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PART I

(Part II begins on page 181)

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Peanut Butter [1]

On pages 19976, 19977, and 19978 of the FEDERAL REGISTER of October 14, 1971, there was published a notice of proposed rule making to revise the U.S. Standards for Grades of Peanut Butter. Interested persons were given 60 days in which to submit written data, views, or arguments regarding the proposed revision.

Of the nearly 30 comments received, all dealt with labeling and ingredient requirements that are in the Food and Drug Administration's purview. None were relevant to the U.S. Standards. The proposed revisions are hereby adopted without change, and are set forth below.

Effective date. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the revised standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: December 30, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

Subpart—United States Standards for Grades of Peanut Butter

PRODUCT DESCRIPTION, TEXTURES, TYPES, STYLES, GRADES

FACTORS OF QUALITY

EXPLANATIONS AND METHODS OF ANALYSES

LOT COMPLIANCE

SCORE SHEET

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TEXTURES, TYPES, STYLES, GRADES

§ 52.3061 Product description.

"Peanut butter" means a product represented as the product defined in the Standards of Identity for Peanut Butter (21 CFR 46.1) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.3062 Textures of peanut butter.

(a) "Smooth" texture means the peanut butter has a very fine, very even texture with no perceptible grainy peanut particles.

(b) "Medium" texture means the peanut butter has a definite grainy texture with perceptible peanut particles approximating not more than 1/16 inch in any dimension.

(c) "Chunky" or "crunchy" texture means peanut butter which has a partially fine or partially grainy texture with substantial amounts of peanut particles larger than 1/16 inch in any dimension.

§ 52.3063 Types of peanut butter.

(a) *Stabilized type.* Stabilized peanut butter is prepared by any special process and/or with any suitable added ingredient(s) designed to prevent oil separation.

(b) *Nonstabilized type.* Nonstabilized peanut butter is prepared without special process or added ingredient(s) to prevent oil separation.

§ 52.3064 Styles of peanut butter.

(a) *Regular pack style.* Regular pack peanut butter is a stabilized type peanut butter prepared from peanuts from which the skins have been removed and to which salt and suitable nutritive sweetener(s) have been added.

(b) *Specialty-pack style.* Specialty pack peanut butter is any type or style of peanut butter that is not described in paragraph (a) of this section. This style includes, but is not limited to, peanut butter that is made from unblanched peanuts, and to which salt and/or a nutritive sweetener may or may not have been added.

§ 52.3065 Grades of peanut butter.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of peanut butter that has a good color, that has a good consistency, that is practically free from defects, that has a good flavor and good aroma, that has uniform dispersion of any added ingredient(s), and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of peanut butter that has a reasonably good color, that has a reasonably good consistency, that is reasonably free from defects, that has a reasonably good flavor and aroma, that has reasonably uniform dispersion of any added ingredient(s), and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of peanut butter that fails to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.3066 Ascertaining the grade.

The grade of peanut butter may be ascertained by considering, in addition to other requirements of the respective grade, the following factors: Color, consistency, absence of defects, and flavor and aroma. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(1) Color	20
(2) Consistency	20
(3) Absence of defects	30
(4) Flavor and aroma	30
Total score	100

§ 52.3067 Ascertaining the rating for the factors which are scored.

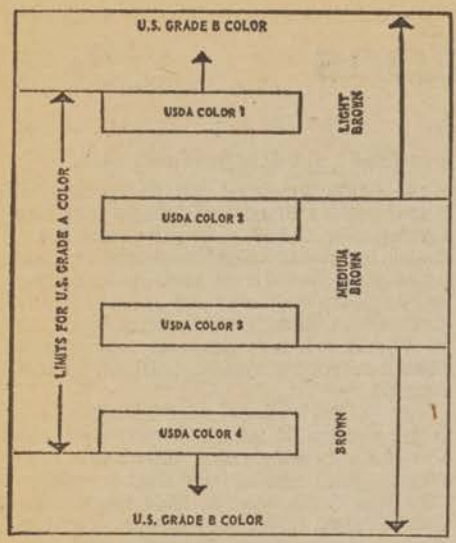
The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.3068 Color.

(a) General: The color of peanut butter refers to the color hue and color intensity of the overall mass, regardless of the texture and regardless of the variety of peanuts from which prepared.

(b) Color standards: Peanut butter color may be classified in accordance with the following outline for the applicable U.S. Department of Agriculture Color Standards (hereinafter referred to as "USDA Colors"):

[1] NOTE: Compliance with the provisions of the standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.



(c) The U.S. Department of Agriculture Color Standards shall be viewed under standard lighting conditions as follows: Compare the color of the color standard with a representative sample of peanut butter having an area and depth approximately equal to the color standard. A suitable light source of approximately 250 foot candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7500 degrees Kelvin ±200 degrees is preferable. With the light source directly over the color standard and product, observation is made at an angle of 45 degrees and at a distance of about 24 inches from the product.

(d) The USDA Color Standards are available only from the licensed supplier:

Magnuson Engineers, Inc., 1010 Timothy Drive, San Jose, CA 95133

(e) (A) classification: Peanut butter that has a good color may be given a score of 18 to 20 points. "Good color" means a rich color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut buttter; such typical color is no less brown than USDA Color 1 or no more brown than USDA Color 4, and is without any tinge of a dull, grey, or other abnormal cast.

(f) (B) classification: Peanut butter that has a reasonably good color may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut butter; such typical color may be slightly dull and/or may have a slight grey cast; may be lighter brown in color than USDA Color 1 but is not excessively pale as indicative of insufficient roasting; or, such typical color may be more brown than USDA Color 4 but is not excessively brown as indicative of excessive roasting.

(g) (SStd) classification: Peanut butter that is off color for any reason or that fails to meet the requirements of paragraph (f) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3069 Consistency.

(a) General: The factor of consistency refers to the spreadability of the product, and to the degree of oil separation, if any.

