
Item No.	ITEM DESCRIPTION																
5.	<p>Annual Total Government Sales. (Check one.)</p> <p>A. <input type="checkbox"/> Less than \$1 million B. <input type="checkbox"/> \$1-\$10 million C. <input type="checkbox"/> \$11-\$25 million</p> <p>D. <input type="checkbox"/> \$26-\$50 million E. <input type="checkbox"/> \$51-\$100 million F. <input type="checkbox"/> \$101-\$200 million</p> <p>G. <input type="checkbox"/> \$201-\$500 million H. <input type="checkbox"/> Over \$500 million</p> <p>Government Sales (Item 5) as Percentage of Annual Total Sales (Item 4). (Check one.)</p> <p>A. <input type="checkbox"/> Less than 10% B. <input type="checkbox"/> 10%-50% C. <input type="checkbox"/> 51%-80%</p> <p>D. <input type="checkbox"/> 81%-95% E. <input type="checkbox"/> Over 95%</p>																
6.																	
7.	<p>Government Subcontract Sales as Percentage of Annual Total Government Sales (Item 5). (Check one.)</p> <p>A. <input type="checkbox"/> Less than 10% B. <input type="checkbox"/> 10%-50% C. <input type="checkbox"/> 51%-80%</p> <p>D. <input type="checkbox"/> 81%-95% E. <input type="checkbox"/> Over 95%</p>																
8.	<p>Percentage Distribution of Government Sales (Item 5) by Type of Contract/Subcontract. (Enter a percentage for each type. Use leading zeros, e.g., 000 for zero, 010 for 10%, 050 for 50%.)</p> <table border="1"> <thead> <tr> <th>Type of Contract/Subcontract</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>a. Advertised (including competitive subcontract awards)</td> <td><input type="text"/></td> </tr> <tr> <td>b. Negotiated firm fixed price (including fixed price with escalation)</td> <td><input type="text"/></td> </tr> <tr> <td>c. Other negotiated fixed price (fixed price incentive, fixed price with redetermination)</td> <td><input type="text"/></td> </tr> <tr> <td>d. Cost type</td> <td><input type="text"/></td> </tr> <tr> <td>e. Other negotiated (time and materials, labor rates, etc.)</td> <td><input type="text"/></td> </tr> <tr> <td>Total Government sales</td> <td><input type="text"/></td> </tr> </tbody> </table>	Type of Contract/Subcontract	Percent	a. Advertised (including competitive subcontract awards)	<input type="text"/>	b. Negotiated firm fixed price (including fixed price with escalation)	<input type="text"/>	c. Other negotiated fixed price (fixed price incentive, fixed price with redetermination)	<input type="text"/>	d. Cost type	<input type="text"/>	e. Other negotiated (time and materials, labor rates, etc.)	<input type="text"/>	Total Government sales	<input type="text"/>		
Type of Contract/Subcontract	Percent																
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Total Government sales	<input type="text"/>																

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART II - DIRECT COSTS
Item No.	ITEM DESCRIPTION	
b.	<p>Charged to Individual Contracts from Central, Common, or Company-owned Inventory account at: (Check one.)</p> <p>A. <input type="checkbox"/> Standard costs (Describe the type of standards used on a continuation sheet.)</p> <p>B. <input type="checkbox"/> Average costs</p> <p>C. <input type="checkbox"/> First in, first out</p> <p>D. <input type="checkbox"/> Last in, first out</p> <p>E. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)</p> <p>Z. <input type="checkbox"/> Not applicable</p>	
15.	<p>Timing of Charging Direct Materials Incorporated in End Product. (Do not complete this item unless you have checked item 14.a. Check one block to indicate the point in time at which materials incorporated in the end product are charged to contracts or similar cost objectives.)</p> <p>A. <input type="checkbox"/> When orders are placed</p> <p>B. <input type="checkbox"/> When material is received, or when fabricated, if fabricated in-house</p> <p>C. <input type="checkbox"/> When material is issued or released to jobs</p> <p>D. <input type="checkbox"/> When consumed or incorporated in end product</p> <p>E. <input type="checkbox"/> When invoices are paid</p> <p>F. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)</p>	

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART II - DIRECT COSTS
Item No.	ITEM DESCRIPTION	
14.	<p>Instructions for Part II</p> <p>This part covers three major elements of direct costs, i.e., Direct Materials, Direct Labor, and Other Direct Costs. It is not the intent here to spell out or define the three elements of direct costs.</p> <p>Rather, contractors should disclose practices based on their own definitions of what costs are, or will be, charged directly to contracts or similar cost objectives as Direct Materials, Direct Labor, or Other Direct Costs. For example, some contractors may charge or classify purchased labor of direct nature, as "Direct Materials" for purposes of pricing proposal, requests for progress payments, claims for cost reimbursement, etc.; some other contractors may classify the same cost as "Direct Labor," and still others as "Other Direct Costs." In these circumstances, it is expected that contractors will disclose practices consistent with their own classifications of Direct Materials, Direct Labor, and Other Direct Costs.</p> <p>Method of Charging Direct Materials.</p> <p>Direct Materials as used here are not limited to those items of materials actually incorporated into the end product; they also include materials, consumable supplies, and other costs when charged to contracts or similar cost objectives as Direct Materials.</p> <p>Direct Charge Not Through an Inventory Account at: (Check one.)</p> <p>A. <input type="checkbox"/> Standard costs (Describe the type of standards used on a continuation sheet.)</p> <p>B. <input type="checkbox"/> Actual costs</p> <p>C. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)</p> <p>Z. <input type="checkbox"/> Not applicable</p>	
a.	<p>Direct Charge Not Through an Inventory Account at: (Check one.)</p> <p>A. <input type="checkbox"/> Standard costs (Describe the type of standards used on a continuation sheet.)</p> <p>B. <input type="checkbox"/> Actual costs</p> <p>C. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)</p> <p>Z. <input type="checkbox"/> Not applicable</p>	

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART II - DIRECT COSTS
Item No.	ITEM DESCRIPTION	
17.	<p>c. Method of Disposing of Variance. (Check one. In addition, describe on a continuation sheet the basis for and the frequency of the disposition of the variance.)</p> <p>A. <input type="checkbox"/> Prorated between inventories and cost of goods sold</p> <p>B. <input type="checkbox"/> Charged only to cost of goods sold</p> <p>C. <input type="checkbox"/> Charged only to overhead</p> <p>D. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)</p> <p>d. Revisions. Standard costs for direct materials are revised: (Check one.)</p> <p>A. <input type="checkbox"/> Semiannually</p> <p>B. <input type="checkbox"/> Annually</p> <p>C. <input type="checkbox"/> Revised as needed, but at least once annually</p> <p>D. <input type="checkbox"/> Less frequently than annually or other (Describe on a continuation sheet.)</p>	

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART II - DIRECT COSTS
Item No.	ITEM DESCRIPTION	
16.	<p>Description of Direct Materials. (Describe on a continuation sheet the principal classes of materials and service costs which are charged as direct materials; group the materials and service costs by those which are incorporated in an end product and those which are not.)</p>	
17.	<p>Variations from Standard Costs. (Do not complete this item unless you have checked Line A of Item 14.a. or 14.b.)</p>	
a.	<p>Type of Variance. (Check one.)</p> <p>A. <input type="checkbox"/> Price</p> <p>B. <input type="checkbox"/> Usage</p> <p>C. <input type="checkbox"/> Both</p>	
b.	<p>Method of Accumulating Variance. (Check one.)</p> <p>A. <input type="checkbox"/> Plant-wide basis</p> <p>B. <input type="checkbox"/> By department</p> <p>C. <input type="checkbox"/> By product or product line</p> <p>D. <input type="checkbox"/> By contract</p> <p>E. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)</p>	

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART II - DIRECT COSTS	
Item No.	ITEM DESCRIPTION	Manufacturing	Other Direct
19.	Continued	[]	[]
b.	Method of Accumulating Variance. (Check one block in each column.)	[]	[]
	A. Plant-wide basis	[]	[]
	B. By department	[]	[]
	C. By product or product line	[]	[]
	D. By contract	[]	[]
	E. Other or more than one method (Describe on a continuation sheet.)	[]	[]
	Z. Labor category is not applicable	[]	[]
c.	Method of Disposing of Variance. (Check one block in each column. In addition, describe on a continuation sheet the basis for and the frequency of the disposition of the variance.)	[]	[]
	A. Prorated between inventories and cost of goods sold	[]	[]
	B. Charged only to cost of goods sold	[]	[]
	C. Charged only to overhead	[]	[]
	D. Other or more than one method (Describe on a continuation sheet.)	[]	[]
	Z. Labor category is not applicable	[]	[]

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART II - DIRECT COSTS	
Item No.	ITEM DESCRIPTION	Manufacturing	Other Direct
18.	Method of Charging Direct Labor. (Check one block for each Direct Labor Category to show how such labor is charged to contracts or similar cost objectives. Describe on a continuation sheet the principal classes of labor on costs that are, or will be, included in Manufacturing Labor, Engineering Labor, and Other Direct Labor, as applicable.)	[]	[]
	A. Individual rates	[]	[]
	B. Average rates (Describe the type of average rates on a continuation sheet.)	[]	[]
	C. Standard costs/rates (Describe the type of standards used on a continuation sheet.)	[]	[]
	D. Other or more than one method (Describe on a continuation sheet.)	[]	[]
	Z. Labor category not applicable	[]	[]
19.	Labor Variances from Standard Costs (Do not complete this item unless you have checked Item 18c.)	[]	[]
a.	Type of Variance. (Check one block in each column.)	[]	[]
	A. Rate	[]	[]
	B. Efficiency	[]	[]
	C. Both	[]	[]
	Z. Labor category is not applicable	[]	[]

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART II - DIRECT COSTS	
Item No.	ITEM DESCRIPTION	Type of Costs	Code
21.	Continued C. At full cost plus a markup percentage D. At established catalogue or market price or prices based on adequate competition E. Other or more than one method (Describe on a continuation sheet.) Z. Not applicable	(i) Materials (ii) Supplies (iii) Services (iv) Other (Describe on a continuation sheet.)	[] [] [] []

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART II - DIRECT COSTS	
Item No.	ITEM DESCRIPTION	A. Yes	B. No
19.	Continued		
d.	Perfoms. Standard costs for direct labor are revised: (Check one.) A. <input type="checkbox"/> Semiannually B. <input type="checkbox"/> Annually C. <input type="checkbox"/> Revised as needed, but at least once annually D. <input type="checkbox"/> Less frequently than annually or other (Explain on a continuation sheet)	[]	[]
20.	Credits to Contract Costs. When contract costs are credited for the following circumstances, are the rates of labor, material, and applicable indirect costs the same as those for the original charges? (Check one block for each circumstance, and for each No answer, explain on a continuation sheet how credit differs from original charge.) (i) Transfers to other jobs/contracts (ii) Unused or excess materials remaining upon completion of contract	[]	[]
21.	Interorganizational Transfers. This item is directed only to those materials, supplies, and services which are, or will be, transferred to you from divisions, subsidiaries, or affiliates under common control with you. (For each of the types of cost, enter one of the following codes: A through E, or Z, to indicate the basis used by you as transfers to charge the cost: or price of interorganizational transfers of materials, supplies, and services to contracts or similar cost objectives.) A. At full cost (cost incurred as set forth in ASPR 15-205.22(e) or other pertinent procurement regulations) excluding transferor's general and administrative (G&A) expenses. B. At full cost including transferor's G&A expenses		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART III - DIRECT VS. INDIRECT	
Item No.	ITEM DESCRIPTION	Treatment Code	Name of Pool(s)
23.	Continued	[]	
b.	Functions, Costs, or Transactions Relative to Direct Labor Employees	[]	
	(ix) Health insurance	[]	
	(x) Holiday differential	[]	
	(xi) Overtime premium pay	[]	
	(xii) Pension costs	[]	
	(xiii) Shift premium pay	[]	
	(xiv) Training	[]	
	(xv) Travel and subsistence	[]	
	(xvi) Vacation pay	[]	
c.	Miscellaneous Functions, Costs, or Transactions	[]	
	(xvii) Computer operations	[]	
	(xviii) Contract administration	[]	
	(xix) Design engineering	[]	
	(xx) Drafting	[]	
	(xxi) Freight out (finished product)	[]	
	(xxii) Line (or production) inspection	[]	
	(xxiii) Packaging and preservation	[]	
	(xxiv) Preproduction costs and start-up costs	[]	
	(xxv) Production shop supervision	[]	

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART III - DIRECT VS. INDIRECT	
Item No.	ITEM DESCRIPTION	Treatment Code	Name of Pool(s)
22.	Criteria for Determining How Costs are Charged to Contracts. (Describe on a continuation sheet your criteria for determining whether costs are charged directly or indirectly.)		
23.	Treatment of Costs of Specified Functions, Elements of Cost or Transactions. (For each of the functions, elements of cost or transactions listed below and on the next two pages, enter one of the Codes A through G, or Z to indicate how the item is treated. Also, specify the name(s) of the indirect pool(s) for each function, element of cost, or transaction Coded E or F. If Code E, Sometimes direct/Sometimes indirect is used and if there is a deviation from the above described criteria (item 22), explain on a continuation sheet the circumstances involved which cause the deviation.)		
	Treatment Code		
	A. Direct material	-E. Sometimes direct/	
	B. Direct labor	Sometimes indirect	
	C. Direct material and labor	F. Indirect only	
	D. Other direct costs	G. Other (Describe on a continuation sheet.)	
	Z. Not applicable		
a.	Functions, Costs, or Transactions Relative to Direct Materials	Treatment Code	Name of Pool(s)
	(i) Cash discounts	[]	
	(ii) Freight in	[]	
	(iii) Incoming material inspection	[]	
	(iv) Inventory adjustments	[]	
	(v) Purchasing	[]	
	(vi) Income from sale of scrap	[]	
	(vii) Income from sale of salvage	[]	
	(viii) Trade discounts, refunds, rebates, and allowances	[]	

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART IV - INDIRECT COSTS	
Item No.	ITEM DESCRIPTION		
	<p><u>Instructions for Part IV</u></p> <p>For the purpose of this part, indirect costs have been divided into three categories: (i) manufacturing, engineering, and comparable indirect costs, (ii) general and administrative (G&A) expenses, and (iii) service center costs, as defined in Item 26. The term "overhead," as used here, refers only to the first category of indirect costs.</p> <p>The following Allocation Base Codes are provided for use in connection with Items 25, 26, and 28.</p> <p>A. Sales B. Cost of sales C. Cost input (direct cost and applicable overhead) D. Total cost incurred (cost input plus G&A expenses) E. Prime cost (direct labor, direct material, and other direct cost) F. Processing or conversion cost (direct labor and applicable overhead) G. Direct labor dollars H. Direct labor hours I. Machine hours J. Usage K. Unit of product L. Direct material cost M. Total payroll dollars (direct and indirect employees) N. Headcount or number of employees (direct and indirect employees) O. Massachusetts Formula (sales, payroll dollars and assets) P. Square feet Q. Other or more than one basis (Describe on a continuation sheet.) Z. Pool not applicable</p>		
25.	Overhead Pools and Allocation Bases. (Enter for each overhead pool one of the Allocation Base Codes listed above to indicate the basis for allocating such pool of expenses to contracts or similar cost objectives (final allocation.)	Type of Pool	Allocation Base Code
		(i) Single, plant-wide pool (if an entry other than Z is made here, skip to Item 26.)	[]
		(ii) Manufacturing	[]
		(iii) Engineering	[]

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART III - DIRECT VS. INDIRECT	
Item No.	ITEM DESCRIPTION	Treatment Code	Name of Pool(s)
23c.	Continued		
	(xxvi) Professional services (consultant fees)	[]	
	(xxvii) Purchased labor of direct nature (on premises)	[]	
	(xxviii) Purchased labor of direct nature (off premises)	[]	
	(xxix) Rearrangement costs	[]	
	(xxx) Rework costs	[]	
	(xxxi) Royalties	[]	
	(xxxii) Scrap work	[]	
	(xxxiii) Special test equipment (as defined in ASPR 15-205.40 or other pertinent procurement regulations)	[]	
	(xxxiv) Special tooling (as defined in ASPR 15-205.40 or other pertinent procurement regulations)	[]	
	(xxxv) Subcontract costs	[]	
	(xxxvi) Warranty costs	[]	
24.	Other Costs Charged Direct to Contracts. (Describe on a continuation sheet all other significant functions, elements of cost, or transactions charged to contracts or similar cost objectives as direct material, direct labor or other direct costs. Do not include functions or costs covered in Items 15 and 18 which are always charged direct. Describe also whether there are any deviations from the criteria set out in Item 22 with respect to any items discussed in answer to this question.)		

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART IV - INDIRECT COSTS	
Item No.	ITEM DESCRIPTION	Type of Pool	Allocation Base Code
25.	Continued:		
	(iv) Manufacturing and Engineering		[]
	(v) Tooling		[]
	(vi) Off-sites or out-plant (geographical pool)		[]
	(vii) Field service		[]
	(viii) Material handling		[]
	(ix) Departmental/Shop		[]
	(x) Subcontract administration		[]
	(xi) Use and occupancy		[]
	(xii) Quality control		[]
	(xiii) Fringe benefits		[]
	(xiv) Other pools (Identify on a continuation sheet and show applicable base code for each pool.)		[]
26.	Service Center Pools and Allocation Bases.		
	Service centers are departments or other functional units which perform specific technical and/or administrative services for the benefit of other units within a reporting unit.		
	Generally, costs incurred by such centers are, or can be, allocated (1) partially to specific final cost objectives as direct costs and partially to other indirect cost pools (such as a manufacturing overhead pool) for subsequent reallocation to several final cost objectives, referred to herein as Type "A", and (2) only to several other indirect cost pools (such as manufacturing overhead pool, engineering overhead pool and G&A expense pool) for subsequent reallocation to several final cost objectives, referred to herein as Type "B".		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART IV - INDIRECT COSTS	
Item No.	ITEM DESCRIPTION	Service Center	Allocation Base Code
26.	Continued:		
	(Enter for each service center pool Code A or B to indicate the type of pool, and one of the Allocation Base Codes A through Q, or Z, listed on page 15 to indicate the basis for allocating such pools of expenses.)		
	(i) Scientific computer operations	[]	[]
	(ii) Business data processing	[]	[]
	(iii) Photography services	[]	[]
	(iv) Reproduction services	[]	[]
	(v) Art services	[]	[]
	(vi) Technical typing services	[]	[]
	(vii) Communication Services	[]	[]
	(viii) Facility services (maintenance, etc.)	[]	[]
	(ix) Auto pool services	[]	[]
	(x) Company aircraft services	[]	[]
	(xi) Wind tunnels	[]	[]
	(xii) Other service center pools (Identify on a continuation sheet and show applicable type of pool and allocation base codes for each pool.)	[]	[]

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-373		PART IV - INDIRECT COSTS	
Item No.	ITEM DESCRIPTION		
28.	Continued (xi) IRND and BIP costs [] (xii) Spares administration [] (xiii) Corporate or home office expense [] (xiv) Other pools (Identify on a continuation sheet and show applicable allocation base code for each pool.) []		
29.	Major Types of Indirect Costs. (For each pool coded other than Z in Items 25, 26, and 28 list on a continuation sheet the major functions, activities, and elements of cost included.)		
30.	Application of Overhead and GAA Rates to Specified Transactions or Costs. This item is directed to ascertaining your practice in special situations where, in lieu of establishing a separate indirect cost pool, allocation is made from an established overhead or GAA pool at less than the normal full rate for that pool. The term "less than full rate" below applies to this type of indirect cost allocation practice. The term does not apply to situations where, as in some cases of field service activities, etc., a separate indirect cost pool and base are used. (Check a block for each line below to indicate your indirect cost allocation practice with respect to the transactions or costs listed. If the Less than Full Rate column is checked, describe on a continuation sheet the major types of expenses that are covered by such a rate. If the Full Rate column is checked, describe on a continuation sheet the pool(s) reported under items 25, 26, and 28 which are applicable.)	Not Applicable or no Overhead or GAA Applied	
	Transaction or Cost	A. Full Rate	B. Full Rate C.
	(i) Subcontract costs	[]	[]
	(ii) Purchased labor	[]	[]
	(iii) Government-furnished materials	[]	[]
	(iv) Interorganizational transfers (in)	[]	[]