(b) Determination of consistency: Consistency of peanut butter is determined at a product temperature of not less than 70° F. nor more than 80° F. without mixing the product in the stabilized type, and after reasonable mixing of the product in the nonstabilized type.

(c) (A) classification: Peanut butter that has good consistency may be given a score of 18 to 20 points. "Good consistency" means that the peanut butter shall spread easily, shall not be thin nor more than slightly stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there is no noticeable oil separation or (2) in nonstabilized type of peanut butter, there is no more than slight mixing required to disperse any separated oil.

(d) (B) classification: Peanut butter that has reasonably good consistency may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the peanut butter is spreadable; may be moderately, but not excessively, thin; may be moderately, but not excessively, stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there may be no more than slightly noticeable oil separation or (2) in nonstabilized peanut butter, there may be no excessive oil separation that causes noticeable dryness or that requires more than moderate mixing to disperse the oil.

(e) (SStd) classification: Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3070 Absence of defects.

(a) General: The factor of absence of defects refers to the degree of freedom from dark particles and from any other defects (including water-insoluble inorganic residue) which affect the wholesomeness or detract from the appearance or edibility of the product: *Provided*, That in the specialty-pack style of peanut butter made from unblanched peanuts, particles of dark skins shall not be considered as defects.

(b) Definition of water-insoluble inorganic residue: "Water-insoluble inorganic residue" means the residue as determined in accordance with the method referenced in § 52.3072.

(c) (A) classification: Peanut butter that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the presence of dark particles and any other defects does not more than slightly affect the appearance or eating quality of the product; and means that there may be present not more than 8 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided*, That such residue which may be present does not affect the edibility or wholesomeness of the product.

(d) (B) classification: Peanut butter that is reasonably free from defects may be given a score of 24 to 26 points. Peanut butter that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the presence of dark particles and any other defects does not seriously detract from the appearance or eating quality of the product; and means that there may be present not more than 20 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided*, That such residue which may be present does not affect the edibility or wholesomeness of the product.

(e) (SStd) classification. Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3071 Flavor and aroma.

(a) (A) classification: Peanut butter that has a good flavor and good aroma may be given a score of 27 to 30 points. "Good flavor and good aroma" means a flavor and aroma: Typical of freshly roasted and freshly ground peanuts; when applicable, of properly proportioned and blended ingredients; free from staleness; free from rancidity; and free from objectionable flavors and objectionable odors of any kind. To score in this classification, there may be not less than 1.0 percent, nor more than 1.8 percent, by weight, of salt in the finished peanut butter: *Provided*, That the requirements for salt in the finished peanut butter of an unsalted "specialty-pack" style are waived.

(b) (B) classification: Peanut butter that has reasonably good flavor and reasonably good aroma may be given a score of 24 to 26 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor and reasonably good aroma" means a flavor and aroma that is typical of properly prepared peanut butter, which may be lacking good flavor and good aroma, but is free of objectionable flavors and objectionable aromas of any kind. To score in this classification there may be not less than 0.5 percent, nor more than 2.5 percent, by weight, of salt in the finished peanut butter: *Provided*, That the requirements for salt in the finished peanut butter of an unsalted "specialty-pack" style are waived.

(c) (SStd) classification: Peanut butter that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.3072 Methods of analysis for water-insoluble inorganic residue and salt.

The water-insoluble inorganic residue and salt in peanut butter is determined in accordance with the latest official method outlined in the Official Methods of Analysis of the Association of Official Analytical Chemists or any other method that gives equivalent results.

LOT COMPLIANCE

§ 52.3073 Ascertaining the grade of a lot.

The grade of a lot of peanut butter covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.3074 Score sheet for peanut butter.

Size and kind of container	----
Container marks or identification	----
Label	----
Net weight (ounces)	----
Texture (smooth, medium, chunky)	----
Type (Stabilized, Non-Stabilized)	----
Style	----
Water insoluble inorganic residue (mg./100 grams)	----
Salt (percent by weight) (when applicable)	----
Color	----

		Score points	
Color	20	(A) 18–20 (B) [1] 16–17 (SStd) [1] 0–15	
Consistency	20	(A) 18–20 (B) [1] 16–17 (SStd) [1] 0–15	
Absence of defects	30	(A) 27–30 (B) [1] 24–26 (SStd) [1] 0–23	
Flavor and aroma	30	(A) 27–30 (B) [1] 24–26 (SStd) [1] 0–23	
Total score	100		----
Grade	-----		----

[1] Indicates limiting rule.

[FR Doc.72-203 Filed 1-5-72;8:48 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 846—HAWAII

On pages 23071 and 23072 of the FEDERAL REGISTER of December 3, 1971, there was published a notice of proposed rule making to revise Sugar Regulation 846 (7 CFR Part 846) relating to determining eligibility of sugarcane farms in Hawaii for abandonment and crop deficiency payments made pursuant to the Sugar Act of 1948, as amended. Interested persons were given 15 days in which to submit written data, views, or arguments regarding the proposed revision.

No objections have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. As Public Law 92–138 approved October 14, 1971, provides that effective January 1, 1972, payments are authorized to be made to sugarcane producers in Hawaii on an individual farm basis for acreage abandonment of planted acres and crop deficiencies of harvested acres, it is hereby determined and found that there is insufficient time to comply with the effective date requirement of 5 U.S.C. 533 and this revision shall be effective January 1, 1972.

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

DECEMBER 30, 1971.

Sec.
846.1 Introduction.
846.2 Definitions.
846.3 Farm normal yield.
846.4 Eligibility for abandonment and deficiency payments.
846.5 Approval and certification.

AUTHORITY: The provisions of this Part 846 issued under secs. 303, 403, 61 Stat. 930, as amended, 932, as amended; 7 U.S.C. 1133, 1153, and secs. 13, 19, Public Law 92–138, approved Oct. 14, 1971.

§ 846.1 Introduction.

In accordance with the provisions of the "Sugar Act Amendments of 1971," Public Law 92–138, approved October 14, 1971, this revision of Part 846 is issued to provide that, effective January 1, 1972, payments under section 303 of the Sugar Act of 1948, as amended, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage of 1972 and subsequent crops of sugarcane shall be made on an individual farm basis. The regulations in the following §§ 846.2 through 846.5 are effective on January 1, 1972, and thereafter until amended, superseded, or revoked.

§ 846.2 Definitions.

For the purpose of this part, the terms:

(a) "State Committee," "County Committee," and designation of a crop of sugarcane by year shall have the meanings set forth in § 894.1 of this chapter. "Act" means the Sugar Act of 1948, as amended.

(b) "Planted acre," "planted acres," or "planted acreage" means the acreage of sugarcane planted which is either harvested for the extraction of sugar or liquid sugar or is abandoned (bona fide), insofar as its use in sugar production is concerned, because of drought, flood, storm, freeze, disease, or insects.

(c) "Annual yield" for a farm for a calendar year means the yield per planted acre in that year expressed in hundredweight of sugar commercially recoverable as computed by the use of the planted acres for the farm for such year and the amount of sugar commercially recoverable as determined for the farm for such year in accordance with § 836.1 of this chapter.

(d) "Base period" for each farm for a calendar year means all of the most recent calendar years in each of which there were planted acres on the farm, not to exceed 5 years within the preceding 10-year period.

(e) "Farm" shall have the meaning set forth in Part 826 of this chapter.

§ 846.3 Farm normal yield.

The normal yield per acre of each sugarcane farm in Hawaii shall be established for each calendar year as follows:

(a) For a farm having a base period of three or more calendar years, the normal yield shall be the simple average of the annual yields for the farm for all of such years.

(b) For a farm having a base period of less than 3 calendar years, or no base period, the normal yield shall be that established by the county committee on the basis of the normal yields of other farms in the same locality, variations in soil productivity, climatic conditions, cultural practices and other pertinent factors.

§ 846.4 Eligibility for abandonment and deficiency payments.

For each calendar year, each farm having abandonment of planted sugarcane acreage, or having a crop deficiency of harvested sugarcane acreage below 80 percent of the normal yield for such acreage, or having both such abandonment and deficiency, shall be approved by the county committee for payments relating thereto if the following conditions with respect to the farm are met:

(a) The abandonment or deficiency was caused directly by drought, flood, storm, freeze, disease, or insects.

(b) The planted acres that were abandoned, or the harvested acres with respect to which there was such a crop deficiency, were suitable for the production of sugarcane and were cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane.

(c) With respect to acreage abandonment, the county office was notified of the intention to abandon the acreage before the sugarcane was destroyed or the acreage was used for other purposes: *Provided*, That the county committee may waive the requirement of prior notification if such committee (1) has knowledge that sugarcane was planted on the abandoned acreage and the extent of such plantings, (2) has knowledge of widespread crop damage in the locality where the farm is located, and (3) is satisfied that the abandonment on the farm in question resulted directly from drought, flood, storm, freeze, disease, or insects.

(d) There was compliance with all the other conditions for payment prescribed by the Act.

§ 846.5 Approval and certification.

Approval by a member of the county committee on behalf of such committee of an application for an abandonment payment or a crop deficiency payment, or both, shall constitute a determination that the farm with respect to such application is made is eligible for an abandonment or a 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 of the farms or 10 percent of the planted acres in the area.

A further eligibility requirement is made. Producers must notify the county office of the intention to abandon the acreage before the sugarcane is destroyed or the acreage is used for other purposes. This provides an opportunity for a representative of the office to determine whether or not the abandonment resulted directly from one of the causes specified in the Act. All of the other eligibility requirements for approving abandonment and deficiency for the farm which were included in § 846.2 (26 F.R. 91) approved December 30, 1960, remain unchanged. The county committee in which the farm headquarters is located must determine that (1) the abandonment or deficiency was caused by drought, flood, storm, freeze, disease, or insects; and (2) the acres that were abandoned or the harvested acres from which there was crop deficiency were suitable for the production of sugarcane and were cared for up to the time of abandonment or harvest in a manner which would produce a normal crop under average conditions.

[FR Doc.72-200 Filed 1-5-72;8:48 am]

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

[Navel Orange Reg. 249]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.549 Navel Orange Regulation 249.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 4, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 7, 1972, through January 13, 1972, are hereby fixed as follows:

(i) District 1: 774,000 cartons.

(ii) District 2: 126,000 cartons.

(iii) District 3: Unlimited.

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

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

Dated: January 5, 1972.

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

[FR Doc.72-300 Filed 1-5-72;11:18 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

Determination of Existence of Disease; Agreements With States

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 hereby amended in the following respects:

In § 53.2(b), the third proviso is amended to read:

§ 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 shall be limited to birds as referred to in § 82.2(a) of this chapter, and which are identified in documentation pursuant to Cooperative Agreements,[1] as constituting a threat to the poultry industry of the United States.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, 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)

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

The foregoing amendment provides for the purchase, destruction, and disposition of birds of any species (other than poultry) when such birds constitute a threat to the poultry industry of the United States.

This amendment 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 amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 30th day of December 1971.

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

[FR Doc.72-201 Filed 1-5-72;8:48 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

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

General Restrictions

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:

In § 82.2, paragraph (a) is amended to read:

§ 82.2 General restrictions.

(a) Notice is hereby given that psittacine and mynah birds and birds of all other species are susceptible to Exotic Newcastle Disease and that the Administrator has determined that, in order to prevent the interstate dissemination of such disease to poultry and to effectuate the eradication of such disease, it is necessary to make all of the provisions of this Part 82 relating to poultry applicable to psittacine and mynah birds and birds of all other species, of all ages, which are under any form of confinement, including eggs from such birds. Accordingly, the provisions of this Part 82 shall be applicable in relation to such birds in the same manner, and to the same extent as such provisions are applicable in relation to poultry.