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-373		PART IV - INDIRECT COSTS	
Item No.	ITEM DESCRIPTION		
27.	Treatment of Variances from Actual Cost (Underabsorption or Overabsorption). Where predetermined billing or costing rates are used to charge costs of "service centers" to contracts or other indirect cost pools, variances from actual costs are: (Check one.) A. [] Pro-rated to users on the basis of charges made, at least once annually B. [] All charged on credited to indirect pool(s) at least once annually C. [] Other or more than one method (Describe on a continuation sheet.) D. [] Service center is not applicable to reporting unit		
28.	GAA Pool and Allocation Bases. (Enter for each pool one of the Allocation Base Codes A through Q, or Z, listed on page 15 to indicate the basis for allocating GAA to contracts or similar cost objectives (final allocation).) Type of Pools Allocation Base Code		
	(i) Single GAA pool only (if entry other than Z is made here skip to Item 29.) No-Separate GAA Pool []		
	(ii) Combined with single, plant-wide overhead pool []		
	(iii) Combined with manufacturing overhead? []		
	(iv) Combined with engineering overhead More Than One Pool []		
	(v) General and Administrative []		
	(vi) Commercial - General and administrative []		
	(vii) Government - General and administrative []		
	(viii) Selling or marketing expense []		
	(ix) Independent research and development (IRND) costs []		
	(x) Bidding and proposal (BIP) costs []		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART IV - INDIRECT COSTS	
Item No.	ITEM DESCRIPTION		
32.	<p>Independent Research and Development (IRD) and Bidding and Proposal (BSP) Costs.</p> <p>Independent Research and Development: IRD costs as defined in ASPR 15-205.35, or other pertinent procurement regulations as revised, are treated as follows: (Check one.)</p> <p>The full rate of all allocable manufacturing, engineering, and/or other overhead is applied to IRD costs as if IRD project were under contract, and the "burdened" IRD costs are:</p> <p>A. <input type="checkbox"/> Allocated to contracts or similar cost objectives as part of the GSA rate</p> <p>B. <input type="checkbox"/> Allocated as a separate IRD rate</p> <p>C. <input type="checkbox"/> Transferred to the corporate level. The corporate level IRD costs are subsequently allocated back to the reporting unit for allocation as part of the unit's GSA rate</p> <p>D. <input type="checkbox"/> Same as C above, except the IRD costs are allocated as a separate IRD rate</p> <p>E. <input type="checkbox"/> Other (Describe on a continuation sheet.)</p> <p>Z. <input type="checkbox"/> Not applicable</p> <p>Bidding and Proposal: BSP costs as defined in ASPR 15-205.3 or other pertinent procurement regulations, as revised, are treated as follows: (Check one.)</p> <p>A. <input type="checkbox"/> Same as IRD costs as checked above</p> <p>B. <input type="checkbox"/> Other (Describe on a continuation sheet.)</p>		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART IV - INDIRECT COSTS	
Item No.	ITEM DESCRIPTION		
30.	<p>Continued</p> <p>(v) Interorganizational transfers (out) <input type="checkbox"/> <input type="checkbox"/></p> <p>(vi) Self-constructed depreciable assets <input type="checkbox"/> <input type="checkbox"/></p> <p>(vii) Labor on installation of assets <input type="checkbox"/> <input type="checkbox"/></p> <p>(viii) Off-site work <input type="checkbox"/> <input type="checkbox"/></p> <p>(ix) Other transactions (Identify on a continuation sheet and show applicable codes for each transaction.) <input type="checkbox"/> <input type="checkbox"/></p>		
31.	<p>Fragmentation of Allocation Bases.</p> <p>Are any of the bases for allocating overhead costs and GSA expenses fragmented for the purpose of excluding certain costs or elements from those normally includable in the allocation bases? For example, if overtime shift premium is charged as a direct labor cost and the base for allocating manufacturing overhead is direct labor costs, a contractor's practice might be to exclude the premium from the allocation base. (If Yes is checked, describe on a continuation sheet the costs or elements removed from each applicable base.)</p> <p>A. <input type="checkbox"/> Yes B. <input type="checkbox"/> No</p>		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART V - DEPRECIATION AND CAPITALIZATION PRACTICES			
Item No.	ITEM DESCRIPTION	Depreciation Method Code	Useful Life Code	Property Units Code	Residual Value Code
33.	<p>Continued</p> <p>(i) Land improvements</p> <p>(ii) Building</p> <p>(iii) Building improvements</p> <p>(iv) Leasehold improvements</p> <p>(v) Machinery and equipment</p> <p>(vi) Furniture and fixtures</p> <p>(vii) Automobiles and trucks</p> <p>(viii) Data processing equipment</p> <p>(ix) Programming/reprogramming costs</p> <p>(x) Patterns and dies</p> <p>(xi) Tools</p> <p>(xii) Other depreciable asset categories (Enumerate on a continuation sheet and show applicable codes for each.)</p>	[]	[]	[]	[]

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART V - DEPRECIATION AND CAPITALIZATION PRACTICES			
Item No.	ITEM DESCRIPTION	Depreciation Method Code	Useful Life Code	Property Units Code	Residual Value Code
33.	<p>Depreciating Tangible Assets. (For each of the categories of assets listed on page 23, enter (i) a code from A through G describing the method of depreciation (Code F for assets that are expensed), (ii) a Code from A through G describing the method of determining useful life, (iii) a Code A through D describing how depreciation methods are applied, and (iv) a Code A, or B indicating whether or not residual value is deducted from the total cost of depreciable assets. Use Code Z if an asset category is not applicable.)</p> <p><u>Depreciation Method Code</u></p> <p>A. Straight-line B. Declining balance C. Sum-of-the-years digits D. Machine hours E. Unit of production F. Expensed G. Other or more than one method (Describe on a continuation sheet.) Z. Asset category is not applicable</p> <p><u>Useful Life Code</u></p> <p>A. U.S. Treasury Department guideline lives B. Replacement experience C. Term of Lease D. Engineering estimate E. Other or more than one method (Describe on a continuation sheet.) Z. Asset category is not applicable</p> <p><u>Property Units Code</u></p> <p>A. Individual units are accounted for separately B. Depreciation methods are applied to groups of assets with similar service lives C. Depreciation methods are applied to groups of assets with varying service lives D. Other or more than one method (Describe on a continuation sheet.) Z. Asset category is not applicable.</p> <p><u>Residual Value Code</u></p> <p>A. Residual value is deducted or is covered by the depreciation method (e.g. declining balance) B. Residual value is not deducted Z. Asset category is not applicable</p>	[]	[]	[]	[]

FORM CASH-55-1

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART V - DEPRECIATION AND CAPITALIZATION PRACTICES	ITEM DESCRIPTION	A. Expensed	B. Capitalized
Item No.				
37.		Capitalization of Expenses of Specified Costs. (Check one block on each line to indicate your practices regarding capitalization or expensing of costs incurred in connection with capital assets. If the same item is sometimes expensed and sometimes capitalized, check the predominant method, but describe on a continuation sheet the circumstances when each method is used.)		
		Cost		
		(i) Freight-in	<input type="checkbox"/>	<input type="checkbox"/>
		(ii) Installation costs	<input type="checkbox"/>	<input type="checkbox"/>
		(iii) Sales taxes	<input type="checkbox"/>	<input type="checkbox"/>
		(iv) Excise taxes	<input type="checkbox"/>	<input type="checkbox"/>
		(v) Architect-engineer fees	<input type="checkbox"/>	<input type="checkbox"/>
		(vi) Overhauls	<input type="checkbox"/>	<input type="checkbox"/>
		(vii) Major modifications or betterments of existing facilities and equipment	<input type="checkbox"/>	<input type="checkbox"/>
38.		Minimum Criteria for Capitalization. (Enter (i) the minimum dollar amount of expenditures (for acquisition, addition, alteration and improvement of depreciable assets) which is capitalized, and (ii) the minimum number of expected life years of capitalized assets. Use leading zero for dollar amount, e.g., 0150 for \$150.)		
		(i) Minimum dollar amount	<input type="text"/>	<input type="text"/>
		(ii) Minimum life years	<input type="text"/>	<input type="text"/>
39.		Group or Mass Purchase. Are the same capitalization criteria used for group or mass purchase of similar items which individually are less than the capitalization amounts indicated above? (Check one. If No is checked, describe the circumstances on a continuation sheet.)	A. <input type="checkbox"/> Yes	B. <input type="checkbox"/> No

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART V - DEPRECIATION AND CAPITALIZATION PRACTICES	ITEM DESCRIPTION	A. Yes	B. No
Item No.				
34.		Depreciation Practices for Costing, Financial Accounting, and Income Tax. Are depreciation practices the same for costing, government contracts as for financial accounting and income tax? (Check one block on each line. If No is checked, describe the differences on a continuation sheet.)		
		Financial Accounting		
		(i) Methods (Check one.)	<input type="checkbox"/>	<input type="checkbox"/>
		(ii) Useful Lives (Check one.)	<input type="checkbox"/>	<input type="checkbox"/>
		(iii) Property Units (Check one.)	<input type="checkbox"/>	<input type="checkbox"/>
		(iv) Residual Values (Check one.)	<input type="checkbox"/>	<input type="checkbox"/>
		Income Tax		
		(v) Methods (Check one.)	<input type="checkbox"/>	<input type="checkbox"/>
		(vi) Useful Lives (Check one.)	<input type="checkbox"/>	<input type="checkbox"/>
		(vii) Property Units (Check one.)	<input type="checkbox"/>	<input type="checkbox"/>
		(viii) Residual Values (Check one.)	<input type="checkbox"/>	<input type="checkbox"/>
35.		Fully Depreciated Assets. Is a usage charge for fully depreciated assets charged to government contracts? (Check one. If charged, describe the basis for such charge on a continuation sheet.)	A. <input type="checkbox"/> Yes	B. <input type="checkbox"/> No
36.		Treatment of Gains and Losses on Disposition of Depreciable Property. Gains and losses are: (Check one.)		
		A. <input type="checkbox"/> Credited or charged currently to the same overhead or G&A pools to which the depreciation of the assets was charged		
		B. <input type="checkbox"/> Taken into consideration in the depreciation cost basis of the new items, where trade-in is involved		
		C. <input type="checkbox"/> Not accounted for separately, but reflected in the depreciation reserve account		
		D. <input type="checkbox"/> Credited or charged to Other (Miscellaneous) Income and Expense accounts		
		E. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART VI - OTHER COSTS AND CREDITS	
Item No.	ITEM DESCRIPTION	Direct Employees	Indirect Employees
40.	Method of Charging and Crediting Vacation, Holiday and Sick Pay. (Check one block in each column to indicate the method used to charge, or credit any unused or unpaid, vacation, holiday, or sick pay for direct and indirect employees.)		
a.	<u>Charges</u>		
	A. When accrued (earned)	<input type="checkbox"/>	<input type="checkbox"/>
	B. When taken	<input type="checkbox"/>	<input type="checkbox"/>
	C. Other or more than one method (Describe on a continuation sheet.)	<input type="checkbox"/>	<input type="checkbox"/>
b.	<u>Credits For Unused or Unpaid Vacation, Holiday, or Sick Pay</u>		
	A. Credited to contracts or indirect pools at least once annually	<input type="checkbox"/>	<input type="checkbox"/>
	B. Credited to Other (Miscellaneous) Income or Expense	<input type="checkbox"/>	<input type="checkbox"/>
	C. Other or more than one method. (Describe on a continuation sheet.)	<input type="checkbox"/>	<input type="checkbox"/>
41.	<u>Supplemental Unemployment (Extended Layoff) Benefit Plans.</u> Costs of such plans are charged: (Check one.)		
	A. <input type="checkbox"/> As actual payments are made directly to employees		
	B. <input type="checkbox"/> As accrued (book accrual or funds set aside but no trust fund involved)		
	C. <input type="checkbox"/> As contributions are made to a nonforfeitable trust fund		
	D. <input type="checkbox"/> Not charged		
	E. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART VI - OTHER COSTS AND CREDITS	
Item No.	ITEM DESCRIPTION		
42.	Severance Pay. Costs of normal turnover severance pay, as defined in ASPR 15-205.39(b)(1) or other pertinent procurement regulations, are charged: (Check one.)		
	A. <input type="checkbox"/> As actual payments are made		
	B. <input type="checkbox"/> As accrued based on past experience		
	C. <input type="checkbox"/> Not charged		
	D. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)		
43.	<u>Termination Settlement Expenses.</u> ASPR 15.205.42(f) or other pertinent procurement regulations (PR's) provide that certain normally indirect costs specified therein are allowable as part of settlement expenses under contract terminations for convenience of the Government. (Check one block to indicate the policy you follow in connection with termination settlement expenses.)		
	A. <input type="checkbox"/> Only those expenses covered by ASPR 15-205.42(f) or other pertinent PR's are charged		
	B. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)		
44.	<u>Incidental Income.</u> (Check one block to indicate the method used to account for income from renting real and personal property or selling services when related costs have been charged to Government contracts.)		
	A. <input type="checkbox"/> The entire amount of the income is credited to the same indirect cost pools to which related costs have been charged		
	B. <input type="checkbox"/> The amount of the income, less an allowance for profits, is credited to the same indirect cost pools to which related costs have been charged; the profits are credited to Other (Miscellaneous) Income		
	C. <input type="checkbox"/> Credited directly to Other (Miscellaneous) Income		
	D. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS																		
Item No.	ITEM DESCRIPTION																		
	Instructions for Part VII																		
46.	<p>This part covers pension costs and certain types of deferred incentive compensation and insurance costs. Some organizations may record all of these costs at the corporate or home office level, while others may record them at the reporting unit level. Still others may record a portion of these costs at the corporate or home office level and the balance at the reporting unit levels.</p> <p>In view of this condition, this part should be completed by each organizational level at which such costs are recorded for employees of the reporting unit(s) which file a Disclosure Statement.</p> <p><u>Pension Costs.</u></p> <p>Does your organization have one or more pension plans whose costs are charged against Government contracts? (If the answer is No, skip to Item 47.)</p> <p>A. <input type="checkbox"/> Yes B. <input type="checkbox"/> No</p>																		
a.	<p>If you have more than one plan whose costs are charged against Government contracts, list each such plan on a continuation sheet. Indicate the approximate number and type of employees covered by each plan and whether the plan is qualified or nonqualified under Internal Revenue Service criteria. Complete the remaining parts of this item for the two plans covering the greatest number of employees.</p> <p>The actuarial terms used in this item are defined in Opinion Number 8 of the Accounting Principles Board, American Institute of Certified Public Accountants.</p> <p>Extent of Funding. (Check one block in each plan to show the extent of funding used in charging pension costs to Government contracts.)</p> <table border="0" data-bbox="355 588 680 997"> <tr> <td></td> <td style="text-align: center;"><u>Plan I</u></td> <td style="text-align: center;"><u>Plan II</u></td> </tr> <tr> <td>A. Normal costs only</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>B. Normal costs plus interest on prior service costs</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>C. Normal costs plus an amortized portion of prior service costs</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>D. Other (Describe on a continuation sheet.)</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>E. Not applicable to plan</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> </table>		<u>Plan I</u>	<u>Plan II</u>	A. Normal costs only	[]	[]	B. Normal costs plus interest on prior service costs	[]	[]	C. Normal costs plus an amortized portion of prior service costs	[]	[]	D. Other (Describe on a continuation sheet.)	[]	[]	E. Not applicable to plan	[]	[]
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D. Other (Describe on a continuation sheet.)	[]	[]																	
E. Not applicable to plan	[]	[]																	
b.																			

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VI - OTHER COSTS AND CREDITS
Item No.	ITEM DESCRIPTION
45.	<p>Proceeds from Employee Welfare Activities. Employee welfare activities include all of those activities set forth in ASFR 15-205.10(a) or other pertinent procurement regulations.</p> <p>(Check one block to indicate the practice followed in accounting for the proceeds from such activities.)</p> <p>A. <input type="checkbox"/> Proceeds are turned over, entirely or partially, to an employee-welfare organization or fund; such proceeds are reduced by all applicable costs such as depreciation, heat, light and power</p> <p>B. <input type="checkbox"/> Same as above, except the proceeds are not reduced by all applicable costs</p> <p>C. <input type="checkbox"/> Proceeds are credited at least once annually to the appropriate indirect cost pools to which costs have been charged</p> <p>D. <input type="checkbox"/> Proceeds are credited to Other (Miscellaneous) Income</p> <p>E. <input type="checkbox"/> Other or more than one method (Describe on a continuation sheet.)</p>

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS	ITEM DESCRIPTION																		
Item No.																				
45.	Continued																			
e.		Criteria For Establishing Actuarial Computations and Assumptions. (Describe on a continuation sheet your criteria for changing actuarial assumptions and computations for your funded plan(s).)																		
f.		Amortization of Prior Service Costs. (Check one block for each plan to show the period over which prior service costs are amortized.)																		
		<table border="0"> <tr> <td></td> <td style="text-align: center;"><u>Plan I</u></td> <td style="text-align: center;"><u>Plan II</u></td> </tr> <tr> <td>A. 10 years or less</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>B. 11-20 years</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>C. 21-40 years</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>D. More than one amortization schedule (Describe on a continuation sheet.)</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>Z. Not applicable to plan</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> </table>		<u>Plan I</u>	<u>Plan II</u>	A. 10 years or less	[]	[]	B. 11-20 years	[]	[]	C. 21-40 years	[]	[]	D. More than one amortization schedule (Describe on a continuation sheet.)	[]	[]	Z. Not applicable to plan	[]	[]
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D. More than one amortization schedule (Describe on a continuation sheet.)	[]	[]																		
Z. Not applicable to plan	[]	[]																		
g.		Adjustment of Costs for Actuarial Gains. (Check one block for each plan to show the period in which costs are adjusted for actuarial gains.)																		
		<table border="0"> <tr> <td></td> <td style="text-align: center;"><u>Plan I</u></td> <td style="text-align: center;"><u>Plan II</u></td> </tr> <tr> <td>A. Adjustment of past year's costs</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>B. Adjustment of current year's costs</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>C. Adjustment of future year's costs</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>D. Other (Describe on a continuation sheet.)</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>Z. Not applicable to plan</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> </table>		<u>Plan I</u>	<u>Plan II</u>	A. Adjustment of past year's costs	[]	[]	B. Adjustment of current year's costs	[]	[]	C. Adjustment of future year's costs	[]	[]	D. Other (Describe on a continuation sheet.)	[]	[]	Z. Not applicable to plan	[]	[]
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D. Other (Describe on a continuation sheet.)	[]	[]																		
Z. Not applicable to plan	[]	[]																		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS	ITEM DESCRIPTION																														
Item No.																																
46.	Continued																															
c.		Actuarial Cost Method. (Check one block for each plan to show the method used to compute normal and prior service costs.)																														
		<table border="0"> <tr> <td></td> <td style="text-align: center;"><u>Plan I</u></td> <td style="text-align: center;"><u>Plan II</u></td> </tr> <tr> <td>A. Accrued benefit cost.</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>B. Aggregate</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>C. Attained age--Initial Liability frozen</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>D. Attained Age--Initial Liability not frozen</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>E. Entry Age--Initial Liability</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>F. Entry Age--Initial Liability not frozen</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>G. Individual level premium</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>H. Other (Describe on a continuation sheet.)</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>Z. Not applicable to plan</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> </table>		<u>Plan I</u>	<u>Plan II</u>	A. Accrued benefit cost.	[]	[]	B. Aggregate	[]	[]	C. Attained age--Initial Liability frozen	[]	[]	D. Attained Age--Initial Liability not frozen	[]	[]	E. Entry Age--Initial Liability	[]	[]	F. Entry Age--Initial Liability not frozen	[]	[]	G. Individual level premium	[]	[]	H. Other (Describe on a continuation sheet.)	[]	[]	Z. Not applicable to plan	[]	[]
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Z. Not applicable to plan	[]	[]																														
d.		Frequency of Actuarial Revaluations. (Check one block for each plan to show the frequency of revaluation of actuarial assumptions.)																														
		<table border="0"> <tr> <td></td> <td style="text-align: center;"><u>Plan I</u></td> <td style="text-align: center;"><u>Plan II</u></td> </tr> <tr> <td>A. Annually</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>B. 2 - 3 years</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>C. 4 - 5 years</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>D. Other (Describe on a continuation sheet.)</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td>Z. Not applicable to plan</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> </table>		<u>Plan I</u>	<u>Plan II</u>	A. Annually	[]	[]	B. 2 - 3 years	[]	[]	C. 4 - 5 years	[]	[]	D. Other (Describe on a continuation sheet.)	[]	[]	Z. Not applicable to plan	[]	[]												
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Z. Not applicable to plan	[]	[]																														

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS
Item No.	ITEM DESCRIPTION	
47.	<p>Deferred Incentive Compensation. (In the space provided below, enter the name or title of each deferred incentive compensation plan (i.e., profit sharing, stock bonus, etc.) whose costs are charged to contracts. For each of these plans, enter (1) a Code A or B indicating whether it is qualified or non-qualified and (11) a Code X through E describing the method of charging the costs of the deferred incentive compensation plans.)</p> <p>Qualification of Plan Code</p> <p>A. Qualifies under section 401(a) of the Internal Revenue Code of 1954, as amended</p> <p>B. Does not qualify under section 401(a) of the Internal Revenue Code of 1954, as amended</p> <p>Z. No deferred incentive compensation plan</p> <p>Method of Charging Code</p> <p>Charged to contracts:</p> <p>A. As accrued</p> <p>B. When contributions are made to a trust fund</p> <p>C. When paid directly to employees</p> <p>D. When other "nonqualified" payments are made</p> <p>E. Other or more than one method (Describe on a continuation sheet.)</p> <p>Z. No deferred incentive compensation plan</p>	

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS																														
Item No.	ITEM DESCRIPTION																															
46.	<p>Continued</p> <p>h. Adjustment of Costs for Actuarial Losses. (Check one block for each plan to show if costs for actuarial losses are recorded in the same period as for actuarial gains.)</p> <table border="0"> <tr> <td></td> <td>Plan I</td> <td>Plan II</td> </tr> <tr> <td>A. Yes</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>B. No (Describe on a continuation sheet.)</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>Z. Not applicable to plan</td> <td>[]</td> <td>[]</td> </tr> </table> <p>i. Amortization of Actuarial Gains. (Check one block for each plan to show the period over which actuarial gains are amortized.)</p> <table border="0"> <tr> <td></td> <td>Plan I</td> <td>Plan II</td> </tr> <tr> <td>A. 10 Years or less</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>B. 11-20 years</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>C. More than 20 years</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>D. Other (Describe on a continuation sheet.)</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>Z. Not applicable to plan</td> <td>[]</td> <td>[]</td> </tr> </table>			Plan I	Plan II	A. Yes	[]	[]	B. No (Describe on a continuation sheet.)	[]	[]	Z. Not applicable to plan	[]	[]		Plan I	Plan II	A. 10 Years or less	[]	[]	B. 11-20 years	[]	[]	C. More than 20 years	[]	[]	D. Other (Describe on a continuation sheet.)	[]	[]	Z. Not applicable to plan	[]	[]
	Plan I	Plan II																														
A. Yes	[]	[]																														
B. No (Describe on a continuation sheet.)	[]	[]																														
Z. Not applicable to plan	[]	[]																														
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Z. Not applicable to plan	[]	[]																														

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Item No.	ITEM DESCRIPTION																				
47.	<p>Continued</p> <table border="0"> <tr> <td data-bbox="294 1795 325 1837">(1)</td> <td data-bbox="294 1596 325 1795">[]</td> <td data-bbox="294 1333 325 1585">[]</td> <td data-bbox="294 1144 325 1323">[]</td> </tr> <tr> <td data-bbox="325 1795 355 1837">(11)</td> <td data-bbox="325 1596 355 1795">[]</td> <td data-bbox="325 1333 355 1585">[]</td> <td data-bbox="325 1144 355 1323">[]</td> </tr> <tr> <td data-bbox="355 1795 385 1837">(111)</td> <td data-bbox="355 1596 385 1795">[]</td> <td data-bbox="355 1333 385 1585">[]</td> <td data-bbox="355 1144 385 1323">[]</td> </tr> <tr> <td data-bbox="385 1795 415 1837">(1v)</td> <td data-bbox="385 1596 415 1795">[]</td> <td data-bbox="385 1333 415 1585">[]</td> <td data-bbox="385 1144 415 1323">[]</td> </tr> <tr> <td data-bbox="415 1795 446 1837">(v)</td> <td data-bbox="415 1596 446 1795">[]</td> <td data-bbox="415 1333 446 1585">[]</td> <td data-bbox="415 1144 446 1323">[]</td> </tr> </table> <p>4. <u>Employee Group Insurance.</u> (Includes coverage for life, hospital, surgical, medical, long-term disability, accident, etc.)</p> <p>a. <u>Method of Providing Insurance.</u> (Check one. If B is checked, skip to Item 49.)</p> <p>A. [] All by purchase.</p> <p>B. [] All self-insured</p> <p>C. [] Combination of A and B above (Describe on a continuation sheet.)</p> <p>Z. [] No employee group insurance</p> <p>b. <u>Type of Purchased Insurance Plans.</u> (Check one.)</p> <p>A. [] Retrospective rating (also called experience rating plan or retention plan)</p> <p>B. [] Manually rated</p> <p>C. [] Other or more than one type (Describe on a continuation sheet.)</p> <p>c. <u>Treatment of Earned Refunds and Dividends (about "claims reserves" retained by carriers).</u> (Check one.)</p> <p>All earned refunds (also called experience rating credits or retroactive rating credits) allocable to contracts are:</p> <p>A. [] Credited directly or indirectly to contracts in the policy year earned, in the same manner as the premiums are charged</p>	(1)	[]	[]	[]	(11)	[]	[]	[]	(111)	[]	[]	[]	(1v)	[]	[]	[]	(v)	[]	[]	[]
(1)	[]	[]	[]																		
(11)	[]	[]	[]																		
(111)	[]	[]	[]																		
(1v)	[]	[]	[]																		
(v)	[]	[]	[]																		

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Item No.	ITEM DESCRIPTION
48c.	<p>Continued</p> <p>B. [] Credited directly or indirectly to contracts in the year received in the same manner as the premiums are charged, not necessarily in the year earned</p> <p>C. [] Such refunds and dividends estimated to be received in the future are accrued each year, as applicable, to currently reflect the net annual cost of the insurance</p> <p>D. [] All or portions thereof are not credited or refunded to the contractor each year and are retained by the carriers as reserves. (If this item is checked, describe on a continuation sheet (1) the purposes of the reserves other than "claims reserves," retained by carriers and (11) whether such reserves are refundable on call or upon termination of the policies, clauses, or auxiliary agreements which provide for reserve retentions.)</p> <p>E. [] Other or more than one method (Describe on a continuation sheet.)</p> <p>d. <u>Employee Contributions (Contributory Plans).</u> (Check one.)</p> <p>A. [] Plan(s) provide that employees contribute fixed amount, employer responsible for balance</p> <p>B. [] Plan(s) provide for fixed percentage participation by both employer and employee</p> <p>C. [] Other or more than one method (Describe on a continuation sheet.)</p> <p>Z. [] Reporting unit has no contribution plan</p> <p>e. <u>Employee Sharing in Refunds and Dividends (Contributory Plans).</u> (Check one.)</p> <p>A. [] Employees do not participate in refunds and dividends unless employer's contribution is less than the refunds and dividends</p> <p>B. [] Employees share in refunds and dividends in the same fixed amount or percentage ratio as their contributions to premium costs</p> <p>C. [] Employees do not share in refunds and dividends</p> <p>D. [] Other or more than one method (Describe on a continuation sheet.)</p> <p>Z. [] Reporting unit has no contributory plan</p>

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS	ITEM DESCRIPTION
Item No.		
51.		<p>Self-Insurance Programs (Workmen's Compensation, Employer's Liability and Casualty Insurance).</p> <p>Workmen's Compensation and Employer's Liability. Costs of such self-insurance programs are charged to contracts: (Check one.)</p> <p>A. <input type="checkbox"/>] When claims are paid or losses are incurred (no provision for reserves)</p> <p>B. <input type="checkbox"/>] When provisions for reserves are recorded based on the present value of the liability</p> <p>C. <input type="checkbox"/>] When provisions for reserves are recorded based on the full or undiscounted value, as contrasted with present value, of the liability</p> <p>D. <input type="checkbox"/>] When funds are set aside or contributions are made to a fund</p> <p>E. <input type="checkbox"/>] Other or more than one method (describe on a continuation sheet.)</p> <p>Casualty Insurance. Costs of such self-insurance programs are charged to contracts: (Check one.)</p> <p>A. <input type="checkbox"/>] When losses are incurred (no provision for reserves)</p> <p>B. <input type="checkbox"/>] When provisions for reserves are recorded based on replacement costs</p> <p>C. <input type="checkbox"/>] When provisions for reserves are recorded based on reproduction cost less observed depreciation (market value) excluding the value of land and other indestructibles</p> <p>D. <input type="checkbox"/>] Losses are charged to retained earnings with no charge to contracts (no provision for reserves)</p> <p>E. <input type="checkbox"/>] Other or more than one method (describe on a continuation sheet.)</p>

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VIII - DEFERRED COMPENSATION AND INSURANCE COSTS	ITEM DESCRIPTION
Item No.		
49.		<p>Self-Insurance Programs (Employee Benefits Insurance). Costs of the self-insurance programs are charged to contracts: (Check one.)</p> <p>A. <input type="checkbox"/>] When accrued (book accrual only)</p> <p>B. <input type="checkbox"/>] When contributions are made to a nonforfeitable fund</p> <p>C. <input type="checkbox"/>] When contributions are made to a forfeitable fund</p> <p>D. <input type="checkbox"/>] When the benefits are paid to employees</p> <p>E. <input type="checkbox"/>] When amounts are paid to an employee welfare plan or union</p> <p>F. <input type="checkbox"/>] Other or more than one method (describe on a continuation sheet.)</p>
50.		<p>Workmen's Compensation, Employer's Liability and Casualty Insurance (Purchased Insurance Only). (If self-insured, skip to item 51.)</p> <p>All allocable earned refunds and dividends under retrospectively rated workmen's compensation and employer's liability insurance policies; and dividends and deposit refunds under casualty insurance policies, are: (Check one.)</p> <p>A. <input type="checkbox"/>] Credited directly or indirectly to contracts in the year earned</p> <p>B. <input type="checkbox"/>] Credited directly or indirectly to contracts in the year received, not necessarily in the year earned</p> <p>C. <input type="checkbox"/>] Accrued each year, as applicable, to currently reflect the net annual cost of the insurance</p> <p>D. <input type="checkbox"/>] Not credited or refunded to the Government but are retained by the carriers as reserves</p> <p>E. <input type="checkbox"/>] Other or more than one method (describe on a continuation sheet.)</p>

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-372		PART VIII - CORPORATE OR GROUP EXPENSES	
Item No.	ITEM DESCRIPTION		
52.	<p>(Data for Most Recently Completed Fiscal Year).</p> <p>FOR CORPORATE (HOME) OFFICE, OR GROUP (INTERMEDIATE MANAGEMENT) OFFICE, AS APPLICABLE.</p> <p>Range of Annual Total Sales (Government and commercial). (Check one.)</p> <p>A. <input type="checkbox"/> Less than \$50 million B. <input type="checkbox"/> \$50-\$100 million</p> <p>C. <input type="checkbox"/> \$101-\$200 million D. <input type="checkbox"/> \$201-\$500 million</p> <p>E. <input type="checkbox"/> \$501 million-\$1 billion F. <input type="checkbox"/> Over \$1 billion</p> <p>Applicable Percentage of Government Sales to Annual Total Sales. (Check one.)</p> <p>A. <input type="checkbox"/> Less than 5% B. <input type="checkbox"/> 5%-10%</p> <p>C. <input type="checkbox"/> 11%-25% D. <input type="checkbox"/> 26%-50%</p> <p>E. <input type="checkbox"/> 51%-80% F. <input type="checkbox"/> Over 80%</p>		
53.	<p>The following Allocation Base Codes are provided for use in connection with the types of expenses or pools of expenses covered by this item.</p> <p>A. Sales</p> <p>B. Cost of sales</p> <p>C. Cost input (direct cost and applicable overhead)</p> <p>D. Total cost incurred (cost input plus 6% expenses)</p> <p>E. Prime cost (direct labor, direct material, and other direct cost)</p> <p>F. Processing or conversion cost (direct labor and applicable overhead)</p> <p>G. Direct labor dollars</p> <p>H. Direct labor hours</p> <p>I. Machine hours</p> <p>J. Usage</p> <p>K. Unit of product</p> <p>L. Direct material cost</p> <p>M. Total payroll dollars (direct and indirect employees)</p> <p>N. Headcount or number of employees (direct and indirect employees)</p> <p>O. Massachusetts Formula (sales, payroll dollars and assets)</p> <p>P. Square feet</p> <p>Q. Other (if more than one basis (describe on a continuation sheet.)</p>		
54.	<p>The following Allocation Base Codes are provided for use in connection with the types of expenses or pools of expenses covered by this item.</p>		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-372		PART VIII - CORPORATE OR GROUP EXPENSES	
Item No.	ITEM DESCRIPTION		
54.	<p>Continued</p> <p>Type of Expenses or Pools of Expenses and Basis of Allocation.</p> <p>For classification purposes, three methods of allocation are defined:</p> <p>(i) Directly Chargeable--those expenses that are charged to specific corporate segments for centrally performed or purchased services; (ii) Separately Allocated--those individual or groups of expenses which are allocated only to a limited group of corporate segments; and (iii) Overall Allocation--the remaining expenses which are allocated to all or most corporate segments on an overall basis. Corporate segments refer to divisions, product departments, plants, or profit centers of a corporation with production and, usually, profit responsibility, reporting to corporate headquarters directly or through intermediate organizations. The term includes Government-owned, contractor-operated (GOCO) plants, foreign operations, subsidiary corporations whether or not consolidated, and joint ventures.</p> <p>(Enter the type of expenses or the name of the expense pool(s) and one of the Allocation Base Codes A through Q listed on page 38 to indicate the basis of allocation. Use a continuation sheet if additional space is required.)</p> <p>Type of Expenses or Name of Pool of Expenses Allocation Base Code</p> <p>a. Directly Chargeable.</p> <p>(i) I J</p> <p>(ii) I J</p> <p>(iii) I J</p> <p>(iv) I J</p> <p>(v) I J</p> <p>b. Separately Allocated</p> <p>(i) I J</p> <p>(ii) I J</p> <p>(iii) I J</p> <p>(iv) I J</p> <p>(v) I J</p>		

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART VIII - CORPORATE OR GROUP EXPENSES	
Item No.	ITEM DESCRIPTION	A. [] Yes	B. [] No
59.	Fixed Management Charges. Are fixed amounts of expenses charged to any corporate segments in lieu of a prorata or allocation basis? (Check one. If Yes is checked, list on a continuation sheet the names of such corporate segments and the basis for making fixed management charges.)	[]	[]
60.	Government Owned/Contractor Operated (GOCO) plants. Are corporate or group office expenses allocated to GOCO plants? (Check one. If Yes is checked, describe on a continuation sheet the type of expenses involved and the method of allocation.)	[]	[]

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		PART VIII - CORPORATE OR GROUP EXPENSES	
Item No.	ITEM DESCRIPTION	A. [] Yes	B. [] No
54c.	Overall Allocation (i) (ii) (iii) (iv) (v)	[] [] [] [] []	[] [] [] [] []
55.	Functional Classification of Expense. (For each pool reported in Items 54, a, b, and c, list on a continuation sheet the major functions, activities, and elements of cost included.)	[]	[]
56.	Do the allocation bases in Items 54, b and c include all of the base elements; e.g., if sales is the base, are all sales counted? (If No is checked, show on a continuation sheet the exclusions from each base and the reasons therefor.)	[]	[]
57.	Overall Allocation. Are expenses in this category allocated to all corporate segments? (If No is checked, show on a continuation sheet the names of such corporate segments and the reasons for their exclusion from the allocation.)	[]	[]
58.	Transfer of Expenses. Are there normally such transfers from corporate segments to corporate or group office? (If Yes is checked, identify on a continuation sheet the classifications of expense, the names of the corporate segments incurring the expense, and the pools in which the expenses are included.)	[]	[]

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379		CONTINUATION SHEETS Page of Pages	
Item No.			

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APPENDIX

PRINCIPAL PRODUCT OR SERVICE CODE

(For Item 3 of the Disclosure Statement)

The codes and classification descriptions in this pamphlet have been selected from the Standard Industrial Classification Manual, 1967, Executive Office of the President (Bureau of the Budget), which is used by U.S. Government agencies to classify establishment data by industry.

For the most part, only those industries which account for a major portion of defense contracting are specifically identified to a significant 4-digit level, that is, a code whose last two digits are each greater than zero. Where the specific industries are not relatively large in defense contracting terms, either a group code (ending in zero) or a major group code (ending in two zeros) is used. An exception to this rule is made when only one specific industry is assignable to a group, e.g., Metal Cases, Code 3411, is used because it is the only industry in Group 3410. One other exception applies to the group code rule: When a specific industry code is used and the group has two or more specific industries, the remaining industry codes within the group are consolidated into a group code ending in zero, e.g., Industrial Gases, is separately identified as Code 2813 and the remaining industries in

the group are consolidated into a Group Code 2810 for all other industrial organic and inorganic chemicals.

To obtain the appropriate code for entry in Item 3 of the Disclosure Statement, each reporting organization should first examine the list of major-group descriptions below to determine which apply to the organization's products or services. Second, the specific codes and descriptions for the major group or groups should be reviewed to select the one code that most nearly identifies the product or service which accounted for most of the organization's sales or shipments in the base fiscal year used for the Disclosure Statement.

If research and development or modification and overhaul is associated with a product, use a specific manufactured product code (Codes 1911 through 3900) rather than a service code. For example, development work associated with aircraft should be coded 3721 (aircraft) rather than 7391 (commercial research and development laboratories).

Following are the major groups whose codes and descriptions are included in this pamphlet:

I—Manufactured Products

- 19 Ordnance and Accessories.
- 20 Food and Kindred Products.
- 21 Tobacco Manufactures.
- 22 Textile Mill Products.
- 23 Apparel.

- 24 Lumber and Wood Products, Except Furniture.
- 25 Furniture and Fixtures.
- 26 Paper and Allied Products.
- 27 Printing, Publishing and Allied Industries.
- 28 Chemicals and Allied Products.
- 29 Petroleum Refining.
- 30 Rubber and Miscellaneous Plastic Products.
- 31 Leather and Leather Products.
- 32 Stone, Clay, Glass and Concrete Products.
- 33 Primary Metal Industries.
- 34 Fabricated Metal Products, Except Ordnance Machinery and Transportation Equipment.
- 35 Machinery, Except Electrical.
- 36 Electrical Machinery, Equipment and Supplies.
- 37 Transportation Equipment.
- 38 Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks.
- 39 Miscellaneous Manufactures.

II—Construction and Services

- 15 Building Construction.
- 16 Construction, Other than Building Construction.
- 17 Construction, Special Trade Contractors.
- 40 Railroad Transportation.
- 42 Motor Freight Transportation and Warehousing.
- 44 Water Transportation.
- 45 Transportation by Air.
- 47 Transportation Services.
- 48 Communication.
- 73 Miscellaneous Business Services.
- 80 Medical and Other Health Services.
- 82 Educational Services.

PRINCIPAL PRODUCT OR SERVICE CODE

SECTION I—MANUFACTURED PRODUCTS

- | Code | Description |
|------------------------------|---|
| 19. ORDNANCE AND ACCESSORIES | |
| 1911 | <i>Guns, Howitzers, Mortars and Related Equipment.</i> Artillery having a bore over 30 mm. or over 1.18 inches, and components. |
| 1925 | <i>Guided Missiles and Space Vehicles.</i> Completely assembled guided missiles and space vehicles. Excludes guided missiles and space vehicle engines and engine parts (Code 3722); ground and airborne guidance, checkout and launch electronic systems and components (Code 3662); and guided missile and space vehicle airframes, nose cones, and space capsules (Code 3729). |
| 1929 | <i>Ammunition, Except for Small Arms.</i> Ammunition over 30 mm. or 1.18 inches, and also bombs, mines, torpedoes, grenades, depth charges, chemical warfare projectiles, and component parts. Excludes explosives (Code 2892). |
| 1931 | <i>Tanks and Tank Components.</i> Complete tanks and specialized components for tanks. Excludes military vehicles other than tanks (Code 3711) and tank engines (Code 3519). |
| 1941 | <i>Sighting and Fire Control Equipment.</i> Includes bomb sights, percentage correctors, wind correctors, directors, and sound locators. Excludes computers and computer systems (Code 3573). |
| 1951 | <i>Small Arms.</i> Small firearms having a bore 30 mm. or 1.18 inches and below, and parts for small firearms. Includes certain weapons over 30 mm. which are carried and employed by the individual, such as grenade launchers and heavy field machine guns. |
| 1961 | <i>Small Arms Ammunition.</i> Ammunition for small arms as defined in Code 1951. |

1999 *Ordnance and Accessories, Not Elsewhere Classified.* Examples include flame throwers, Y-guns, and smoke generators.

20. FOOD AND KINDRED PRODUCTS

2000 Foods and beverages for human consumption, and certain related products, such as manufactured ice, chewing gum, and prepared feeds for animals.

21. TOBACCO MANUFACTURES

2100 Cigarettes, cigars, smoking and chewing tobacco, and snuff.

22. TEXTILE MILL PRODUCTS

2200 Includes any of the following: (1) Yarn, thread, braids, twine, and cordage; (2) broad woven fabric, narrow woven fabric, knit fabric, and carpets and rugs from yarn; (3) dyeing and finishing fiber, yarn, fabric and knit apparel; (4) coating, waterproofing, or otherwise treating fabric; (5) the integrated manufacture of knit apparel and other finished articles from yarn; and (6) the manufacture of felt goods, lace goods, bonded-fiber fabrics, and miscellaneous textiles.

23. APPAREL

2300 Clothing and other finished products fabricated by cutting and sewing purchased or Government-furnished textile fabrics and related materials, such as leather, rubberized fabrics, plastics, and furs.

24. LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

2400 Poles, timber and pulpwood, sawmill and planing mill products, flooring, cooperage, millwork, plywood, prefabricated buildings, and wooden containers.

25. FURNITURE AND FIXTURES

2500 Household, office, public building and restaurant furniture, and office and store fixtures.

26. PAPER AND ALLIED PRODUCTS

2600 Pulps from rags and from wood and other cellulose fibers; paper and paperboard including building paper and building board, paper bags, boxes and envelopes.

27. PRINTING, PUBLISHING AND ALLIED INDUSTRIES

2700 Printing, such as by letterpress, lithography, gravure or screen; book-binding, typesetting, engraving, and electrotyping; and newspaper, periodical, and book publishing.

28. CHEMICALS AND ALLIED PRODUCTS

2813 *Industrial Gases.* Gases in compressed liquid, and solid forms. Excludes fluorine and ammonia (Code 2810).