* * * * *

(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 amendment shall become effective upon issuance.

This amendment includes confined birds (including eggs) of all species in restrictions imposed to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of December 1971.

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

[FR Doc.72-202 Filed 1-5-72;8:48 am]

Chapter IV—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—PUBLIC INFORMATION

PART 400—AVAILABILITY OF INFORMATION

Part 400 is added to Title 9 as follows:

§ 400.1 Availability of Information.

The Agricultural Research Service regulations relating to availability of information to the public and disclosure of records under 5 U.S.C. 552, which are set forth in Part 510 of this title, are incorporated into this subchapter.

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

(5 U.S.C. 552, 559)

J. P. MCAULEY,
Acting Administrator,
Agricultural Research Service.

[FR Doc.72-235 Filed 1-5-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-EA-126]

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

Alteration of Transition Area

On page 21064 of the FEDERAL REGISTER for November 3, 1971, the Federal Aviation Administration published a proposed rule which would alter the Galeton, Pa., transition area (36 F.R. 2192).

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t. March 2, 1972.

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

Issued in Jamaica, N.Y., on December 20, 1971.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to delete the description of the Galeton, Pa. 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°40'00" N., 77°49'15" W. of Cherry Springs Airport, Galeton, Pa.

[FR Doc.72-192 Filed 1-5-72;8:47 am]

[Airspace Docket No. 71-EA-128]

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

Alteration and Revocation of Transition Area

On page 21065 of the FEDERAL REGISTER for November 3, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Lewisburg, W. Va., transition area (36 F.R. 2219) and revoke the White Sulphur Springs, W. Va., transition area (36 F.R. 2294).

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t. March 2, 1972.

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

Issued in Jamaica, N.Y., on December 20, 1971.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to delete the description of the Lewisburg, W. Va. 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center (37°51'35" N., 80°23'55" W.) of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from the 252° bearing to the 278° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 278° bearing to the 291° bearing from the airport; within a 16-mile radius of Greenbrier Valley Airport, extending clockwise from the 291° bearing to the 301° bearing from the airport; within a 21.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 301° bearing to the 332° bearing from the airport; within a 22.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 332° bearing to the 347° bearing from the airport; within a 23.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 347° bearing to the 357° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 357° bearing to the 030° bearing from the airport; within an 18.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 030° bearing to the 086° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 086° bearing to the 143° bearing from the

airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 143° bearing to the 192° bearing from the airport; within a 14-mile radius of Greenbrier Valley Airport, extending clockwise from the 192° bearing to the 252° bearing from the airport; within 3 miles each side of the 216° bearing from the Lewisburg, W. Va., RBN (37°46'52" N., 80°28'10" W.) extending from the RBN to 8.5 miles southwest and within 3 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial, extending from the VOR to 8.5 miles southeast.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to revoke the White Sulphur Springs, W. Va., 700-foot floor transition area.

[FR Doc.72-193 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-EA-140]

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

Alteration of Transition Area

On page 21065 of the FEDERAL REGISTER for November 3, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Washington, D.C., transition area (36 F.R. 2290, 9130).

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 2, 1972.

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

Issued in Jamaica, N.Y., on December 20, 1971.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Washington, D.C. 700-foot floor transition area by inserting, "; within a 6.5-mile radius of the center of 38°43'30" N., 77°31'00" W., of Manassas Municipal Airport (Harry P. Davies Field), Manassas, Va., and within 2.5 miles each side of a line bearing 329° from the airport geographical position to a point 12 miles northwest of said position;" following, "39°05'32" N., 77°27'30" W.,".

[FR Doc.72-194 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-SO-161]

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

Designation of Transition Area

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22071), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cleveland, Miss., 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 following transition area is added:

CLEVELAND, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Cleveland Municipal Airport (lat. 33°45'30" N., long. 90°45'15" W.).

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

Issued in East Point, Ga., on December 23, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-195 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-SO-168]

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

Designation of Transition Area

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22070), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Albertville, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by American Air Service, Inc., Gadsden, Ala., who objected on the basis that the lack of direct pilot-to-controller communication capabilities in the Albertville area would cause undue delays to IFR operations at Gadsden Airport. A review of the proposal, in light of this comment, disclosed that communication capabilities exist down to the runway surface with aircraft transmitting to Anniston Flight Service Station on frequency 122.6 and receiving on Gadsden VOR frequency 112.3.

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 following transition area is added:

ALBERTVILLE, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Albertville Municipal Airport (latitude 34°13'54" N., longitude 86°15'08" W.); within 3 miles each side of the 048° bearing from Saratoga RBN (latitude 34°15'00" N., longitude 86°13'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

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

Issued in East Point, Ga., on December 23, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-196 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-SO-169]

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

Alteration of Transition Area

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22070), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., 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 Nashville, Tenn., transition area (36 F.R. 18511) is amended as follows: "* * * longitude 86°24'30" W. * * *" is deleted and "* * * longitude 86°24'30" W.); within an 8-mile radius of Lebanon Municipal Airport (latitude 36°11'22" N., longitude 86°18'55" W.) * * *" is substituted therefor.

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

Issued in East Point, Ga., on December 23, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-197 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-NE-7]

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

Designation and Alteration of Transition Areas

On page 21293 of the FEDERAL REGISTER dated November 5, 1971, the Federal Aviation Administration published a notice of proposed rule making which would designate a Greenville, Maine 700-foot transition area, amend the Millinocket, Maine 1,200-foot transition area (36 F.R. 2232), and cancel the

Bangor, Maine 5,500-foot transition area (36 F.R. 2150).

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

One portion of the proposed amendatory language which contained the reference to the Millinocket, Maine 1,200-foot transition area was inadvertently omitted from paragraph 2 of the notice. However, the notice did set forth, in full, all of the proposed amended language for that transition area. Since the descriptive reference to the Millinocket 1,200-foot transition area was set forth in the preamble of the notice and the intent of the proposed amendment was obvious from a reading of the entire notice, this omission is considered minor in nature.