2810 *Industrial Organic, Inorganic Chemicals, Except Industrial Gases.*

2820 *Plastic Materials and Synthetic Resins, Synthetic Rubber, Synthetic and Other Man-Made Fibers, Except Glass Fibers.*

2830 *Drugs and Pharmaceuticals.*

2840 *Soaps, Detergents and Cleaning Preparations.*

2850 *Paints, Varnishes, Lacquers and Enamels.*

2860 *Agricultural Chemicals, Fertilizers and Pesticides.*

2892 *Explosives.*

2890 *Chemicals, Not Elsewhere Classified.*

29. PETROLEUM REFINING

2900 Petroleum, paving and roofing materials (asphalt and tar), and lubricating oils and greases.

30. RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

3000 Products from natural, synthetic or reclaimed rubber; and miscellaneous finished plastic products.

31. LEATHER AND LEATHER PRODUCTS

3100 Includes finished leather and artificial leather products, and also the tanning, currying and finishing of hides and skins.

32. STONE, CLAY, GLASS AND CONCRETE PRODUCTS

3200 Flat glass and other glass products, cement, structural clay products, pottery, concrete, and gypsum products, cut stone, abrasive and asbestos products.

33. PRIMARY METAL INDUSTRIES

3310 *Products of Blast Furnaces, Steel Works and Rolling and Finishing Mills.*

3320 *Iron and Steel Foundry Products.*

3330 *Primary Smelting and Refining of Nonferrous Metals.*

3340 *Secondary Smelting and Refining of Nonferrous Metals.*

3350 *Rolling, Drawing, and Extruding of Nonferrous Metals.*

3360 *Nonferrous Foundry Products.*

3390 *Miscellaneous Primary Metal Products.* Iron, steel and nonferrous forgings, and primary metal products, not elsewhere classified.

34. FABRICATED METAL PRODUCTS, EXCEPT ORDINANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

3411 *Metal cans.*

3420 *Cutlery, Hand Tools and General Hardware.*

3430 *Heating Apparatus (Except Electrical) and Plumbing Fixtures.*

3440 *Fabricated Structural Metal Products.*

3450 *Screw Machine Products and Bolts, Nuts, Screws, Rivets, and Washers.*

3461 *Metal Stampings.*

3470 *Coating, Engraving, and Allied Services.*

3481 *Miscellaneous Fabricated Wire Products.*

3490 *Miscellaneous Fabricated Metal Products.* Barrels, drums, kegs, and pails; safes and vaults; steel springs; valves and pipe fittings, except brass goods and other fabricated metal products, not elsewhere classified.

35. MACHINERY, EXCEPT ELECTRICAL

3510 *Engines and Turbines.* Steam engines; steam, gas, and hydraulic turbines; steam, gas, and hydraulic turbine generator set units; and internal combustion engines not elsewhere classified. Excludes aircraft and rocket engines (Code 3722) and automotive engines (Code 3714).

3522 *Farm Machinery and Equipment.*

3531 *Construction Machinery and Equipment.* Includes heavy machinery and equipment, such as bulldozers, concrete mixers, cranes, dredging machinery, pavers, and power shovels.

3532 *Mining Machinery and Equipment.*

3533 *Oil Field Machinery and Equipment.*

3534 *Elevators and Moving Stairways.*

3535 *Conveyors and Conveying Equipment*

3536 *Hoists, Industrial Cranes and Monorail Systems.*

3537 *Industrial Trucks, Tractors, Trailers and Stackers.*

3540 *Metalworking Machinery and Equipment.*

3550 *Special Industry Machinery, Except Metalworking.*

3560 *General Industrial Machinery and Equipment.*

3573 *Electronic Computing Equipment.* Includes general purpose electronic analog computers as well as electronic digital computers. The electronic computers may be used for data processing or may be incorporated as components into control equipment for industrial use, and as components of equipment used in weapons and weapons systems, space and oceanographic exploration, transportation and other systems.

Electronic computer systems contain high speed arithmetic and program control units, on-line information storage devices and input/output equipment. Examples of input/output equipment are converters (card and/or tape), readers and printers. Examples of storage devices are magnetic drums and disks, magnetic cores and magnetic film memories.

3570 *Office, Computing and Accounting Machines, Except Electronic Computing Equipment (Code 3573).*

3580 *Service Industry Machines.*

3599 *Miscellaneous Machinery, Except Electrical.*

36. ELECTRICAL MACHINERY, EQUIPMENT AND SUPPLIES

3611 *Electric Measuring Instruments and Test Equipment.* Pocket, portable, panel-board, and graphic recording instruments for measuring electricity, such as voltmeters, ammeters, watt meters, watt-hour meters, demand meters, and other meters and indicating instruments. Also includes analyzers for testing the electrical characteristics of internal combustion engines and radio apparatus.

3612 *Power, Distribution, and Specialty Transformers.* Excludes radio frequency or voice frequency transformers, coils or chokes (Code 3679).

3613 *Switchgear and Switchboard Apparatus.*

3621 *Motors and Generators.* Electric motors (except starting motors) and power generators; motor generator sets; railway motors and control equipment; and motors, generators, and control equipment for gasoline, electric, and oil electric buses and trucks.

3622 *Industrial Controls.* Motor starters and controllers, control accessories, electronic controls and other industrial controls. Excludes automatic temperature controls (Code 3622).

3620 *Electrical Industrial Apparatus, Except Motors and Generators (Code 3621) and Industrial Controls (Code 3622).*

3630 *Household Appliances.*

3640 *Electric Lighting and Wiring Equipment.*

3651 *Radio and Television Receiving Sets, Except Communication Types.* Electronic equipment for home entertainment. Includes public address systems, and music distribution apparatus except records.

3652 *Phonograph Records.*

3661 *Telephone and Telegraph Apparatus.*

- 3662 *Radio and Television Transmitting, Signaling, and Detection Equipment and Apparatus.* Radio and television broadcasting equipment; electric communication equipment and parts, except telephone and telegraph; electronic field detection apparatus, light and heat emission operating apparatus, object detection apparatus and navigational electronic equipment, and aircraft and missile control systems; and high energy particle accelerator systems and equipment designed and sold as a complete package for radiation therapy, irradiation, radiographic inspection, and research (linear accelerators, betatrons, dynamotrons, Vandergraaf generators, resonant transformers, insulating core transformers, etc.); high energy particle electronic equipment and accessories sold separately for the construction of linear accelerators, cyclotrons, synchrotrons, and other high energy research installations (transmitters/modulators, accelerating waveguide structures, pulsed electron guns, vacuum systems, cooling systems, etc.); other electric and electronic communication and signaling products, not elsewhere classified. Excludes transmitting tubes (Code 3673).
- 3671 *Radio and Television Receiving Type Electron Tubes Except Cathode Ray.*
- 3672 *Cathode Ray Picture Tubes.*
- 3673 *Transmitting, Industrial, and Special Purpose Electron Tubes.*
- 3674 *Semiconductors and Related Devices.* Semiconductor and related solid state devices, such as semiconductor diodes and stacks, including rectifiers, integrated microcircuits (semiconductor networks), transistors, solar cells, and light sensitive semiconductor (solid state) devices.
- 3679 *Electronic Components and Accessories, Not Elsewhere Classified.* Establishments primarily engaged in manufacturing specialty resistors for electronic end products; inductors, transformers, and capacitors and other electronic components, not elsewhere classified.
- 3690 *Miscellaneous Electrical Machinery, Equipment, and Supplies.* Includes storage and primary batteries, X-ray apparatus, electrical equipment for internal combustion engines and miscellaneous electrical machinery, equipment and supplies, not elsewhere classified.
37. TRANSPORTATION EQUIPMENT
- 3711 *Motor Vehicles.* Complete passenger automobiles, trucks, commercial cars and buses, and special purpose motor vehicles.
- 3714 *Motor Vehicle Parts and Accessories.*
- 3715 *Truck Trailers (Full).*
- 3721 *Aircraft.* Complete aircraft. Also includes factory type modification and overhaul of aircraft.
- 3722 *Aircraft Engines and Engine Parts.*
- 3723 *Aircraft Propellers and Propeller Parts.*
- 3729 *Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified.*
- 3731 *Ship Building and Repairing.* Ships, barges, and lighters, whether propelled by sail or motor power, or towed by other craft. Also includes the conversion and alteration of ships.
- 3732 *Boat Building and Repairing.*
- 3740 *Railroad Equipment.*
- 3750 *Motorcycles, Bicycles and Parts.*
- 3790 *Miscellaneous Transportation Equipment.*

38. PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS: PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS
- 3811 *Engineering, Laboratory, and Scientific and Research Instruments and Associated Equipment.* Laboratory, scientific, and engineering instruments such as nautical, navigational, aeronautical, surveying, drafting, and instruments for laboratory work and scientific research (except optical instruments Code 3831).
- 3821 *Mechanical Measuring and Controlling Instruments, Except Automatic Temperature Controls.*
- 3822 *Automatic Temperature Controls.* Automatic temperature controls activated by pressure, temperature, level, flow, time, or humidity (including pneumatic controls) of the type principally used as components of air conditioning, refrigeration, and comfort heating, or as components of household appliances. Excludes industrial electric controls (Code 3020).
- 3831 *Optical Instruments and Lenses.* Optical lenses and prisms, and optical instruments such as microscopes, telescopes, field and opera glasses; and optical measuring and testing instruments such as refractometers, spectrometers, spectroscopes, colorimeters, polariscopes.
- 3840 *Surgical, Medical, and Dental Instruments and Supplies.*
- 3851 *Ophthalmic Goods.*
- 3861 *Photographic Equipment and Supplies.* Photographic apparatus, equipment, parts, attachments, and accessories, such as still and motion picture cameras and projection apparatus; photocopy and microfilm equipment; blueprinting and diazotype (white printing) apparatus and equipment; and other photographic equipment; and sensitized film, paper, cloth, and plates, and prepared photographic chemicals for use therewith.
- 3871 *Watches, Clocks, Clockwork Operated Devices, and Parts Except Watch-cases.* Clocks (including electric), watches, mechanisms for clockwork operated devices, and clock and watch parts.
39. MISCELLANEOUS MANUFACTURERS
- 3900 *Manufacture of products not classified in any other major manufacturing groups, i.e., from Code 1911 through 3871.* Includes jewelry, silverware, musical instruments, toys, sporting and athletic goods, and other miscellaneous manufactured products.
- II—CONSTRUCTION AND SERVICES
- Description
15. BUILDING CONSTRUCTION—GENERAL CONTRACTORS
- Code
- 1500 *Construction of residential, farm, industrial, commercial, public or other buildings.*
16. CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION—GENERAL CONTRACTORS
- 1600 *Heavy construction, such as highways and streets, bridges, sewers, railroads, airports, and other types of construction work, except buildings.*
17. CONSTRUCTION—SPECIAL TRADE CONTRACTORS
- 1700 *Specialized construction activities, such as plumbing, painting, plastering, carpentering, electrical, etc.*

40. RAILROAD TRANSPORTATION

- 4000 *Transportation by line-haul railroad and certain services allied to rail transportation, such as sleeping and dining car services, railway express, and switching and terminal services.*

42. MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING

- 4200 *Local or long-distance trucking, transfer, and draying services, or storage of farm products, furniture and other household goods, or commercial goods of any nature. Also includes operation of terminal facilities for handling freight, with or without maintenance facilities.*

44. WATER TRANSPORTATION

- 4463 *Marine Cargo Handling.* Services directly related to marine cargo handling from the time cargo, for or from a vessel, arrives at shipside, dock, pier, terminal, staging area, or intransit area until cargo loading or unloading operations are completed. Includes the operation and maintenance of piers, docks, and associated buildings and facilities.
- 4400 *Water Transportation, Except Marine Cargo Handling.* Freight and passenger transportation on the open seas or inland waters, and incidental services such as lighterage, towing, and canal operation. Also includes excursion boats, sightseeing boats, and water taxis.

45. TRANSPORTATION BY AIR

- 4582 *Airports and Flying Fields.* Operation and maintenance of airports and flying fields and/or the servicing, repairing (except on a factory basis), and storing of aircraft at such airports. Excludes modification and factory type overhaul of aircraft (Code 3721).
- 4500 *Transportation by Air, Except Airports and Flying Fields.* Domestic and foreign transportation by air and also terminal services.

47. TRANSPORTATION SERVICES

- 4700 *Services incidental to transportation, such as forwarding, packing and crating, and rental of railroad cars.*

48. COMMUNICATION

- 4800 *Point-to-point communication service whether by wire or radio, and whether intended to be received aurally or visually; and radio broadcasting and television. Services for the exchange or recording of messages are also included.*

73. MISCELLANEOUS BUSINESS SERVICES

- 7391 *Commercial Research and Development Laboratories.* Research and development activities on a fee or contract basis. Research and development laboratories of companies which manufacture the products developed from their research activities are classified as auxiliary to the manufacturing establishments served.
- 7392 *Business, Management, Administrative and Consulting Services.* Business and management administrative and consulting services, such as business analyzing business research, efficiency experts, fashion designing and consulting, industrial management, market research, personnel management, public relations counselors, sales engineers, statistical services, tax consultation, and traffic consultants.

- 7394 *Equipment Rental and Leasing Services.* Includes electronic equipment rental.
- 7300 *Other miscellaneous business services,* such as advertising, mailing, stenographic, employment agency, commercial testing and protective services.
- 80. MEDICAL AND OTHER HEALTH SERVICES
- 8000 *Medical, surgical, and other health service to persons.*
- 82. EDUCATIONAL SERVICES
- 8221 *Colleges, Universities, and Professional Schools.* Tuition fees at colleges, universities, and professional schools granting academic degrees and requiring for admission at least a high school diploma or equivalent general academic training.
- 8200 *Other Educational Services.* Excludes services involving colleges, universities, and professional schools and also excludes research and development activities of such institutions (Code 8921).
- 89. MISCELLANEOUS SERVICES
- 8911 *Engineering and Architectural Services.* Services of a professional nature in the fields of engineering and architecture.
- 8921 *Nonprofit Educational and Scientific Research Agencies.* Research at nonprofit establishments including educational institutions.
- 8900 *Other Miscellaneous Services.*

PART 401—COST ACCOUNTING STANDARD—CONSISTENCY IN ESTIMATING, ACCUMULATING, AND REPORTING COSTS

§ 401.1 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of \$100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 401.2 Purpose.

The purpose of this Cost Accounting Standard is to insure that each contractor's practices used in estimating costs for proposals are consistent with cost accounting practices used by him in accumulating and reporting costs on resulting contracts. Consistency in the application of cost accounting practices is necessary to enhance the likelihood that comparable transactions are treated alike. With respect to individual contracts, the consistent application of cost

accounting practices will facilitate the preparation of reliable cost estimates used in pricing proposals and their comparison with the costs of performance of the resulting contracts. Such comparisons provide one important basis for financial control over costs during contract performance and aid in establishing accountability for costs in the manner agreed to by both parties at the time of contracting. The comparisons also provide an improved basis for evaluating estimating capabilities.

§ 401.3 Definitions.

For purposes of this standard the following definitions apply:

- (a) *Accumulating costs.* The collecting of cost data in an organized manner, such as through a system of accounts.
- (b) *Actual cost.* Represents amounts determined on the basis of costs incurred as distinguished from forecasted costs. Includes standard costs properly adjusted for applicable variances.
- (c) *Estimating costs.* The process of forecasting a future result in terms of cost, based upon information available at the time.
- (d) *Pricing.* The process of establishing the amount or amounts to be paid in return for goods or services.
- (e) *Proposal.* Any offer or other submission used as a basis for pricing a contract, contract modification or termination settlement or for securing payments thereunder.
- (f) *Reporting costs.* Provision of cost information to others. The reporting of costs involves selecting relevant cost data and presenting it in an intelligible manner for use by the recipient.

Practices used in estimating costs for proposals

- (1) Contractor estimates an average direct labor rate for manufacturing direct labor by labor category or function.
- (2) Contractor estimates an average cost for minor standard hardware items, including nuts, bolts, washers, etc.
- (3) Contractor uses an estimated rate for manufacturing overhead to be applied to an estimated direct labor base. He identifies the items included in his estimate of manufacturing overhead and provides supporting data for the estimated directed labor base.

(b) The following examples are illustrative of application of cost accounting practices which are deemed not to be consistent.

Practices used in estimating costs for proposals

- (4) Contractor estimates a total dollar amount for engineering labor which includes disparate and significant elements or functions of engineering labor. Contractor does not provide supporting data reconciling this amount to the estimates for the same engineering labor cost functions for which he will separately account in contract performance.
- (5) Contractor estimates a single dollar amount for machining cost to cover labor, material and overhead.

§ 401.4 Fundamental requirement.

A contractor's practices used in estimating costs in pricing proposals shall be consistent with the cost accounting practices used in accumulating and reporting costs on the resulting contracts. The grouping of homogeneous costs in estimates prepared for proposal purposes shall not per se be deemed an inconsistent application of cost accounting practices when such costs are accumulated and reported in greater detail on an actual cost basis during contract performance.

§ 401.5 Techniques for application.

The standard allows grouping of homogeneous costs in order to cover those cases where it is not practicable to estimate contract costs by individual cost element or function. However, costs estimated for proposal purposes shall be presented in such a manner and in such detail that any significant item of cost can be compared with the actual cost accumulated and reported therefor. In any event the cost accounting practices used in estimating costs in pricing proposals and in accumulating and reporting costs on the resulting contracts shall be consistent with respect to (a) the classification of elements or functions of cost as direct or indirect; (b) the indirect cost pools to which each element or function of cost is charged or proposed to be charged; and (c) the methods of allocating indirect costs to the contract.

§ 401.6 Illustrations.

(a) The following examples are illustrative of applications of cost accounting practices which are deemed to be consistent.

Practices used in accumulating and reporting costs of contract performance

- (1) Contractor records manufacturing direct labor based on actual cost for each individual.
- (2) Contractor records actual cost for minor standard hardware items based upon invoices or material transfer slips.
- (3) Contractor accounts for manufacturing overhead by individual items of cost which are accumulated in a cost pool allocated to final cost objectives on a direct labor base.

Practices used in accumulating and reporting costs of contract performance

- (4) Contractor accounts for engineering labor by cost function, i.e., drafting, designing, production engineering, etc.
- (5) Contractor records separately the actual cost of machining labor and material as direct costs, and factory overhead as indirect costs.

§ 401.7 Exemptions.

None for this standard.

§ 401.8 Effective date. [Reserved]

PART 402—COST ACCOUNTING STANDARD—CONSISTENCY IN CHARGING AND ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE

§ 402.1 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof, and by all relevant Federal agencies in estimating, accumulating and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of \$100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 402.2 Purpose.

The purpose of this standard is to require that each type of cost is assigned only once and on only one basis to any contract or other cost objective. The criteria for determining the assignment of costs to a product, contract or other cost objective should be the same for all similar objectives. Adherence to these cost accounting concepts is necessary to guard against the overcharging of some cost objectives and to prevent double counting. Double counting occurs most commonly when cost items are charged directly to a cost objective without eliminating like cost items from indirect cost pools which are allocated to that cost objective.

§ 402.3 Definitions.

For purposes of this standard the following definitions apply:

(a) *Allocate*. To assign an item of cost, or a group of items of cost to one or more cost objectives. This term includes both direct assignment of cost and the re-assignment of a share from an indirect cost pool.

(b) *Cost objective*. A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate cost information. A final cost objective may include costs identified directly with it and it may also include shares of costs first identified with intermediate cost objectives provided to serve as indirect cost pools.

(c) *Direct cost*. Any cost which is identified specifically with a particular final cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with a contract are direct costs of that contract. Any cost identified specifically with other final cost objectives of the contractor are direct costs of those cost objectives.

(d) *Indirect cost*. Any cost not directly identified with a single final cost objec-

tive, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(e) *Indirect cost pools*. Groupings of incurred costs identified with two or more cost objectives but not directly identifiable solely with any final cost objective.

§ 402.4 Fundamental requirement.

All costs incurred for the same purpose, in like circumstances, are either direct costs only or indirect costs only with respect to final cost objectives. No final cost objective shall have allocated to it as an indirect cost any cost incurred for the same purpose, in like circumstances, which has been included as a direct cost of that or any other final cost objective. Further, no final cost objective shall have charged to it as a direct cost any cost if other costs incurred for the same purpose, in like circumstances, have been included in any indirect cost pool to be allocated to that or any other final cost objective.

§ 402.5 Techniques for application.

(a) The Disclosure Statement to be submitted by the contractor will require that he set forth his cost accounting practices with regard to the distinction between direct and indirect costs. In addition, for those types of cost which are sometimes charged direct and sometimes charged indirect, the Disclosure Statement will set forth the specific criteria and circumstances for making such distinctions as described by the contractor. In essence, the Disclosure Statement, by distinguishing between direct and indirect costs, and by describing the criteria and circumstances for charging those items which are sometimes direct and sometimes indirect, will be determinative as to whether or not costs are incurred for the same purpose. Disclosure Statement as used herein refers to the statement required to be submitted by contractors as a condition of contracting as set forth in Part 351 of this Title 4 of the Code of Federal Regulations.