Accordingly, action is taken herein to correct this nonsubstantive omission, and the language of paragraph 2 has been modified to include the omitted phrase.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 2, 1972.

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

Issued in Burlington, Mass., on December 23, 1971.

W. E. CROSBY,
Deputy Director,
New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Greenville, Maine 700-foot transition area described as follows:

That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of the center (45°27'47" N., 69°33'21" W.) Greenville Municipal Airport, Greenville, Maine, within 3.5 miles each side of a 212° bearing from the Greenville, Maine, NDB, extending from the 8.5-mile-radius area to a point 10 miles southwest of the Greenville NDB, within a 6.5-mile radius of the center (45°28'10" N., 69°36'00" W.) Greenville Seaplane Base, Greenville, Maine, within 3.5 miles each side of a 181° bearing from the Greenville NDB extending from the 6.5-mile-radius area to a point 9.5 miles south of the Greenville NDB.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Millinocket, Maine 1,200-foot transition area by deleting the coordinates "45°23'00" N., 69°30'00" W." and inserting the coordinates "45°15'00" N., 69°50'00" W., to 45°07'30" N., 69°50'00" W., to 45°07'30" N., 69°28'00" W., to 45°12'00" N., 69°23'00" W.", in lieu thereof.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bangor, Maine 5,500-foot transition area.

[FR Doc.72-252 Filed 1-5-72;8:52 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORM

Piperazine Adipate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-951V) filed by Carson Chemicals, Inc., New Castle, Ind. 47362, proposing the safe and effective oral use of piperazine adipate for the treatment of horses, dogs and cats. The supplemental application is approved.

To facilitate referencing, Carson Chemicals, Inc. is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under the authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 063 as follows:

§ 135.501 **Names, addresses, and code numbers of sponsors of approved applications.**

* * * * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
063 ----------	Carson Chemicals, Inc., New Castle, Ind. 47362.

2. Part 135c is amended by adding the following new section:

§ 135c.54 **Piperazine adipate.**

(a) *Specifications.* The drug contains 98.5 percent minimum piperazine adipate.

(b) *Sponsor.* See code No. 063 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered to dogs and cats for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and in horses for the removal of ascarids (*Parascaris equorum*), strongyles (*Strongylus vulgaris*), small strongyles, and pinworms (*Oxyuris equi*).

(2) Administer orally as a drench or in as much drinking water or feed as the animals will consume in one day at a dosage level of ½ oz. per 100 pounds of body weight to horses and at a dosage level of 1 gram per 18 pounds of body weight to dogs and cats.

(3) May be repeated at intervals of 3 weeks should reinfection occur.

(4) Do not use in horses intended for food.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-6-72).

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

Dated: December 23, 1971.

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

[FR Doc.72-214 Filed 1-5-72;8:49 am]

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

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

Notice of Extension of Time for Practitioners To Comply With the Security Requirements for Amphetamine and Methamphetamine Products Listed in Schedule II

In the FEDERAL REGISTER dated September 21, 1971 (36 F.R. 18727), it was announced that amphetamine and methamphetamine products listed in Schedule II need not be stored by practitioners in a locked cabinet, as required in § 301.75(a), until January 1, 1972.

By letter to the Director, Bureau of Narcotics and Dangerous Drugs dated December 10, 1971, the National Association of Retail Druggists requested an extension of time beyond January 1, 1972, for practitioners to comply with the security requirements for amphetamine and methamphetamine products listed in Schedule II. On December 21, 1971, the Director granted this request.

It is therefore ordered that the effective date for practitioners to comply with the security requirements for amphetamine and methamphetamine products listed in Schedule II is March 1, 1972.

This notice is effective upon publication in the FEDERAL REGISTER (1-6-72).

Dated: December 29, 1971.

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

[FR Doc.72-211 Filed 1-5-72;8:49 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-72-160]

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and

notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective upon publication in the FEDERAL REGISTER (1-6-72).

Accordingly, Chapter II is amended as follows:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—		Prior to—	
5¾	Jan.	1, 1968	July	1, 1969
5⅞	July	1, 1969	Jan.	1, 1970
6⅛	Jan.	1, 1970	July	1, 1970
6⅞	July	1, 1970	Jan.	1, 1971
6½	Jan.	1, 1971	July	1, 1971
5⅞	July	1, 1971	Jan.	1, 1972
5⅜	Jan.	1, 1972		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—		Prior to—	
5¾	Jan.	1, 1968	July	1, 1969
5⅞	July	1, 1969	Jan.	1, 1970
6⅛	Jan.	1, 1970	July	1, 1970
6⅞	July	1, 1970	Jan.	1, 1971
6½	Jan.	1, 1971	July	1, 1971
5⅞	July	1, 1971	Jan.	1, 1972
5⅜	Jan.	1, 1972		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies to sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—		Prior to—	
5¾	Jan.	1, 1968	July	1, 1969
5⅞	July	1, 1969	Jan.	1, 1970
6⅛	Jan.	1, 1970	July	1, 1970
6⅞	July	1, 1970	Jan.	1, 1971
6½	Jan.	1, 1971	July	1, 1971
5⅞	July	1, 1971	Jan.	1, 1972
5⅜	Jan.	1, 1972		

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—		Prior to—	
5¾	Jan.	1, 1968	July	1, 1969
5⅞	July	1, 1969	Jan.	1, 1970
6⅛	Jan.	1, 1970	July	1, 1970
6⅞	July	1, 1970	Jan.	1, 1971
6½	Jan.	1, 1971	July	1, 1971
5⅞	July	1, 1971	Jan.	1, 1972
5⅜	Jan.	1, 1972		

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of January 1, 1972.

Issued at Washington, D.C., December 30, 1971.

HARRY T. MORLEY,
Deputy Assistant Secretary-Commissioner.