(b) In the event that a contractor has not submitted a Disclosure Statement the determination of whether specific costs are directly chargeable to contracts shall be based upon the contractor's cost accounting practices used at the time of contract proposal provided such practices comply with Cost Accounting Standards and applicable Government procurement regulations in effect at that time.

(c) Whenever costs which serve the same purpose cannot equitably be allocated to one or more final cost objectives in accordance with the contractor's disclosed accounting practices, the contractor may either (1) use a method for allocating all such costs as would provide an equitable distribution to all final cost objectives, or (2) direct charge all such costs to final cost objectives with which they are specifically identified. In the event the contractor decides to make a change for either purpose the Disclosure Statement shall be amended to reflect the revised accounting practices involved.

§ 402.6 Illustrations.

(a) Illustrations of costs which are incurred for the same purpose:

(1) Contractor normally charges all travel as an indirect cost and previously disclosed this accounting practice to the Government. For purposes of a new proposal, contractor intends to charge the travel costs of direct labor personnel directly to the contract. Since travel costs of direct labor personnel working on other contracts are costs which are incurred for the same purpose, these costs may no longer be included within indirect cost pools for purposes of allocation to any covered Government contract. Contractor's Disclosure Statement must be amended for the proposed changes in accounting practices.

(2) Contractor normally charges planning costs indirectly and allocates this cost to all contracts on the basis of direct labor. A proposal for a new contract requires an inordinate amount of planning costs. The contractor prefers to continue to charge planning costs indirectly. In order to equitably allocate the total planning costs, the contractor may use a method for allocating all such costs as would provide an equitable distribution to all final cost objectives. For example, he may use the number of planning documents processed rather than his former allocation base of direct labor. Contractor's Disclosure Statement must be amended for the proposed changes in accounting practices.

(b) Illustrations of costs which are not incurred for the same purpose:

(1) Contractor normally charges special tooling costs directly to contracts. The costs of general purpose tooling are normally included in the indirect cost pool which is allocated to contracts. Both of these accounting practices were previously disclosed to the Government. Since the costs involved were not incurred for the same purpose in accordance with the criteria set forth in the contractor's Disclosure Statement, the allocation from the indirect cost pool to the contract is not considered a violation of the standard.

(2) Contractor proposes to perform a contract which will require three firemen on 24-hour duty at a fixed-post to provide protection against damage to highly inflammable materials used on the contract. Contractor presently has a fire-fighting force of 10 employees for general protection of the plant. Contractor's costs for these latter firemen are treated as indirect costs and allocated to all contracts; however, he wants to charge the three fixed-post firemen directly to the particular contract requiring them and also allocate a portion of the cost of the general firefighting force to the same contract. He may do so but only on condition that his disclosed practices indicate that the costs of the separate classes of firemen serve different purposes and that it is his practice to charge the general firefighting force indirectly and to charge fixed-post firemen directly.

§ 402.7 Exemptions.

None for this standard.

§ 402.8 Effective date. [Reserved]

ARTHUR SCHOENHAUT,
Executive Secretary.

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PART III



PRICE COMMISSION

■

Price and Rent Stabilization

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION¹

Institutional and Noninstitutional Providers of Health Services

The purpose of this amendment is to add two new sections—§ 300.18, relating to price increases by institutional providers of health services, and § 300.19, relating to price increases by noninstitutional providers of health services. The amendment also adds an Appendix 1 to Part 300 to provide examples and guideline material for use in determining whether a provider of health services is an institutional or noninstitutional provider.

The new § 300.18, which governs institutional providers, covers such institutions as hospitals, skilled nursing homes, extended care facilities, and other institutions listed in paragraph (a) of Appendix 1. The new section provides generally that prices may be increased, on the basis of allowable costs, reduced to reflect productivity gains, only to the extent they do not (1) result in an increase in net revenues as a percentage of total revenues over that of the base period (in the case of nonprofit institutions), or (2) result in an increase in profit margin over that of the base period (in the case of other institutions). An additional limitation is provided that restricts the cost increases that may be allowed for price increase purposes. Institutional providers may increase prices, based on allowable cost increases, up to 2½ percent without prior approval. Allowable price increases over 2½ percent and up to 6 percent are required to be reported to the Internal Revenue Service and the Medicare intermediary, with cost justification. Any increase in excess of 6 percent will be treated as an exception by ruling and must be filed with the Internal Revenue Service. The Price Commission is requesting the Governor of each State, and the mayor of the District of Columbia, to designate an advisory board to evaluate applications for exceptions before they are submitted to the Internal Revenue Service. The new section also requires the posting of price schedules and prohibits changes in charging practices to avoid compliance with the section.

New § 300.19 governs the prices of noninstitutional providers, such as doctors, dentists, medical laboratories, and others listed in paragraph (b) of Appendix 1. It provides generally that noninstitutional providers may charge a price in excess of the base price only to reflect allowable costs, reduced to reflect productivity gains, and only to the extent the increase does not (1) result in an increase in net revenues as a percentage of total revenues over that of the base period (in the case of nonprofit providers) or (2) result

in an increase in profit margin over that of the base period (in the case of other noninstitutional providers). An additional limitation is that aggregate price increases may not exceed 2.5 percent a year. Any increase above that amount will be subject to § 300.511, the general section dealing with exception by ruling.

Under the definition of the word "price" in § 300.5, "price" is construed to include a direct price paid as well as a price reimbursed to a provider by a third party payer on a cost basis. Thus prices paid by an insurer under a hospitalization or other medical services plan would be covered by the new sections.

The Price Commission recognizes that the effect of the new sections in establishing rules governing price increases may require the cutting back of some prices that, since November 13, 1971, have been raised above the amounts that would be allowed under the formulas in the new section.

Because of the purpose of this regulation is to provide immediate guidance and information as to the price stabilization rules in effect for health services, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11627, 36 F.R. 20139, October 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as follows, effective December 29, 1971.

Issued in Washington, D.C., on December 29, 1971.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

1. The table of contents is amended by inserting the following new items:

- Sec.
300.18 Institutional providers of health services.
300.19 Noninstitutional providers of health services.

Appendix 1—Institutional and Noninstitutional providers of health services.

§ 300.14 [Amended]

2. Section 300.14 is amended as follows:

a. The section heading is amended to read "§ 300.14 *Service organizations, other than providers of health services.*"

b. The following is inserted in the text immediately following the words "service organization": ", other than a provider of health services covered by § 300.18 or § 300.19."

3. The following new sections are added after § 300.16:

§ 300.18 Institutional providers of health services.

(a) *Definition.* For the purpose of this section, the term "institutional provider

of health services" includes any person covered by paragraph (a) of Appendix 1 to this part.

(b) *General.* Subject to paragraph (c) of this section, an institutional provider of health services may charge a price in excess of the base price with respect to the furnishing of services only to reflect allowable costs in effect on November 14, 1971, and allowable cost increases being incurred after November 14, 1971, reduced to reflect productivity gains, and only to the extent that the increased price does not—

(1) In the case of an institutional provider that is a nonprofit organization, result in an increase in its net revenues (after deducting operating expenses and depreciation) as a percentage of total revenues over that prevailing during the base period; and

(2) In the case of any other institutional provider, result in an increase in its profit margin over that which prevailed during the base period.

(c) *Additional limitations.* In addition to the limitations set forth in paragraph (b) of this section, no institutional provider of health services may charge a price in excess of the base price, if the effect of the increase, together with any other price changes made by it under the authority of the part, is to—

(1) Increase its aggregate annual revenues by more than 2.5 percent, but not more than 6 percent, over the amount those revenues would have been if only the prices previously authorized for the provider under this part had been charged, unless the provider has—

(i) Sent a copy of its revised price schedule to the District Director of Internal Revenue for the district in which the provider is located, with a statement specifying with particularity the increased price or prices involved, the previous price levels for the services affected by the increases, and the increased cost factors that justify the increased prices; and

(ii) Sent a copy of the revised price schedule to the Medicare intermediary that services the geographic area in which the provider is located; or

(2) Increase its aggregate annual revenues by more than 6 percent over the amount those revenues would have been if only the prices previously authorized for the provider under this part had been charged, unless the provider has received an exception from the Price Commission, after applying therefor to the District Director of Internal Revenue with the information required by subparagraph (1) (i) of this paragraph and the recommendation of the State Advisory Board, under the procedures set forth in § 300.511 and those established by the Internal Revenue Service. However, the requirement for the recommendation of the State Advisory Board does not apply if that Board fails to act on the request for a recommendation within 30 days after receiving it.

(d) *Allowable cost increases.* Except in any case in which the Price Commission specifically determines otherwise, the following may not be included for

¹ See F.R. Doc. 71-19161, *infra*.

the purpose of determining allowable price increases for the purposes of this section:

(1) Aggregate wage and salary increases, including fringe benefits, incurred after November 13, 1971, which exceed 5.5 percent a year.

(2) Aggregate nonwage and nonsalary current expense increases, such as in goods and services purchased, which exceed 2.5 percent a year.

(3) Aggregate expenses for new technology such as new equipment and new services directly related to health care, to the extent they are not charged directly to persons benefiting directly from that equipment of those services, which exceed 1.7 percent of total annual expenses.

For the purposes of subparagraph (1) of this paragraph, "wage" and "salary" do not include contributions by any employer pursuant to a compensation adjustment for any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a) (2), or 403(b) of the Internal Revenue Code of 1954; any group insurance plan; or any disability and health plan; until each time as the President determines that the contributions made by such an employer are unreasonably inconsistent with the standards for wage, salary and price increases issued under section 203(b) of the Economic Stabilization Act of 1970, as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92-210).

(e) *State Advisory Boards designation.* The Governor of each State, and the mayor of the District of Columbia with respect to it, is requested to designate a State Advisory Board for considering health services aspects of the Economic Stabilization Program. The board must consist of one of the following organizations, or a suborganization thereof:

(1) An existing statewide hospital commission.

(2) A comprehensive health planning office.

(3) The Medical Care Advisory Committee.

However, in any case in which the Governor, or the mayor, considers that no one of those organizations would be satisfactory, he may consult with the Price Commission with respect to selecting another organization. In any case in which a Governor declines to designate a board, the Price Commission may designate a board for that State.

(f) *State Advisory Boards—duties.* Each State Advisory Board shall review the applications filed with it under paragraph (c) (2) of this section, pursuant to the guidelines established by the Price Commission, and whenever it considers that the granting of an exception is essential to the provision of adequate health services and is consistent with the Economic Stabilization Program, shall recommend to the District Director of Internal Revenue that an exception be granted by the Price Commission.

The Board shall consider all of the kinds of cost increases involved in each application, including the following:

(1) Costs ensuing from changes in legislation or regulations requiring substantially increased expenses by providers.

(2) Costs incurred in connection with additional facilities or equipment for which a binding contract was entered into before August 15, 1971.

(3) Costs incurred with respect to wage increases for employees whose wages are substandard or below legal minimum wage rates of general application, or employees who are members of the working poor.

(g) *Price schedules.* Each institutional provider of health services shall maintain at each of its facilities a schedule showing its base prices for its principal services, and each change in such a price. The schedule shall be made available for public inspection, and a copy shall be furnished to a representative of the Internal Revenue Service or the Price Commission upon his request. Each provider shall post a sign (minimum of 22" x 28") in a prominent place in each of its facilities stating the availability and location of the schedule. No price may be increased before the sign is posted and the schedule is made available.

(h) *Prohibition.* No institutional provider of health services may adopt any change in charging practices, reduction in quality or quantity of services, or any other practice for the purpose of avoiding compliance with any provision of this section.

§ 300.19 Noninstitutional providers of health services.

(a) *Definition.* For the purposes of this section, the term "noninstitutional provider of health services" includes any person covered by paragraph (b) of Appendix 1 to this part.

(b) *General.* Subject to paragraph (c) of this section, a noninstitutional provider of health services may charge a price in excess of the base price with respect to the furnishing of health services only to reflect allowable costs in effect on November 14, 1971, and allowable cost increases being incurred after November 14, 1971, reduced to reflect productivity gains, and only to the extent that the increased price does not—

(1) In the case of a noninstitutional provider that is a nonprofit organization, result in an increase in its net revenues (after deducting operating expenses and depreciation) as a percentage of total revenues, over that prevailing during the base period; and

(2) In the case of any other noninstitutional provider, result in an increase in its profit margin over that which prevailed during the base period.

(c) *Limitation.* In addition to the limitations set forth in paragraph (b) of this section, the aggregate price increases of a noninstitutional provider of health services may not exceed 2.5 percent a year.

(d) *Price schedules.* Each non-institu-

tional provider of health services shall maintain at each of its facilities a schedule showing its base prices for its principal services, and each change in such a price. The schedule shall be made available for public inspection, and a copy shall be furnished to a representative of the Internal Revenue Service or the Price Commission upon his request. Each provider shall post a sign in a prominent place in each of its facilities stating the availability and location of the schedule. No price may be increased before the sign is posted and the schedule is made available.

(e) *Prohibition.* No noninstitutional provider of health services may adopt any change in charging practices, reduction in quality or quantity of services, or any other practice for the purpose of avoiding compliance with any provision of this section.

4. Section 300.51 is amended by adding the following new paragraph at the end thereof:

§ 300.51 Prenotification firms.

(j) This section does not apply to providers of health services covered by §§ 300.18 and 300.19.

5. Section 300.52 is amended by adding the following new paragraph at the end thereof:

§ 300.52 Reporting firms.

(c) This section does not apply to providers of health services covered by §§ 300.18 and 300.19.

6. The following new appendix is added at the end of the part:

APPENDIX I—INSTITUTIONAL AND NONINSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Pursuant to §§ 300.18 and 300.19, this Appendix lists examples of the institutional and noninstitutional providers of health services subject to those sections. The lists are not intended to be exhaustive.

(a) *Institutional providers of health services subject to § 300.18, owned or operated by any person, include any hospital, as defined by the American Hospital Association in "Classification of Health Care Institutions," 1968 edition (American Hospital Association, 840 North Lake Shore Drive, Chicago, IL 60611), and any other organization (or part of an organization) which operates licensed 24-hour, inpatient health care facilities, including any out-patient health care laboratory or other health care facility operated by a hospital or such other organization, such as, medical hospitals; psychiatric hospitals or asylums; tuberculosis hospitals; tuberculosis sanatoria with medical care; clinics and dispensaries operated by such a hospital or other organization; nurses training schools operated by a hospital; skilled nursing homes; extended care facilities; and intermediate care facilities.*

(b) *Noninstitutional providers of health services subject to § 300.19, owned or operated by any person, include—*

- (1) Physicians and surgeons.
- (2) Clinics not covered by paragraph (a) of this appendix.
- (3) Dispensaries not covered by paragraph (a) of this appendix.
- (4) Dentists and dental surgeons.
- (5) Osteopathic physicians.
- (6) Chiropractors.

(7) Medical laboratories, including cancer research laboratories, biological (not manufacturing) chemists, bacteriological, biological, medical X-ray (picture and treatment) and pathological laboratories (but not manufacturing laboratories).

(8) Dental laboratories that make dentures or teeth to order for the dental profession.

(9) Vocational rehabilitation institutions.

(10) Curative baths or spas operated separately from hospitals.

(11) Health camps.

(12) Health resorts.

(13) Institutions for the mentally retarded.

(14) Sanatoria operated separately from hospitals.

(15) Tuberculosis sanatoria without medical care.

(16) Blood banks.

(17) Blood donor stations.

(18) Chiropodists.

(19) Christian Science practitioners.

(20) Dietitians.

(21) Medical photography.

(22) Midwives.

(23) Naturopaths.

(24) Registered nurses.

(25) Practical nurses.

(26) Trained nurses.

(27) Nutritionists.

(28) Occupational therapists.

(29) Registered optometrists.

(30) Oxygen tent service.

(31) Podiatrists.

(32) Physiotherapists (non M.D.).

(33) Rehabilitation centers (therapy and treatment).

(34) Visiting nurse associations.

(35) Any other institution that provides health services and is not covered by paragraph (a) of this appendix.

(c) In any case where there is any doubt as to whether a service is a health service, or whether a health service is institutional or noninstitutional, the person concerned may apply to the district office of the Internal Revenue Service in which the service in question is located for a determination. In making its determination, the Internal Revenue Service shall consult with the appropriate State medical agency or health department.

(d) For the purposes of this appendix, persons providing housing for elderly are not considered to be providing health services. Housing for the elderly includes purely residential shelter with no services included as well as personal care institutions and sheltered care institutions. For the purposes of this paragraph "personal care institutions" means establishments with permanent facilities that include resident beds and with health-related services to provide continuous general supervision and direct personal care services to residents in their activities of daily living, and the primary function of which is to provide general supervision and direct personal care services for residents who require regular assistance in activities of daily living but who do not need nursing services or in-patient care; and "sheltered care institutions" means establishments with permanent facilities that include resident beds, and with health-related services to provide continuous general supervision and sheltered care services, with only occasional direct personal care services, to residents who are otherwise able to manage the normal activities of daily living, and the primary function of which is to provide general supervision and protective services for residents who do not need nursing services or continuous personal care services for assistance in activities of daily living.

(e) For the purposes of this appendix, the sale of drugs and medical equipment by a

manufacturing, wholesaler, or retail establishment is not considered to be the providing of a medical service.

[FR Doc.71-19160 Filed 12-29-71; 11:34 am]

PART 300—PRICE STABILIZATION

PART 301—RENT STABILIZATION

Establishment of Rent Stabilization Regulations

The purpose of this amendment to Chapter III of Title 6 is to change the title of Part 300 from "Price and Rent Stabilization" to "Price Stabilization," to delete all material relating to leases of real property therefrom, and to establish a new Part 301 "Rent Stabilization" to contain all rules with respect to transactions (except sales) after December 28, 1971, involving residences and other real property as defined in the new part.

Because the purpose of these regulations is to provide immediate guidance and information as to the rent stabilization rules in effect, it is hereby found that notice and public procedure thereon is impractical and that good cause exists for making them effective less than 30 days after publication.

In consideration of the foregoing, effective December 29, 1971, Part 300 of Title 6 of the Code of Federal Regulations is amended as follows and Chapter III of Title 6 is amended by adding the following new Part 301.

(Economic Stabilization Act of 1970, as amended Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, Oct. 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

Issued in Washington, D.C., on December 29, 1971.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

1. The title of Part 300 is amended to read as set forth above.

2. The table of contents of Part 300 is amended as follows:

a. By deleting "300.15 Rental of real property."

b. By striking out "300.111 Formula determined rentals." and inserting "300.111 Formula determined leases of personal property." in place thereof.

c. By striking out "300.407 Sales and leases of real property." and inserting "300.407 Sales of real property." in place thereof.

3. Paragraph (a) of § 300.1 is amended to read as follows:

§ 300.1 Scope.

(a) This part sets forth the regulations applicable to increases in prices after November 13, 1971, for the sale of real property, the sale or lease of personal property, and the sale or lease of services.

4. The definition of the words "Lease" and "Rent" in § 300.5 are amended to read as follows:

§ 300.5 Definitions.

"Lease" means a contract whereby a person having a legal estate in any personal property conveys a part of his interest to another person in consideration of rent or other compensation, but does not include a license.

"Rent" means any price for the use of personal property of any description, including any charge no matter how identified in a lease or other agreement, for the use of any property or for any service in connection with the use of leased property.

§ 300.15 [Deleted]

5. § 300.15 is deleted.

6. § 300.111 is amended to read as follows:

§ 300.111 Formula determined leases of personal property.

A lease of personal property entered into before August 15, 1971, in which the rent is determined by means of a formula specified in the lease agreement may continue with that formula in effect. However, any increase in the rent due to the passage of time or increase in the consumer price index is not allowed.

7. Section 300.401 is amended to read as follows:

§ 300.401 Scope.

This subpart sets forth the regulations for determining base prices for the purpose of applying Subpart A of this part after November 13, 1971, with respect to the sale of real property, the sale or lease of personal property, and the sale or lease of services.

8. Section 300.407 is amended to read as follows:

§ 300.407 Sales of real property.

The base price with respect to the sale of any interest in real property which is held by a person for sale in the ordinary course of trade or business is the highest price received by him with respect to the same type of interest in similar real property during the freeze base period. A sale of an interest in real property which is not held for sale in the ordinary course of a trade or business is considered to be a sale of new property for the purposes of paragraph (c) of § 300.409.

9. Paragraph (a) of § 300.409 is amended to read as follows:

§ 300.409 New property and new services.

(a) Definition. For the purposes of this section, "new property" or "new services" means any personal property or any service which was not offered for sale or lease by the person at any time during the 1-year period immediately preceding the date on which he is offering the property or service for sale or lease.

10. Part 301—"Rent Stabilization" is added to read as follows:

Subpart A—General

- Sec.
- 301.1 Scope.
- 301.2 Definitions.
- 301.3 Rent defined.
- 301.4 Calculation of monthly rent.
- 301.5 [Reserved].
- 301.6 [Reserved].
- 301.7 Prenotification and reporting firms.
- 301.8 Occupied residence or other real property.

Subpart B—Rent Adjustments

- 301.101 General rule.
- 301.102 Allowable rent increases.
- 301.103 Capital improvements.
- 301.104 Formula-determined rentals.
- 301.105 Seasonal patterns.
- 301.106 Rent controlled units.
- 301.107 Other factors.
- 301.108 Review.
- 301.109 Exceptions.