[FR Doc.72-149 Filed 1-5-72;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter III—Federal Prison Industries, Department of Justice

PART 301—INMATE ACCIDENT COMPENSATION

Section 4126 of title 18, United States Code, authorizes Federal Prison Industries, Inc., to employ the Prison Industries Fund in paying compensation to inmates or their dependents for injuries suffered in any work activity in connection with the maintenance or operation of the institution where confined, pursuant to rules and regulations promulgated by the Attorney General. The authority to issue rules and regulations under this provision has been delegated by the Attorney General to the Board of Directors of Federal Prison industries, or such officer of the corporation as the Board may designate. 28 CFR 0.99. These regulations replace those published in 28 CFR Part 301, and are effective upon publication.

By virtue of the authority vested in the Attorney General by 18 U.S.C. 4126 and delegated by the Attorney General by 28 CFR 0.99 and by the Board of Directors of Federal Prison Industries, Inc., Part 301 of Chapter III of Title 28, Code of Federal Regulations, is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 301 issued under 18 U.S.C. 4126, 28 CFR 0.99 and by Board of Directors of Federal Prison Industries, Inc.

§ 301.1 Purpose and scope.

The following procedures are prescribed to insure complete reports covering all work-related injuries and full information to permit prompt action on

claims submitted. They carry out the intent of Congress in authorizing the payment of accident compensation to inmates or their dependents for injuries sustained while employed by Federal Prison Industries, Inc. They also include any work activity in connection with the maintenance or operation of the institution where confined.

§ 301.2 Medical attention.

Whenever an inmate worker is injured while in the performance of assigned duty, regardless of how trivial the hurt may appear, he shall immediately report the injury to his official superior. The employee will take whatever action is necessary to secure for the injured such first aid, medical, or hospital treatment as may be necessary for the proper treatment of the injury. Medical, surgical, and hospital service will be furnished by the medical officers of the institution. Refusal by an inmate worker to accept such medical, surgical, hospital, or first aid treatment may cause forfeiture of any claim for accident compensation for disability resulting therefrom.

§ 301.3 Record of injury and initial claim.

After initiating necessary action for medical attention the work detail supervisor shall immediately secure a record of the cause, nature and exact extent of the injury, and shall see that the injured inmate submits within 48 hours Administrative Form 19, Report of Injury (Inmate). The names and testimony of all witnesses shall be secured. If the injury resulted from the operation of mechanical equipment, an identifying description of the machine or instrument causing the injury shall be given.

§ 301.4 Report of injury.

(a) All injuries resulting in disability of the injured shall be reported by the inmate's work detail supervisor on Administrative Form 19, Report of Injury (Inmate). After review by the institution safety officer, or his appointed representative, for completeness, the report shall be delivered to the warden or superintendent of the institution; and then forwarded promptly to the Safety Administrator in the Washington office. All questions on Form 19 shall be answered in complete detail. The physician's statement must be secured on Administrative Form 19 whenever the injury is such as to require the attention of a physician.

(b) In the case of injury to an inmate sustained while employed in any work activity in connection with the maintenance or operation of the institution where confined, the reports and treatment of such injured inmate shall be made under the regulations in effect at the time of such injury. The reports as to treatment and the cause, nature, and extent of the injury shall be made to comply as nearly as possible with the requirements of §§ 301.2, 301.3, and this § 301.4.

§ 301.5 Prerelease claim for compensation.

(a) As soon as release date is determined, but not in advance of 30 days prior to release date, each inmate injured in Industries or on an institutional work assignment during his confinement, who has a residual impairment from a work-related accident, shall be given FPI Form 43 Revised, and advised of his rights to make out his claim for compensation. Every assistance will be given him to properly prepare the claim if he wishes to file. Claims must be made within 60 days following release from the institution when circumstances preclude submission prior to release. However, a claim for disability may be allowed within 1 year after release from Federal custody, for reasonable cause shown. In each case a physical examination shall be given and a definite statement made as to the effect of the alleged injury on the inmate's work capacity after release. Failure to submit to a final physical examination before release shall result in the forfeiture of all rights to compensation and future medical treatment. In each case of visible impairment, disfigurement, or loss of member, photographs shall be taken to show actual condition and shall be transmitted with FPI Form 43.

(b) The claim, after preparation and execution by the inmate, shall be completed by the physician making the final examination. It shall be forwarded promptly to the office of General Counsel and Review, Federal Bureau of Prisons, in Washington, D.C., accompanied by, or with reference made to, Form 19, Report of Institutional Injury (Inmate).

§ 301.6 Report of death.

If a work-related injury results in death, an FPI Form 43, an Administrative Form 19, and the findings of the local Board of Inquiry will be promptly forwarded to the office of General Counsel and Review in the Washington office.

§ 301.7 Report of repetitious accidents.

If an inmate worker is injured more than once in a comparatively short time and the circumstances of the injury indicates awkwardness or ineptitude that in the opinion of his work supervisor implies a danger of further accidents in the tasks assigned, the inmate shall be relieved of the performance of the task, and assigned another task.

§ 301.8 Inmate work assignments.

The classification committee of each institution, which normally designates inmate work assignments, or whoever makes institutional work assignments will review appropriate medical records, presentence reports, admission summaries, and the like in order to preclude the assignment of individuals to work tasks not compatible with their physical condition at the time of admission. A careful review of all records available is also imperative when inmate workers are reassigned to new and different tasks during their incarceration.

§ 301.9 Noncompensable injuries.

Injuries sustained by inmate workers willfully or with intent to injure someone else, or injuries suffered in any activity not directly related to their work assignment are not compensable, and no claim for compensation for such injuries will be considered. Any injury resulting from willful violation of rules and regulations may prevent award of compensation.

§ 301.10 Compensation for lost time.