Subpart C—Base Rent

- 301.201 Base rent.
- 301.202 Residences or other real property which became occupied May 16, 1971 through August 14, 1971.
- 301.203 Residences or other real property which became occupied May 25, 1970 through May 15, 1971.
- 301.204 Residences or other real property which became occupied August 15, 1971 through November 13, 1971.
- 301.205 Residences or other real property which became occupied November 14, 1971 through December 28, 1971.
- 301.206 Average transaction rent.
- 301.207 Base rents using May 25, 1970 rent.
- 301.208 Property not occupied on or after May 25, 1970.
- 301.209 May 25, 1970 limitation date.

Subparts D-E [Reserved]

Subpart F—Rent Increase Procedure

- 301.501 General rule.
- 301.502 Notification.

Subpart G—Procedure and Administration

- 301.601 Special record requirement.
- 301.602 Availability of records.
- 301.603 Timely mailing treated as timely filing.
- 301.604 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

AUTHORITY: The provisions of this Part 301 issued under the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38); the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743), Executive Order No. 11627 (36 F.R. 20139, Oct. 16, 1971), and Cost of Living Council Order No. 4 (36 F.R. 20202, Oct. 16, 1971).

Subpart A—General

§ 301.1 Scope.

(a) *In general.* This part sets forth the regulations applicable to increases in rents to be paid for any residence or other real property, not exempted under paragraph (b) of this section, which occur after December 28, 1971. Personal property which is a residence is subject to this part.

(b) *Exemptions.* Pursuant to § 101.32 (g) (2) of this title, rentals of the following classes of real property are exempt

from the requirements of, and are not included in, the coverage of this part:

(1) Industrial, farm, and nonresidential commercial property;

(2) Rental units, including houses, apartments, or any other residential rental property, on which construction is completed, and which are offered for rent for the first time after August 15, 1971; and

(3) Rehabilitated dwellings for which the cost of rehabilitation exceeds one-third of the total value of the rehabilitated property (including the cost of rehabilitation), offered for rent in the newly rehabilitated condition for the first time after August 15, 1971.

For the purposes of subparagraphs (2) and (3) of this paragraph, the words "offered for rent * * * for the first time after August 15, 1971" refer to a residence or rehabilitated dwelling which was first habitable as a residence or rehabilitated dwelling after that date. Where, under the requirements of local building codes, property law, zoning ordinances, or other land use regulations, a certificate of occupancy or inspection or similar official instrument is required to be executed before lawful occupancy of a dwelling, that certificate or instrument shall be conclusive as to when property is first habitable as a residence or rehabilitated dwelling. Where a certificate of occupancy or inspection or its equivalent is not required to be executed before lawful occupancy, an affidavit of the date of readiness for occupancy, to which shall be attached substantiating documents, shall be used in place of that certificate. The following are examples of situations covered in subparagraphs (2) and (3) of this paragraph:

Example 1. X begins constructing an apartment building in March 1971. The units were first habitable as dwellings on August 21. However, several persons signed leases before August 15, 1971, stipulating September 1, 1971 as the date of occupancy. None of the units in the apartment building is subject to the requirements of this part.

Example 2. X begins construction of an apartment building in March 1971. The building was substantially completed on August 14, 1971, at which time it was inspected and a certificate of occupancy issued pursuant to local ordinances. The building was leased and occupied subsequent to August 14. All of the units in the apartment building are subject to the requirements of this part.

Example 3. X rehabilitates, at a cost of \$4,000, a house previously rented and previously valued at \$10,000. The rehabilitated house is valued at \$14,000 and first offered for rent in the newly rehabilitated condition after August 15, 1971. The rental of the house will not be exempt from the requirements of this part because the cost of the rehabilitation did not exceed one-third of the total value of the rehabilitated property (including the cost of rehabilitation).

(c) *Geographic limitations.* This part does not apply to rents to be paid under leases or implied contracts of occupancy for any residence or other real property which is located outside of the United States.

§ 301.2 Definitions.

The following definitions apply in this part:

"Base rent" means base rent determined under Subpart C of this part.

"Capital improvement" means a permanent improvement or betterment the use of which will continue beyond a 12-month period beginning with the completion of the improvements. The improvement must benefit the residence or other real property, and must be subject to an allowance for depreciation under the provisions of the Internal Revenue Code of 1954.

"Class of lessees" means either a renewal class, that is, persons who are renewing leases or implied contracts of occupancy on residences or other real property which they had previously leased or held under contract; or a new lessee class, that is, persons who are leasing or entering into implied contracts of occupancy on residences or other real property for the first time.

"Complex" means a group of substantially adjacent buildings containing residences which, for the purposes of management, were operated as a single entity on August 15, 1971.

"Implied contract of occupancy" means a contract whereby a person having a legal estate in any residence or other real property conveys a part of his interest to another person in consideration of rent or other compensation where the contract is created by the actions of the parties without resort to a writing.

"Including" means including, but not limited to.

"Lease" means a contract whereby a person having a legal estate in any residence or other real property conveys a part of his interest to another person in consideration of rent or other compensation, but does not include a license.

"Lessee" means the person who is legally obligated to pay rent under a lease or implied contract of occupancy.

"Lessor" means the person to whom the lessee or tenant is legally obligated to pay rent.

"Person" includes any individual, trust, estate, partnership, association, company, firm or corporation, a government, and any agent or instrumentality of a government, but does not include a foreign government, or any international organization established by treaty or agreement between participating governments.

"Price" means any compensation for the lease of any real property and includes rent, commissions, dues, fees, margins, rates, charges, tariffs, fares, or premiums, and similar charges, regardless of form or designation.

"Rent payment interval" means each time period for which rent is paid to the lessor under a lease or implied contract of occupancy.

"Residence or other real property". "Residence" means a unit of housing normally occupied as a dwelling place. It does not necessarily refer to a principal residence, and it includes other housing units maintained for the purpose of occupancy as a dwelling. Whether or not property is used as a residence depends upon all the facts and circumstances in each case. For example, a seasonal or vacation dwelling, house-

boat, hotel or motel-type housing unit, or a mobile home, is included in the term residence if it is the principal place of abode of nontransient occupants. Therefore, a single hotel or similar establishment may contain both residential and nonresidential housing units. "Other real property" includes only real property devoted to the use of a residence.

"Service" includes any service performed by a person for another person, other than in an employment relationship, and also includes professional services of any kind, and services performed by membership organizations for which dues are charged, and leasing or licensing of any residence or other real property.

"Transaction" means an arms-length transaction between unrelated persons who are not members of a controlled group (as defined in section 1563(a), Internal Revenue Code of 1954), and is considered to occur at the time and place a lease or covenant to lease is executed by the parties, is created by implication, or an implied contract of occupancy comes into being.

"United States" means the several States and the District of Columbia.

"Unrelated person" means a person other than a person described in section 267(b), Internal Revenue Code of 1954.

§ 301.3 Rent defined.

(a) *General.* For the purposes of this part, except where the context indicates otherwise, "rent" means any price for the use of a residence or other real property. It includes any charge, no matter how set forth, paid by the lessee for the use of any property, or for any service, in connection with the residence or other real property. For example, a bonus paid to a lessor or his agent for execution of a lease or paid to a lessee as consideration for assignment of a sublease is considered to be rent. A rent is considered to be charged either when a transaction occurs or when rent is paid.

(b) *Exclusions.* Notwithstanding paragraph (a) of this section, rent does not include—

(1) Security deposits: A deposit of money with a lessor or his agent by a lessee as a security for the faithful performance of the terms of the lease and which is refundable upon such performance, unless considered as rent under local law;

(2) Fees or charges for automobile parking space, mobile home space, and boat slips, when the fee or charge is paid for space not used in connection with a residence; or

(3) Charges for in-patient medical care:

(i) A charge paid to an establishment the principal purposes or functions of which are the providing of "in-patient medical care" which is defined as the diagnosis, cure, mitigation, and treatment of disease for residents, but does not include care in a convalescent home or a home for children or the aged, or institutions whose principal purposes or functions are to train handicapped persons to pursue a vocation.

(ii) For purposes of this subparagraph, an establishment is not considered

to be primarily providing in-patient medical care, and is considered to be a home for the elderly, and thereby charging rent, if its principal purposes or functions are the providing of a residence for elderly persons with health-related services for the provision of continuous general supervision; and either—

(a) Sheltered care services with only occasional direct personal care services to residents (who are otherwise able to manage the normal activities of daily living), for the purpose of general supervision and protective services for persons who do not need in-patient medical care, or continuous personal care services for assistance in the activities of daily living; or

(b) Direct personal care services to residents in their activities of daily living, for the purpose of general supervision and direct personal care services for persons who require regular assistance in activities of daily living but who do not need in-patient medical services.

§ 301.4 Calculation of monthly rent.

(a) *Definition.* For the purposes of this part, "monthly rent" means the rent charged per month under any lease or implied contract of occupancy regardless of the length of the rent payment interval period.

(b) *Payment at other than monthly intervals.* Where the rent is payable for rent payment intervals which are less than or greater than one month, the amount of rent paid on each rent payment date shall be prorated to one month to arrive at the monthly rent.

Example 1. \$50 rent is paid weekly. The monthly rent is: $\frac{\$50 \times 52}{12}$ or \$216.75.

Example 2. \$300 rent is paid every 6 weeks. The monthly rent is: $\frac{52}{6} \times \$300$ or \$216.75.

(c) *Payment for items not called rent.* A charge for the use of property or services furnished in connection with a residence or other real property is considered to be a part of the monthly rent.

Example. A month-to-month lease requires the lessee to make a monthly payment of rent of \$150. In addition, the lessee is required by the lease to pay \$10 per month for security services, \$10 a month for maintenance, \$10 a month for the use of recreation facilities and \$10 a month for parking. The monthly rent is \$190.

(d) *Side payments.* The monthly rent shall include any amount paid to the lessor for the execution of the lease or privilege of entering into an implied contract of occupancy in the nature of a bonus or side payment. That amount shall be prorated to the monthly rent charged or chargeable—

(1) During the next 12 months, if the term of that lease or contract is 12 months or less; or

(2) During the term of the lease, if the term is longer than 12 months. If the side payment is to be paid at intervals during the lease period it shall be prorated to the monthly payment of rent which will be paid under the lease during the lease period.

Example. A lessee is required to pay a non-returnable "key fee" of \$600 to the manager of an apartment for the privilege of entering into a month-to-month lease on a residence requiring a monthly payment of rent of \$200.

The monthly rent is \$200 plus $\frac{\$600}{12}$ or \$250.

(e) *Discounts.* The forgiveness of any rent payment shall be prorated as a discount from the rent which will be paid during a 12-month period, plus the forgiven period, or the term of the lease, plus the forgiveness period, if that term is longer than 12 months. The 12-month period shall begin after the month or months for which the rent was forgiven.

Example. On August 1 a person signed a 12-month lease for a residence effective November 1 with a required monthly payment of rent of \$100. The person is given occupancy on September 1 in consideration of having signed the lease. No rent is charged for the month of September or October. The monthly rent is $\frac{12 \times \$100}{14}$ or \$85.71.

§ 301.5 [Reserved]

§ 301.6 [Reserved]

§ 301.7 Prenotification and reporting firms.

This part does not require prenotification or quarterly reporting of rent increases by any price category I firm, as defined in § 101.11 of this title, or quarterly reporting of rent increases by any price category II firm, as defined in § 101.13 of this title.

§ 301.8 Occupied residence or other real property.

(a) *General.* A residence or other real property is occupied when it becomes subject to a lease, covenant to lease, or implied contract of occupancy. The physical presence of any person is not required for a residence or other real property to be occupied.

(b) *Time of becoming occupied.* A residence or other real property becomes occupied at the time when a transaction involving that residence or other real property occurs, even though possession is not required until a later time.

(c) *Examples.* The following are examples of situations covered by this section:

Example 1. A residence became occupied with month-to-month terms before December 29, 1971. A monthly term ends January 31, 1972. No new lease agreement is entered into; the tenant retains his right of occupancy thereby automatically renewing the existing lease. A new monthly term begins February 1, 1972.

Example 2. A residence became occupied with terms of year to year prior to December 29, 1971. The yearly term ends on October 31, 1972. A new yearly lease is signed August 31, 1972. The residence becomes occupied on that date notwithstanding the fact that the first lease has not yet expired.

Subpart B—Rent Adjustments

§ 301.101 General rule.

Except as otherwise provided in this subpart, no person may charge, offer to charge, or give notice of intent to charge, a monthly rent, with respect to any transaction after December 28, 1971, involving a lease of or an implied contract

of occupancy for a residence or other real property, which exceeds the base rent of that residence or other real property.

§ 301.102 Allowable rent increases.

(a) *General.* When a residence or other real property becomes occupied after December 28, 1971, a person may charge, offer to charge, or give notice of intent to charge, a monthly rent in excess of the base rent, after notification pursuant to § 301.501, only to the extent that the monthly rent does not exceed the sum of the base rent, plus—

(1) Two and one-half percent of the base rent for the residence or other real property with respect to each 12-month period beginning after December 28, 1971 (the 2½ percent may not be accumulated from one period to another period); and

(2) The amount of any increase in allowable costs occurring after December 28, 1971, allocable to the residence or other real property, as determined under paragraph (b) of this section.

(b) *Allowable costs*—(1) *Definition.* As used in paragraph (a) (2) of this section, "allowable costs" means the following items of expense:

- (i) State and local real estate taxes.
- (ii) State and local fees, levies, and charges for all municipal services, except such charges for gas and electricity.

Special assessments imposed by any governmental authority are not considered to be an item of allowable cost.

(2) *Increase in allowable costs.* The increase in allowable costs which is to be allocated is the difference between:

(i) The allowable costs related to the residence, structure containing the residence, complex, or other real property which were charged during the 12-month period ending on the date the first installment of the increase in costs is payable; and

(ii) The allowable costs related to the same residence, same structure containing the residence, same complex, or same other real property which will be charged during the 12-month period beginning after the date the first installment of the increase in costs is payable.

(3) *Allocation of increase in allowable costs.* For the purposes of paragraph (a) (2) of this section, the increase in allowable costs determined for a multiple-unit residential housing structure or complex shall be prorated to individual residences. Similarly, the increase in allowable costs on other real property shall be prorated to a residence, if the owner of the residence will be required to bear that increased cost.

(4) *Method of allocation.* The increase in allowable costs allocable to a residence shall be determined by multiplying the increase in allowable costs determined under paragraph (b) (2) of this section on the structure containing the residence or the complex by a fraction. The numerator of that fraction is the rent charged or chargeable during the 12-month period before the increase in the

allowable costs becomes effective for the residence. The denominator is the sum of all rents charged or chargeable, for all residences or other rental units in the structure or complex (whether or not subject to this part), which are subject to the increase in allowable costs during the 12-month period before the increase in the allowable costs becomes effective.

(5) *Special adjustment.* Where an increase in allowable costs occurs after December 28, 1971 and cannot be recovered by an increase in the monthly rent until a later lease period, the amount of the unrecovered increase already paid by the owner in the prior lease period may be prorated to the monthly rent in the next lease period.

(c) *Limitation on date of rent increase.* No monthly rent may be increased under paragraph (a) (2) of this section until the first installment of the increase in allowable costs is payable to the State or local government imposing the tax or charge.

(d) *Rounding.* Any monthly rent adjusted under this subpart may be rounded to the nearest dollar by the lessor.

(e) *Examples.* The following are examples of situation covered by this section:

Example 1. A house with a month-to-month lease has a base rent of \$200. The house becomes occupied on March 1, 1972. A monthly rent of \$205 may be charged (\$200 plus 2½ percent of \$200). Effective June 1, 1972 the local real estate taxes on the house will be increased \$24 per year over the amount of such tax for the previous year. Assuming that the lessor complies with the requirements of subpart F of this part (relating to rental increase procedures) he may increase the monthly rent for the house to \$209 per month for the month of July 1972 (\$205 plus \$24/12 plus \$2 tax for June) and \$207 thereafter (\$205 plus \$24/12). If no other increase in allowable costs occur the lessor can increase the monthly rent on March 1, 1973, to a maximum of \$212 (\$207 plus 2½ percent of \$200).

Example 2. In the above example assume that the house is owned by one person and the real property on which it is situated is owned by another person. The real estate tax is attributable equally between the land and the house. The monthly rent on the house may be increased \$2 due to an increase in allowable costs only if the owner of the house becomes obligated to the owner of the real property to pay the entire tax. Otherwise, the increase in allowable costs which may be allocated to the house is only \$1 per month.

Example 3. An apartment building has 15 residences and one commercial unit. Five efficiency apartments have a base rent of \$100 (\$1,200 per year). Five one-bedroom apartments have a base rent of \$150 (\$1,800 per year). Five two-bedroom apartments have a base rent of \$200 per month (\$2,400 per year). The commercial unit has a current rent being charged of \$750 per month. The rent charged for all of these rental units during the 12 months before February 1, 1972 was \$36,000 (\$6,000 for the efficiencies, \$9,000 for the one bedrooms, \$12,000 for the two bedrooms, and \$9,000 for the commercial unit). If municipal charges for garbage collections from the building increase \$20 per month (\$240 per year) and property taxes on the building and land increase by \$1,200 per year, both effective January 1, 1972, the maxi-

mum monthly rent which may be charged on a lease which goes into effect on or after February 1, 1972 (after 30 days notice has been given) on an efficiency, disregarding the proration of the January fees and taxes, is \$106.50 per month (\$100 plus 2½ percent of

$$100 \text{ plus } \frac{\$1,200}{\$36,000} \times \frac{\$1,200 \text{ plus } \$240}{12}$$

The maximum monthly rent which may be charged on a lease which goes into effect on or after February 1, 1972, on a one bedroom, disregarding the proration of the January fees and taxes, is \$159.75 (\$150 plus 2½ percent of

$$150 \text{ plus } \frac{\$1,800}{\$36,000} \times \frac{\$1,200 \text{ plus } \$240}{12}$$

The maximum monthly rent which may be charged on a lease which goes into effect on or after February 1, 1972 on a two bedroom, disregarding the proration of the January fees and taxes is \$213 per month (\$200 plus 2½ percent of \$200 plus

$$\frac{\$2,400}{\$36,000} \times \frac{\$1,200 \text{ plus } \$240}{12}$$

Example 4. If in example 3 above, any portion of the increase in allowable costs was solely attributable to the commercial tenant because of the operation of State or local law, or because of the nature of the commercial tenant's business, then that portion of the cost increase is not allocable to the residences. If, for example, the garbage collection fee increase was a result of a change in the commercial tenant's operation from a shoe store to a restaurant, the increased fee is not an allowable increased cost which can be allocated to the residences.

§ 301.103 Capital improvements.

(a) *General.* In addition to the allowable rent increases permitted by § 301.102, a person may charge a monthly rent in excess of the base rent for a residence or other real property which has been benefited by a capital improvement made after August 15, 1971, and which is not a rehabilitated dwelling under § 301.1(b) (3).

(b) *Amount of allowable capital improvement rent increase.* The allowable increase in monthly rent over the base rent under this section may be not more than 1½ percent of the part of the cost of the capital improvement allocable to the residence or other real property. The preceding sentence does not apply if the increase in monthly rent over the base rent due to the allowable capital improvement rent increase is less than \$1 per month, except in those cases in which a substantial capital improvement has been made which directly benefits all residences in a building or complex taken as a whole. For the purposes of this paragraph, "cost" means adjusted basis of the improvement, as determined pursuant to chapter 1, subtitle A, Internal Revenue Code of 1954.

(c) *Prior approval requirement.* Notwithstanding paragraphs (a) and (b) of this section, in any case in which (1) the capital improvement is not required by local law or by the terms of a mortgage or deed of trust, and (2) the application of those paragraphs would result in an increase of over 10 percent in the monthly rent for the residence or other real property, prior approval for the increase must be obtained from the Internal Revenue Service.

(d) *Examples.* The following are examples of situations covered by this section:

Example 1. During February of 1972, a swimming pool is constructed on the grounds of a complex for the use of residents. The installation of the pool is not required by local law or the terms of a mortgage or deed of trust. If the application of the rule of the first sentence of paragraph (b) of this section would result in a rent increase which would be over 10 percent greater than that otherwise allowable, the lessor, before imposing the increase on his tenants, must obtain prior permission from the Internal Revenue Service, by application to the Internal Revenue Service.

Example 2. If in example 1 above, the lessor operates the pool for those residents and non-residents who chose to pay dues, the housing units in the complex would not be considered to be directly benefited by the capital improvement and its costs would not be allocable to the units for purposes of paragraph (a) of this section. Therefore, the lessor may not increase rents because of the installation of the pool.

Example 3. A lessor installed three closets at a cost of \$400 in an apartment renting for \$200 per month on a month-to-month basis. After proper notice, he wishes to raise the monthly rental payment to \$206 per month. It is permissible since the \$6 increase is not more than 1½ percent of the cost of the capital improvement and does not increase the monthly rental payment more than 10 percent.

Example 4. A lessor wishes to install central air-conditioning in his building. The pro rata portion of the expense per apartment is \$1,600. None of the apartments have monthly rental payments of more than \$200 per month. The lessor proposes to increase the monthly rental payment \$24 per month. He may not do so without the consent of the Internal Revenue Service since the monthly rental payment increase will exceed 10 percent of the highest monthly rental payment although the dollar amount of proposed increase, \$24, is only 1½ percent of the pro rata portion per apartment.

§ 301.104 Formula-determined rentals.

General: A lease of a residence or other real property in which the monthly rent is determined by means of a formula specified in the lease agreement may continue with that formula in effect. However, the total dollar amount of the monthly rent determined pursuant to that formula may not exceed the amount which would be otherwise allowable under this subpart.

§ 301.105 Seasonal patterns.

(a) *General.* Notwithstanding any other provision of this subpart, monthly rents which normally fluctuate in distinct seasonal patterns may be adjusted as prescribed in this section.

(b) *Distinct fluctuation.* Monthly rents must show a large or otherwise distinct fluctuation at a specific, identifiable point in time. The distinct fluctuation must be an established practice that has taken place in each of the 3 years before the date of the contemplated change. New persons may determine their qualifications from those generally prevailing with respect to persons similarly situated, leasing in the same marketing area. If there are not similar persons in the im-

mediate area, qualification may be established by reference to the nearest similar marketing area.

(c) *Time of rent fluctuation.* The monthly rent fluctuation referred to in paragraph (b) of this section may not take place at a time other than the time at which that fluctuation took place in the preceding year unless the date of the rent fluctuation is tied to a specific event such as the start of a particular holiday season or other specific season.

(d) *Allowable rent.* If the requirements of paragraphs (b) and (c) of this section are met, the maximum monthly rent which may be charged by the person concerned is the greater of the following:

(1) The base rent determined under subpart C of this part plus the allowable rent increases permitted under §§ 301.102 and 301.103.

(2) The monthly rent charged by that person during the first 30 days of the period following the seasonal monthly rent adjustment in the preceding year plus the allowable rent increases permitted under § 301.103.

(e) *Return to nonseasonal rent.* Each person who increases a monthly rent under this section shall decrease that monthly rent at the same date or identifiable point in time as the monthly rent was decreased in the previous season.

§ 301.106 Rent controlled units.

(a) *General rule.* In the case of a transaction occurring after December 1, 1971, a person may charge a monthly rent in excess of the base rent for a unit of rent controlled residential housing, but only to the extent authorized by a governmental authority which has complied with the requirements of paragraph (c) of this section.

(b) *Rent controlled housing defined.* For the purposes of this section, the term "rent controlled housing" means a residence for which the monthly rent is established or controlled either—

(1) Under a rent control program of general applicability in existence before November 14, 1971, under the laws or regulations of a State or local government, or an agency or instrumentality thereof; or

(2) By (in whole or in part) the Federal Government, a State or local government, or an agency or instrumentality thereof, which has provided financial assistance for the construction or purchase of, but which does not own, the residence.

The term also includes housing provided for students by a school, college, university, or similar institution which owns or controls that housing.

(c) *Instructions to governmental authorities.* Each person referred to in paragraph (b) of this section shall, except with respect to student housing—

(1) Before February 1, 1972, furnish the Price Commission a full description of its methods of rent control, and a copy of each of its laws, regulations, and procedures by which that control is implemented;

(2) Report to the Price Commission each significant change in any of those laws, regulations, or procedures, within 30 days after the date of that change;

(3) Report to the Price Commission, within 30 days after the end of each calendar quarter, on the aggregate percentage rent increases for controlled units under its jurisdiction during that quarter; and

(4) Furnish any further information requested by the Price Commission.

(d) *Review.* To ensure that the goals of the Economic Stabilization Program are attained, the Price Commission reserves the right to review, limit, or decrease any requested, ordered, or authorized rent increase made pursuant to paragraph (a) of this section, and to impose additional or different requirements on any person reporting under paragraph (c) of this section or a person to whom the last sentence of paragraph (b) applies.

§ 301.107 Other factors.

Notwithstanding any other provision of this part, in making any determination, the Price Commission will take into account whatever factors it considers relevant to an equitable resolution of the case and considers necessary to achieve the overall goal of holding average price increases across the economy to a rate of not more than 2½ percent per year.

§ 301.108 Review.

Notwithstanding any other provision of this part, the Price Commission reserves the right to review and limit or decrease the amount of any rent increase not previously approved by it.

§ 301.109 Exceptions.

Requests for relief from the operation of this part shall be considered by the Price Commission only in cases of extreme hardship under criteria to be specified by the Commission. Any lessor who seeks relief under this section shall, at the time the relief is sought, notify his lessees on a unit-by-unit basis as to the dollar and percentage amount of any adjustment or increase being sought. Section 301.502 applies whenever a lessor is granted a rent adjustment or increase pursuant to this section.

Subpart C—Base Rent

§ 301.201 Base rent.

(a) *General.* The base rent is the highest monthly rent which may be charged by any person for a residence or other real property, before the rent adjustments allowed under Subpart B of this part, when that residence or other real property becomes occupied after December 28, 1971. The base rent runs with the residence or other real property despite a change in ownership or management.

(b) *Computation of base rent.* The base rent for any residence or other real property (other than property described in § 301.208) is computed according to §§ 301.201 through 301.206. "Monthly

rent" as used in this subpart does not include side payments or discounts, such as those in the examples in § 301.4 or other side payments or discounts, unless the side payment or discount was specifically referred to in the lease or other document which has the status of an enforceable contract.

(c) *Conflict between rules.* If a residence or other real property qualifies under more than one section of §§ 301.202 through 301.205, the section appearing first in the sequence under which the residence or other real property qualifies controls. If a residence or other real property qualifies under both paragraphs (a) and (b) of the section which controls, that paragraph will apply which describes the terms under which the residence or other real property was most recently occupied.

§ 301.202 Residences or other real property which became occupied May 16, 1971, through August 14, 1971.

(a) *Month-to-month terms or terms of lesser duration.* If a residence or other real property became occupied during the period beginning on May 16, 1971, and ending on August 14, 1971, with terms of month to month or terms of lesser duration, the base rent for that residence or other real property is the most recent monthly rent charged during that period.

(b) *Terms of greater than month-to-month duration.* If a residence or other real property became occupied during the period beginning on May 16, 1971, and ending on August 14, 1971, with terms of greater than month-to-month duration, the base rent is the most recent monthly rent charged during that period.

§ 301.203 Residences or other real property which became occupied May 25, 1970, through May 15, 1971.

(a) *Month-to-month terms or terms of lesser duration.* If a residence or other real property became occupied during the period beginning on May 25, 1970, and ending on May 15, 1971, with terms of month to month or terms of lesser duration, the base rent for that residence or other real property is the rent computed under § 301.207(a).

(b) *Terms of greater than month to month duration.* If a residence or other real property became occupied during the period before May 15, 1971, with terms of greater than month-to-month duration, the base rent is the average transaction rent calculated under § 301.206.

§ 301.204 Residences or other real property which became occupied August 15, 1971, through November 13, 1971.

(a) *Applicability.* This section applies only to residences or other real property that did not become occupied during the period beginning on May 25, 1970, and ending on August 14, 1971.

(b) *Month-to-month terms or terms of lesser duration.* If a residence or other real property became occupied during the period beginning on August 15, 1971, and ending on November 13, 1971, with terms of month to month or lesser duration, the base rent for that residence or other real

property is the highest monthly rent which was charged during that period.

(c) *Terms of greater than month-to-month duration.* If a residence or other real property became occupied during the period beginning on August 15, 1971, and ending on November 13, 1971, with terms of greater than month-to-month duration, the base rent is the highest monthly rent which was charged during that period for that residence or other real property.

§ 301.205 Residences or other real property which became occupied November 14, 1971, through December 28, 1971.

(a) *Applicability.* This section applies only to residences or other real property that did not become occupied during the period beginning on May 25, 1970, and ending November 13, 1971.

(b) *Month-to-month terms or terms of lesser duration.* If a residence or other real property became occupied during the period beginning on November 14, 1971, and ending on December 28, 1971, with terms of month to month or lesser duration, the base rent for that residence or other real property is the highest monthly rent which was charged during that period.

(c) *Terms of greater than month-to-month duration.* If a residence or other real property became occupied during the period beginning on November 14, 1971, and ending on December 28, 1971, with terms of greater than month-to-month duration, the base rent is the highest monthly rent which was charged during that period for that residence or other real property.

§ 301.206 Average transaction rent.

(a) *General.* The average transaction rent for purposes of determining the base rent of residences under § 301.203(b) is determined under this section.

(b) *Eligible transactions.* The transactions to be used in the computation of the average transaction rent are those—

(1) Which involve a residence in the same building or complex which, before the transaction, had most recently been occupied with terms of greater than month to month;

(2) Which were entered into with the same class of lessees as the class of the intended lessee; and

(3) Which occurred in one of the following periods and the period used shall be the most recent of the following periods in which a transaction occurred:

(i) July 16, 1971, through August 14, 1971.

(ii) June 16, 1971, through July 15, 1971.

(iii) May 16, 1971, through June 15, 1971.

(c) *Computation of the average transaction rent.* The average transaction rent is the monthly rent charged, with respect to the residence referred to in § 301.203(b), for the most recent rent payment interval during the period before May 15, 1971, multiplied by a fraction. The numerator of the fraction shall be the sum of all monthly rents charged in all

of the eligible transactions (but only for the first rent payment interval after the date possession is acquired under each such eligible transaction). The denominator of the fraction shall be the sum of all monthly rents charged for the rent payment interval immediately preceding the date possession is to be acquired under each such eligible transaction.

(d) *No transaction rule.* If no eligible transactions exist, the base rent is computed under § 301.207(b).

§ 301.207 Base rents using May 25, 1970 rent.

(a) *Base rent for residence or other real property in § 301.203(a).* The base rent for a residence or other real property found in § 301.203(a) is the greater of the following:

(1) The monthly rent charged for that residence or other real property for the rent payment interval which includes May 25, 1970, plus 5 percent of that rent.

(2) The monthly rent charged for that residence or other real property for the most recent rent payment interval before May 16, 1971.

(b) *Base rent for residence or other real property in § 301.203(b).* Where no eligible transaction exists, as that term is defined in § 301.206(b), the base rent for a residence or other real property referred to in § 301.203(b) shall be the higher of the following:

(1) The monthly rent charged for that residence or other real property for the rent payment interval which includes May 25, 1970, plus 5 percent of that rent.

(2) The monthly rent charged for that residence or other real property for the most recent rent payment interval before August 14, 1971.

§ 301.208 Property not occupied on or after May 25, 1970.

The base rent of a residence which first became habitable as a dwelling before August 16, 1971, but has not been occupied on or at any time after May 25, 1970, is determined under this section. Whether a residence first became habitable before August 16, 1971, is determined under the criteria set forth in § 301.1(b). The base rent of such a residence is determined by a computation based on the average arm's-length monthly rent received by person currently leasing or renting comparable property in the same marketing area. In determining this average price, only a quantity of transactions which is not insubstantial in relation to the total number of transactions involving that comparable property need to be taken into consideration.

§ 301.209 May 25, 1970, limitation date.

This part does not require any person to establish a base rent which is lower than the monthly rent which was received for the residence or other real property during a rental period which included May 25, 1970. In any case in which this section would otherwise apply and the unit residence or other real property was not occupied on May 25, 1970, the nearest date preceding that date on which it was occupied shall be consid-

ered to be May 25, 1970, for purposes of this section.

BASE RENT EXAMPLE UNDER SUBPART C

An owner owns a three-story, six-unit building with no elevator, the upper floors have always rented for approximately \$5 per month less than the immediate lower floor

because of the inconvenience of climbing stairs. There is a two-bedroom and a one-bedroom apartment on each floor. During 1970, all units were rented under 1-year leases.

As the 1-year leases expired, the rent records for the building for 1971 show that the following transactions occurred (rounded to the nearest dollar):

Date of transaction	Floor	Unit	Type of lease and monthly rental payment (rounded to nearest \$)		Eligible transaction (same class of lessee)
			Before transaction	After transaction	
1-1-71	Ground floor	1-A	1-BR	1-year lease at \$150	Tenant went on month-to-month at \$150.
2-1-71	Ground floor	1-B	2-BR	1-year lease at \$200	Renewed with 1-year lease at \$200.
3-1-71	Third floor	3-A	1-BR	1-year lease at \$140	New tenant 1-year lease at \$140.
7-1-71	Second floor	2-A	1-BR	1-year lease at \$145	New tenant 1-year lease at \$152.
8-1-71	Second floor	2-B	2-BR	1-year lease at \$195	Same tenant renewal 1-year lease at \$205.
8-1-71	Third floor	3-B	2-BR	1-year lease at \$190	Same tenant month-to-month at \$200.
8-1-71	Ground floor	1-A	1-BR	Month-to-month at \$180	Month-to-month at \$188.

Under § 301.203 (b), the lessor must determine the average transaction rent with respect to apartments 1-B and 3-A in order to determine the base rent for such units.

There are two eligible transactions which can be used to determine the average transaction rent, 2B and 3B (both were expiring leases with terms in excess of 1 month).

Computation of average transaction rent fraction: $(\$205 + \$200) / (\$195 + \$190) = 1.05$

Computation of average transaction rent
The base rent of 1-B = \$210 ($\200×1.05).
The base rent of 3-A = \$147 ($\140×1.05).
The base rents for the other units are as follows:

- 1-A = \$158 (month-to-month on August 15, 1971).
- 2-A = \$152 (lease renewed during the 90 days prior to August 15, 1971).
- 2-B = \$205 (lease signed during the base period).
- 3-B = \$200 (month-to-month on August 15, 1971).

Subparts D-E [Reserved]

Subpart F—Rental Increase Procedure

§ 301.501 General rule.

No person may increase a rent, with respect to any transaction after December 28, 1971, involving a lease or implied contract of occupancy of a residence or other real property, unless he has complied with this subpart, regardless of whether the increase is otherwise allowable under this part.

§ 301.502 Notification.

In the case of a proposed rent increase to which the present lessee of the residence or other real property would be subject—

(a) *Requirement of 30-days' notice.* The lessor must notify the lessee of the proposed rent increase at least 30 days before the date it is to become effective;

(b) *Contents of notice.* The notice shall be in writing and shall set forth—

(1) The amount of the monthly rent before and after the proposed increase;

(2) The percentage increase and dollar amount of the proposed increase;

(3) The effective date of the proposed increase;

(4) The amount of the proposed increase which is attributable to capital improvements, State and local real estate taxes, and State and local fees, levies and charges for municipal services, and any increase allowed under § 301.102(a) (1);

(5) The base rent and an explanation of the manner in which the base rent was determined, including identification of units involved and dates and amounts of transactions where applicable;

(6) The method of computation of the proposed increase; and

(7) The following statements:

(A) You have the right to examine the documentation which supports this proposed rent increase in order to satisfy yourself that the proposed rent increase is in accordance with the rent regulations prescribed by the Price Commission. This documentation is located at _____ and may be inspected upon request between the hours of _____ through _____ on _____ (specify days of the week).

(B) If you do not understand the basis for this increase or believe that the increase is not allowable under the rent regulations of the Price Commission, advise us and we will arrange a suitable meeting time with you at a location convenient to your residence to discuss the proposed increase and explain its justification.

(C) It is hereby declared under the penalties of perjury that the foregoing statements and facts are true to the best of my (our) knowledge and belief; and that the increase in your rent is not in violation of the Economic Stabilization Regulations.

(c) *Manner of notification.* The notice may be mailed to the lessee at the address of the unit, or delivered to the lessee by any other method, except that

where the notice is delivered by another method a receipt therefore must be obtained from the lessee or his representative.

(d) *Records.* In the case of a proposed rent increase which prospective lessees may be subject to, the lessor shall make available, upon request, the records otherwise required by § 301.601.

(e) *Reports of alleged violations.* Whenever any person has reason to believe that a violation of these regulations has taken place, he may contact the nearest office of the Internal Revenue Service. However, he must first meet with the lessor as provided by statement (B) in paragraph (b) (7) of this section, and shall provide the Internal Revenue Service with a copy of the notification of the proposed rent increase and a detailed statement in writing as to why he believes there has been a violation. Notwithstanding the foregoing provision, any proposed increase of which the lessee is notified pursuant to this section shall become effective as of the date specified in the notification pending final action with respect to the alleged violation.

(f) *Retaliatory action.* No lessor shall take retaliatory action against any lessee who exercises any rights conferred upon him by this part. For purposes of this paragraph, retaliatory action shall mean any action taken by the lessor including undue or unusual inconvenience, violation of privacy, harassment, reduction in quality or quantity of services, or any form of threat or coercion.

Subpart G—Procedure and Administration

§ 301.601 Special record requirement.

(a) *General.* Each person leasing or offering to lease any residence or other real property shall maintain records showing—

(1) The base rent charged with respect to each residence or other real property; and

(2) The reason for any difference between the base rent and the rent allowable after December 28, 1971.

(b) *Information and prospective lessees.* A person who, after November 13, 1971, is leasing or offering to lease any residence or other real property at a rent higher than the rent charged for that residence or other real property during the period beginning on July 16, 1971, and ending on August 14, 1971 (or such earlier time with respect to which the base rent was established) shall inform any prospective lessee of that residence or other real property of the factual justification, under the notification requirements of § 301.502, for the difference between the rent charged during that period and the rent which the lessor proposes to charge.

§ 301.602 Availability of records.

Each person required to maintain a record under § 301.601 or provide a notice under § 301.502 shall make that rec-

ord or a copy of that notice available, upon the request of any tenant, prospective tenant, or an authorized representative of the Internal Revenue Service or the Price Commission. These records and copies of these notices shall be retained by each person required to maintain or provide them for a period of 4 years.

§ 301.603 Timely mailing treated as timely filing.

(a) *General*—(1) *Date of delivery.* If any notice, statement, or other document required to be made or filed within a prescribed period or on or before a prescribed date under any provision of this part is, after that period or such date, delivered by U.S. mail to the lessee, officer, or office with which the notice, statement, or other document is required to be made or filed, the date of the U.S. postmark stamped on the cover in which such notice, statement, or other document is mailed is considered to be the date of delivery.

(2) *Mailing requirements.* This subsection applies only if—

(i) The postmark date falls within the prescribed period or on or before the prescribed date for the making or filing (including any extension granted) of

the notice, statement, or other document; and

(ii) The notice, statement, or other document was within the time prescribed in subdivision (1) of this subparagraph deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the lessee, officer, or office with which the notice, statement, or other document is required to be filed.

(b) *Registered and certified mail*—

(1) *Registered mail.* For purposes of this section, if any notice, statement, or other document is sent by U.S. registered mail:

(i) The registration is presumptive evidence that the notice, statement, or other document was delivered to the lessee, officer, or office to which addressed; and

(ii) The date of registration is considered to be the postmark date.