No accident compensation will be paid for compensable injuries while the injured inmate remains in custody. However, inmates assigned to Industries will be paid wages for the number of regular work hours in excess of three consecutive inmate mandays they are absent from work because of injuries suffered while in the performance of their work assignments. The rate of pay shall be 66⅔ percent of the standard hourly rate for the grade if the injured is not helping to support dependents, and 75 percent of the standard hourly rate if the injured is helping to support dependents. No claim for compensation will be considered if full recovery occurs while the injured is in custody and no significant disability remains after release.

§ 301.11 Compensation awards.

The amount of accident compensation shall be determined at the time of release regardless of when during the periods of incarceration of the applicant the injury was sustained or of any payment made in lieu of regular earnings or any medical or surgical services furnished prior to such release.

§ 301.12 Establishing the amount of the award.

In determining the amount of accident compensation to be paid consideration will be given to the permanency and severity of the injury and its resulting effect on the work capacity of the inmate in connection with employment after release. The provisions of the Federal Employees' Compensation Act shall be followed when applicable. The minimum wage prescribed by the Fair Labor Standards Act applicable at the time of release shall be used as the wage basis in determining the amount of such compensation. In no event shall compensation be paid in greater amount than that provided in the Federal Employees' Compensation Act. (Title 18, United States Code 4126.)

§ 301.13 Time and method of payment of compensation claim.

(a) Upon determination of the amount of compensation to be paid, a copy of the award will be furnished the claimant and monthly payments will usually begin about the 10th day of the first month following the month in which the award is effective. Payments shall normally be made through the office of the U.S. Probation Officer of the district in which the claimant resides. When the amount of the award exceeds $500, lump sum payments will rarely be made, and only in exceptional cases where it is clearly shown to be beneficial and necessary for the support of the claimant or dependents.

(b) When requested by the claimant and approved by the Corporation, accident compensation may be paid to dependents of the claimant. In all cases

claimant must indicate in detail those persons who are dependent on him, their relationship, and any other relevant facts, including residence and income, so that the Corporation will be able to determine to what extent they are dependent on the claimant. In the event of death, compensation may be paid to dependents under the provisions of the Federal Employees' Compensation Act, if it is determined that the death was causally related to the work-related injury.

§ 301.14 Compensation suspended by misconduct.

Awarded compensation shall be paid only so long as the claimant conducts himself or herself in a lawful manner and shall be immediately suspended upon conviction and incarceration in any jail, correctional, or penal institution. However, the Corporation may pay such compensation or any part of it to the inmate or any dependents of such inmate where and as long as it is deemed to be in the public interest.

§ 301.15 Medical treatment required following discharge.

If medical or hospital treatment is required subsequent to discharge from the institution, for an injury sustained while employed by Federal Prison Industries, Inc., or on an institutional work assignment, claimant should advise the Commissioner of Industries and if the cost of such treatment is allowed by the Corporation, advice to this effect and instructions for obtaining such services will be forwarded. The Corporation will under no circumstances pay the cost of medical, hospital treatment, or any related expense not previously authorized by it.

§ 301.16 Civilian compensation laws distinguished.

Compensation awarded hereunder differs from awards made under civilian workmen's compensation laws in that hospitalization is usually completed prior to the inmate's release from the institution and, except for a 3-day waiting period, the inmate receives wages while absent from work. Other factors necessarily must be considered that do not enter into the administration of civilian workman's compensation laws. As in the case of Federal employees who allege they have sustained work-related injuries, the burden of proof lies with the claimant to establish that his claimed disability is causally related to his assigned institution employment.

§ 301.17 Employment of attorneys.

It is not necessary that claimants employ attorneys or others to assert the claim or effect collection of their claim, and under no circumstances will the assignment of any claim be recognized.

§ 301.18 Exclusive remedy.

Inmates who are protected by these accident compensation laws are barred from recovering under the Federal Tort Claims Act. Recovery under the compensation law was declared by the U.S. Supreme Court to be the exclusive remedy in the case of "U.S. v. Demko," 385 U.S. 149, in December of 1966.

Dated: December 27, 1971.

NORMAN A. CARLSON,
Commissioner,
Federal Prison Industries, Inc.

[FR Doc.72-185 Filed 1-5-72;8:47 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-2',6'-Diethyl-*N*-(Methoxymethyl)acetanilide

A petition (PP 1F1009) was filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide and its metabolites calculated as 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide in or on the raw agricultural commodities black-eyed peas, cabbage, dry beans, lima beans, peas with pods, and pea forage, snap beans, sweet corn, and sweet corn fodder and forage at 0.2 part per million. Subsequently, the petitioner withdrew all of the proposed tolerances on all the commodities except sweet corn and its fodder and forage. The proposed tolerance level was changed to 0.05 part per million (negligible residue) in or on sweet corn (kernels plus cob with husk removed).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerances are being established.

2. The established tolerance of 0.02 part per million (negligible residue) for residues in milk, eggs, meat, fat, and meat byproducts is adequate to cover any additional residues which may occur in these items from the ingestion of any feed item derived from treated sweet corn. The established tolerance of 0.2 part per million for negligible residues in or on corn fodder and forage provides for the residues in or on sweet corn fodder and forage resulting from the proposed use.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.249 is amended by revising the paragraph "0.05 part per million * * *," as follows:

§ 180.249 2-Chloro-2',6'-diethyl-*N*-(methoxymethyl)acetanilide; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on cottonseed, fresh corn including sweet corn (kernels plus cob with husk removed), and peanuts.

* * * * *

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-6-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-177 Filed 1-5-72;8:46 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomyl

A petition (PP 1F1045) was filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on the

raw agricultural commodities cucumbers, melons, pumpkins, summer squash, and winter squash at 1 part per million. Subsequently, the petitioner amended the petition by withdrawing the proposed tolerance for residues of benomyl in or on pumpkins.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21, was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. Benomyl is useful for the purpose for which the tolerances are being established.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in meat, milk, poultry, and eggs. The usage is classified in the category specified in § 180.6(a)(3).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.294 is amended by inserting before the paragraph "0.2 part per million * * *" a new paragraph "1 part per million * * *", as follows:

§ 180.294 Benomyl tolerances for residues.