(2) *Certified mail.* For the purposes of this section, if any notice, statement, or other document is sent by U.S. certified mail and the sender's receipt is postmarked by the postal employee to whom the document is presented—

(i) The sender's receipt is presumptive evidence that the notice, statement, or other document was delivered to the

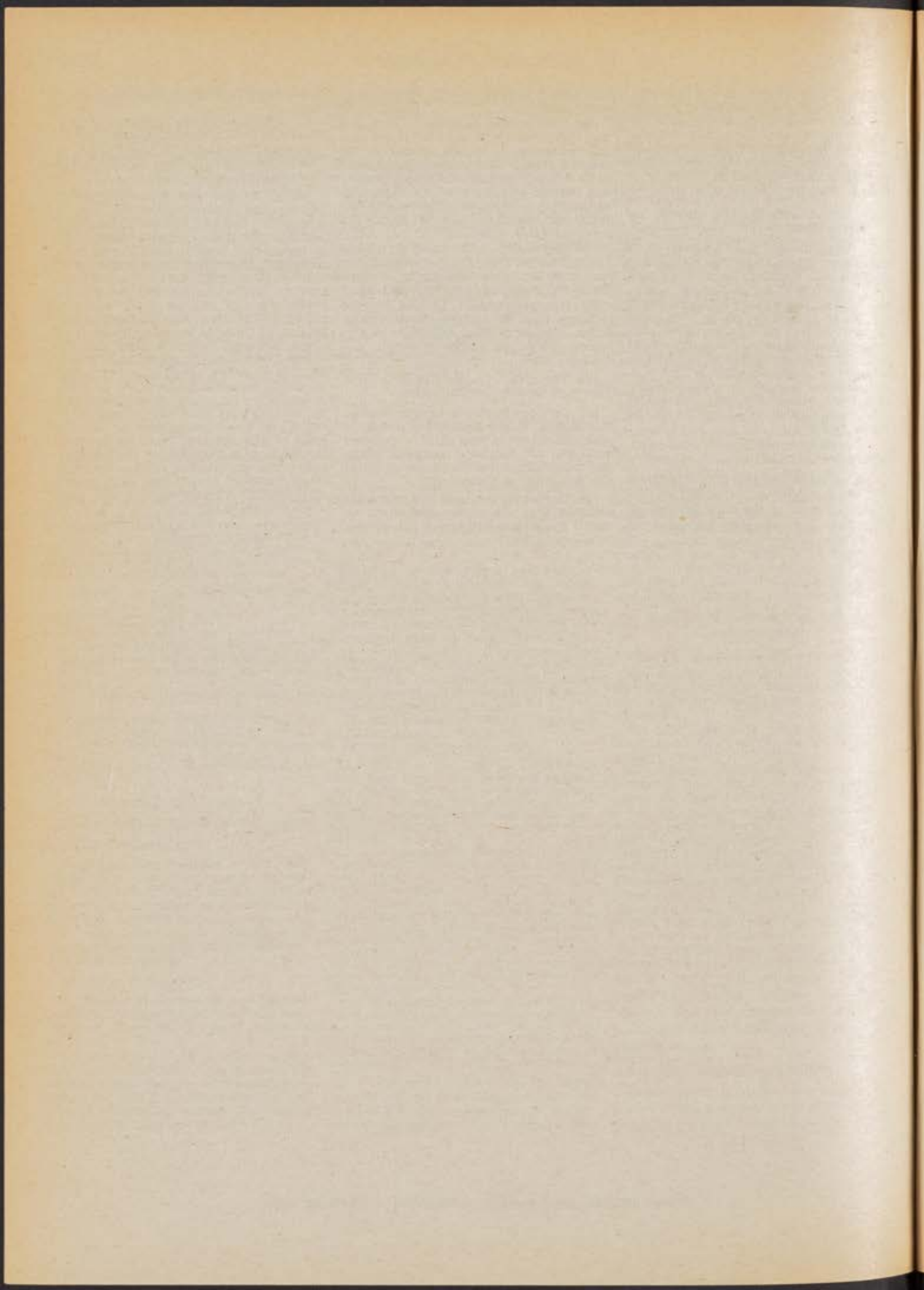
lessee, officer, or office thereon indicated; and

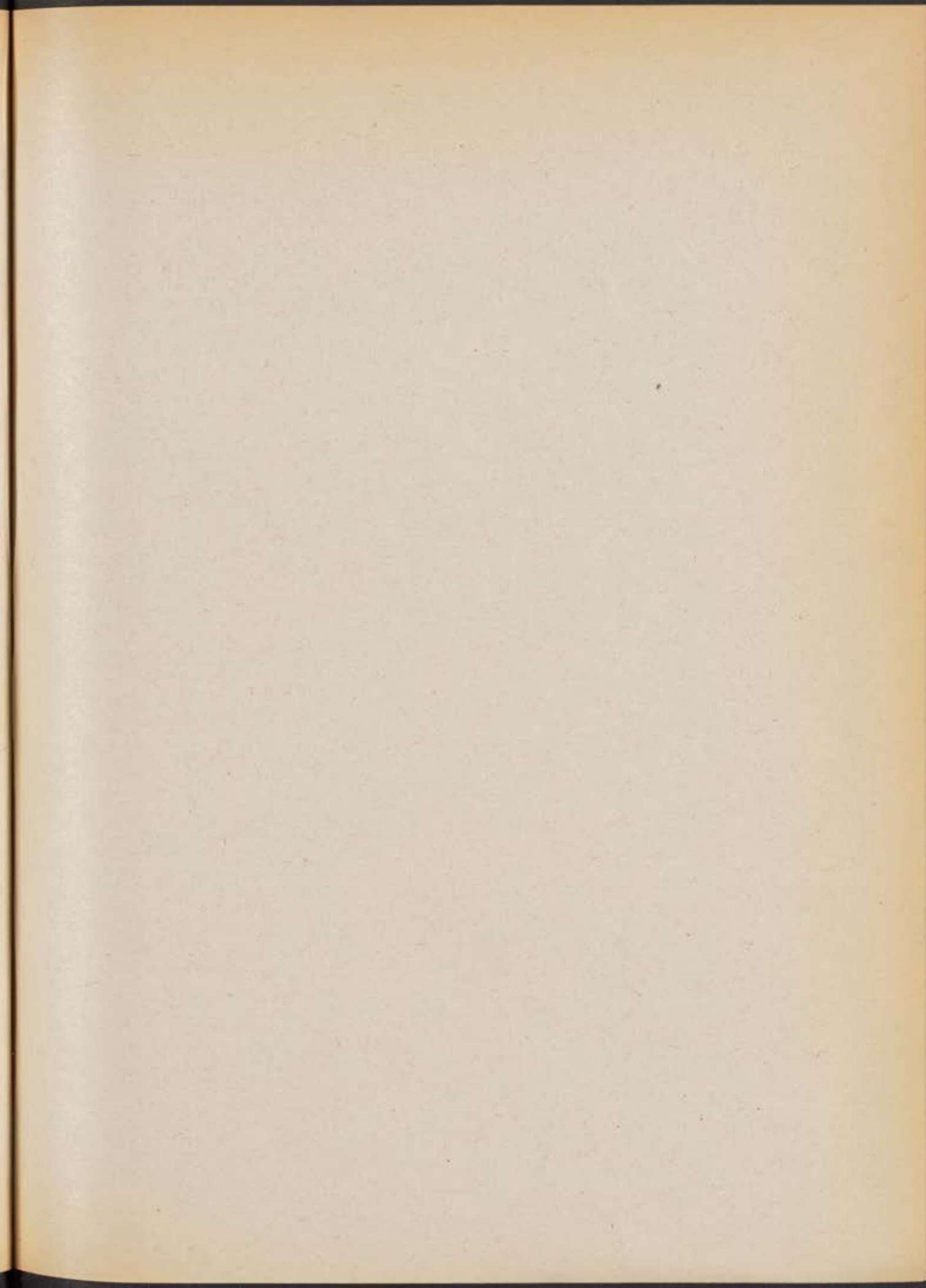
(ii) The date of the postmark is considered to be the postmark date.

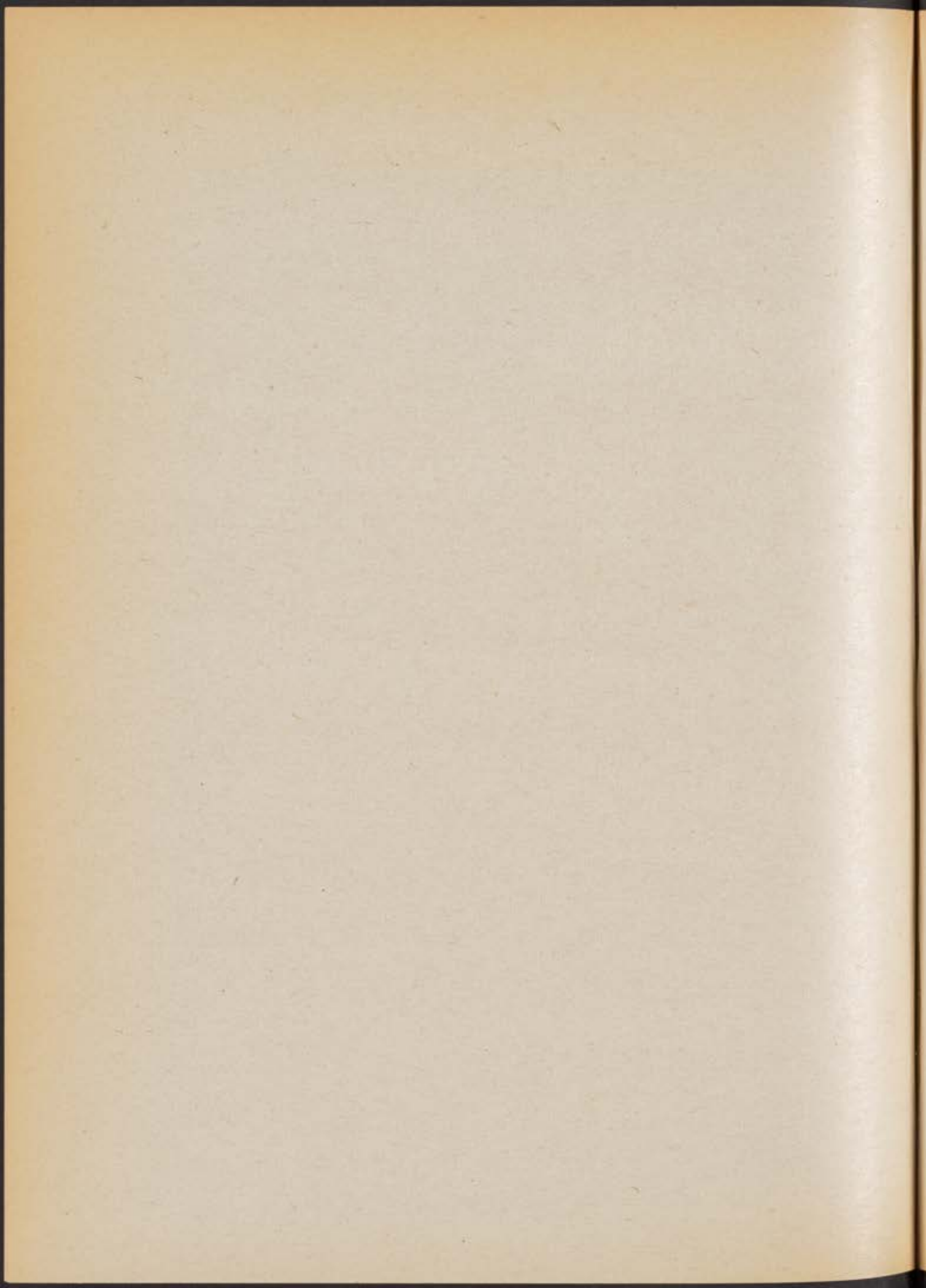
§ 301.604 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

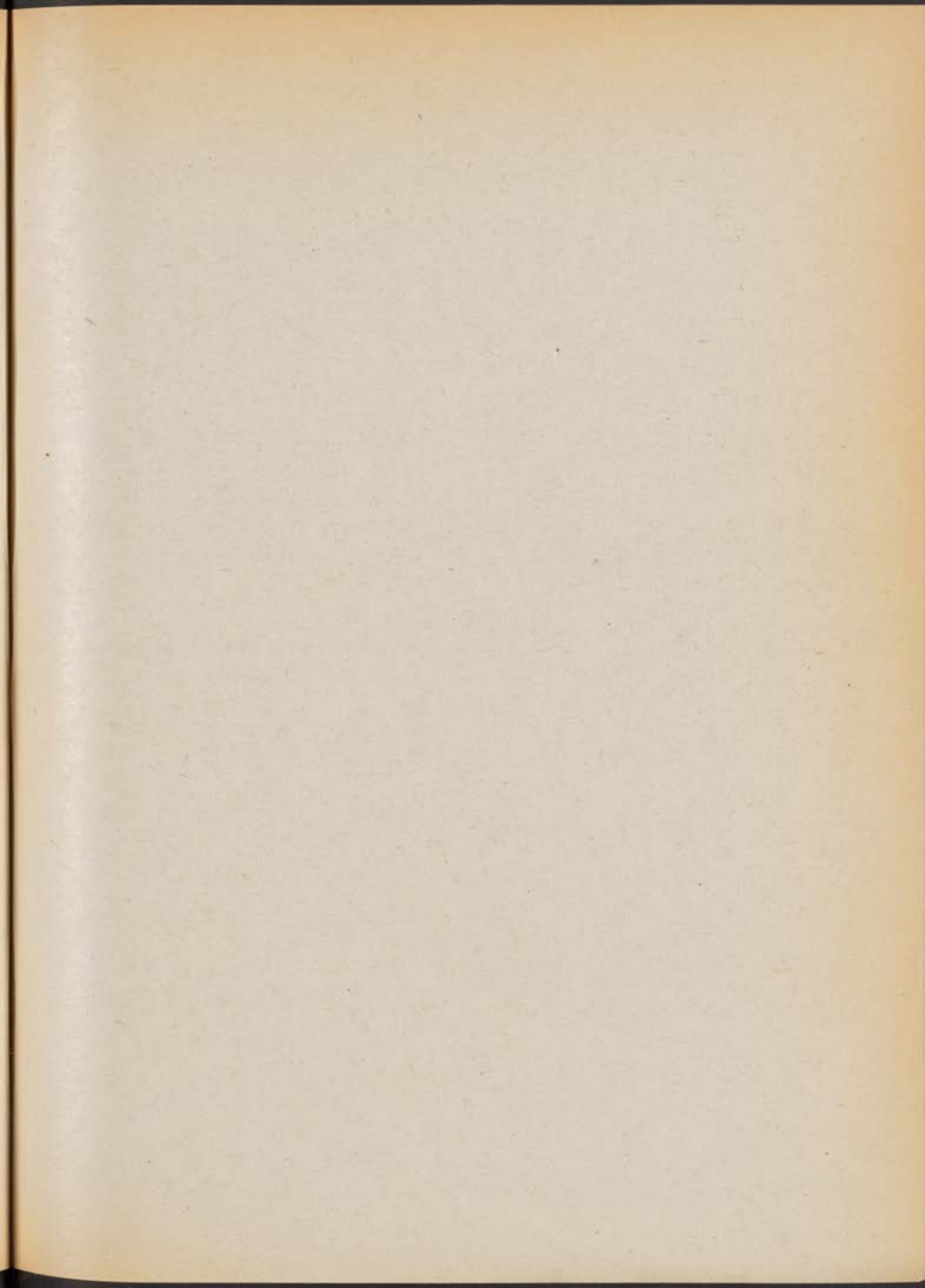
When the last day prescribed under this part for performing any act falls on a Saturday, Sunday, or legal holiday, the performance of that act is considered to be timely if it is performed on the next succeeding day which is not a Saturday, Sunday, or a legal holiday. For the purposes of this section, the last day for the performance of any act shall be determined by including any authorized extension of time. As used in this section, "legal holiday" means a legal holiday in the District of Columbia; and in the case of a notice, statement, or other document required to be made or filed, or any other act required under authority of this part to be performed with respect to any housing unit or at any office of the Internal Revenue Service, located outside the District of Columbia but within an internal revenue district, "legal holiday" also means a statewide legal holiday in the State where that office is located.

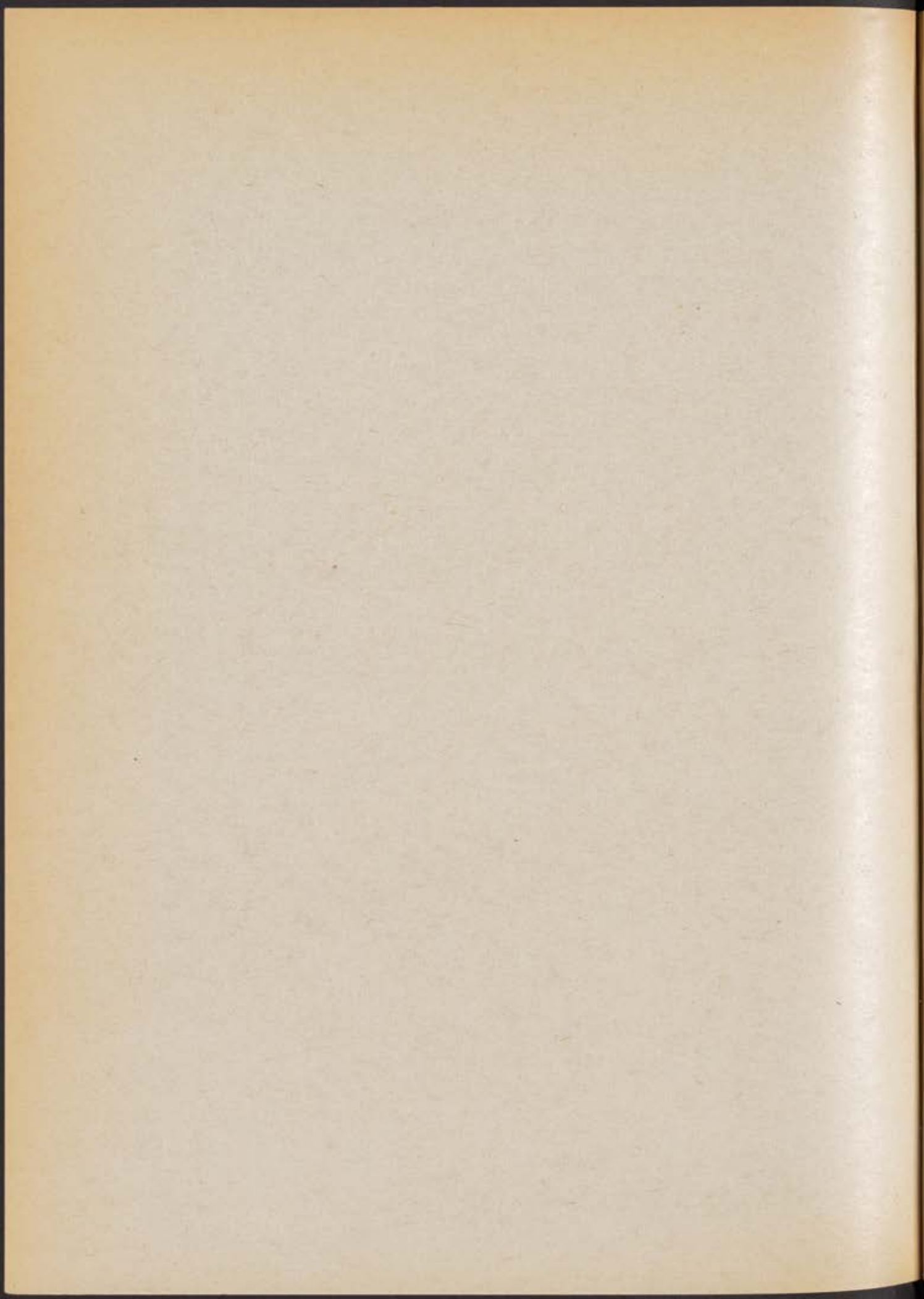
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Government

The first part of the book discusses the history of the government and its role in society. It covers the evolution of the state and the development of the modern nation-state.

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The fifth part of the book discusses the social system and the role of the government. It examines the impact of government policy on social welfare.

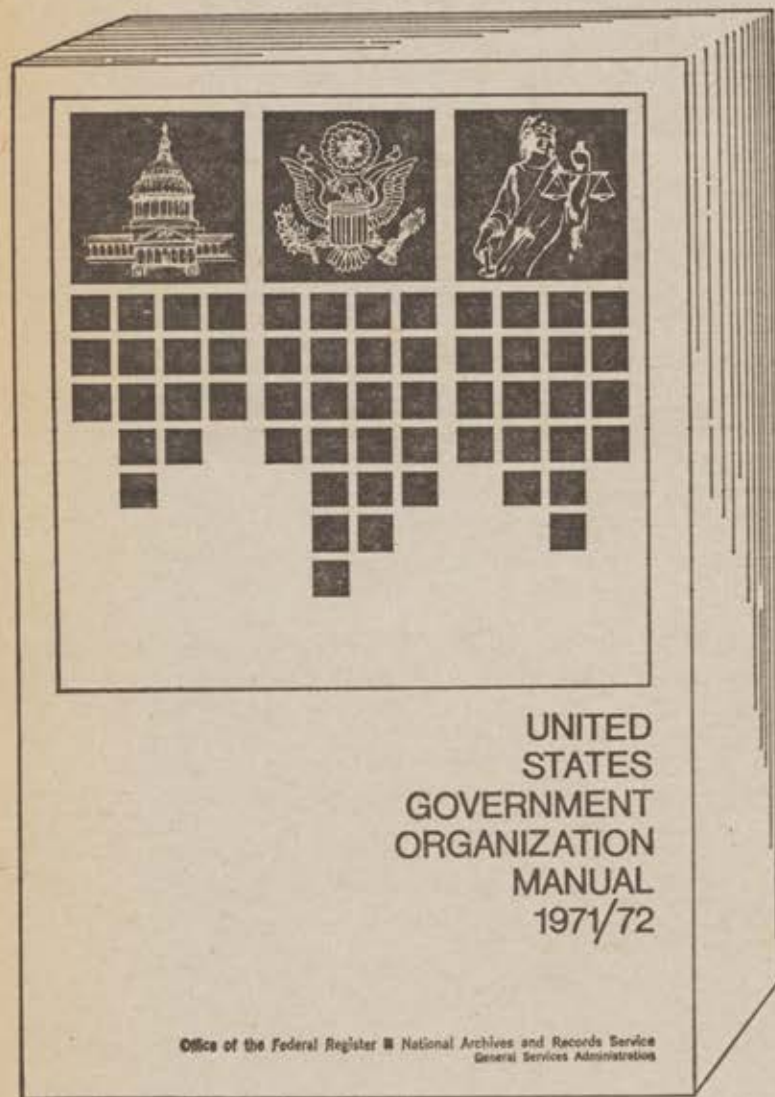
Year	Population	GDP	Unemployment
1950	150,000,000	\$100,000,000,000	5.5%
1960	170,000,000	\$200,000,000,000	4.5%
1970	190,000,000	\$400,000,000,000	3.5%
1980	210,000,000	\$800,000,000,000	2.5%
1990	230,000,000	\$1,200,000,000,000	1.5%
2000	250,000,000	\$1,600,000,000,000	1.0%
2010	270,000,000	\$2,000,000,000,000	0.5%
2020	290,000,000	\$2,400,000,000,000	0.2%

The table shows a steady increase in population and GDP over time, with a corresponding decrease in the unemployment rate. This indicates a strong and growing economy.

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