* * * * *

1 part per million in or on cucumbers, melons, summer squash, and winter squash.

* * * * *

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–6–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–176 Filed 1–5–72;8:46 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dinitro-*N*,*N*-Dipropylcumidine

A petition (PP OF0968) was filed by Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide isopropalin (2,6-dinitro-*N*,*N*-dipropylcumidine) in or on the raw agricultural commodity tomatoes at 0.05 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which a tolerance is being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to this tolerance.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), the following new section is added to Part 180:

§ 180.313 Isopropalin; tolerance for residues.

A tolerance of 0.05 part per million is established for negligible residues of the herbicide isopropalin (2,6-dinitro-N,N-di-propylcumidine) in or on tomatoes.

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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–6–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–178 Filed 1–5–72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PREPRODUCTION SAMPLES AND REPURCHASE AGAINST CONTRACTOR'S ACCOUNT

Chapter 5A of Title 41 is amended as follows:

PART 5A–3—PROCUREMENT BY NEGOTIATION

Subpart 5A–3.2—Circumstances Permitting Negotiation

Section 5A–3.270 is revised as follows:

§ 5A–3.270 Negotiation after termination for default.

Contracting officers are authorized to use negotiation where purchase is required as the result of the termination of a previous contract for default of the contractor pursuant to instructions set forth in §§ 1–8.602–6 and 5A–8.602–6. Such purchases should not be made by negotiation, however, where the supplies may be obtained readily, within sufficient time, by formal advertising. As in the case of any other purchase, adequate competition should be sought irrespective of whether negotiation or advertising is used. Every contract that is negotiated as a result of the termination of a previous contract for the default of the contractor shall be accompanied by a signed statement of the contracting officer justifying the use of negotiation and making appropriate reference to the fact that the purchase was the result of a termination of a previous contract for default.

PART 5A–7—CONTRACT CLAUSES

Subpart 5A–7.1—Fixed-Price Supply Contracts

The Preproduction Samples clause in § 5A–7.170–2 is revised to read as follows:

§ 5A–7.170–2 Preproduction samples.

* * * * *

PREPRODUCTION SAMPLES

The contractor shall have available at his expense within (specify appropriate number of days) calendar days after receipt of notice of award two (2) preproduction samples of each item to be delivered under the contract for inspection and determination by the Government as to compliance with the specifications. The contractor shall notify the contracting officer and the regional Quality Control Division set forth in the notice of award, in writing, of the availability of the samples for inspection, the notification to be made (specify appropriate number of days) calendar days prior to the date the contractor proposes to have the samples available. The contractor shall without any additional charge provide all necessary facilities for inspection of the samples.

Preproduction samples required by this contract must conform to all specification requirements. The acceptance of any previous preproduction samples or the granting of any deviations on previous preproduction samples or on supplies required by previous contracts for the same item(s) shall in no way be considered as justification for assuming that the preproduction samples submitted under this contract will be accepted unless they fully meet specifications or that deviations will be granted.

When the preproduction samples are approved, the Government shall notify the contractor of their acceptance in writing. After acceptance, one preproduction sample shall be retained by the contractor and made available to the Government without additional cost to the Government, at the location where the material is offered to the Government for inspection, until completion of the contract, at which time it may be delivered in "like new" condition as part of the last scheduled delivery under the contract. The other preproduction sample shall be delivered to the Government in accordance with instructions to be furnished by the contracting officer and upon acceptance shall be deemed an item delivered under the contract.

If the contractor fails to deliver the preproduction samples, or if the Government disapproves the preproduction samples, the contractor shall be deemed to have failed to make delivery within the meaning of the "Default" clause of this contract and this contract shall be subject to termination for default, provided that failure of the Government in such an event to terminate this contract for default shall not relieve the contractor of his responsibility to meet the delivery schedule for production quantities.

The Government reserves the right to waive the requirement for preproduction samples as to those bidders offering a product which has been previously procured and approved by General Services Administration under the same specifications applicable to this procurement.

PART 5A–8—TERMINATION OF CONTRACTS

Subpart 5A–8.6—Termination for Default

Section 5A–8.602–6(a) is amended as follows:

§ 5A–8.602–6 Repurchase against contractor's account.

(a) * * *

(4) If the repurchase is to be made by formal advertising, the usual Formal Advertising procedures shall apply.

(5) If the purchase is to be made by negotiation (see § 5A–3.270), the contracting officer may either (i) use the appropriate circumstance authorizing negotiation, in accordance with §§ 1–3.201 through 1–3.215, or (ii) identify the procurement as a repurchase under the provisions of the Default clause in accordance with § 1–8.602–6. In the latter case, the authority to be cited in Block 25 of SF 33 shall be "41 U.S.C. 252(c)(15); FPR 1–8.6" and on GSA Form 1535 shall be "302(c)(15); FPR 1–8.6."

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective 30 days after the date shown below, but may be observed earlier.

Dated: December 23, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.72–187 Filed 1–5–72;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5150]

[Fairbanks 14223, Anchorage 6473]

ALASKA

Withdrawal of Public Lands for a Utility Corridor

Correction

In F.R. Doc. 71–19157 appearing at page 25410 in the issue for Friday, December 31, 1971, in the second column, line 25, on page 25411, following "9," insert "S."

[Public Land Order 5151]

[Fairbanks 14223 and Anchorage 6473]

ALASKA

Amendment of Public Land Order No. 5150

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

Public Land Order No. 5150 of December 28, 1971, which withdrew lands for a utility and transportation corridor in Alaska, is hereby amended by adding the following described lands to paragraph 1 thereof:

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 18 S., R. 11 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 22 S., R. 12 E.,
Secs. 3, 4, 5, 8, 9, 10;
Secs. 15 to 22, inclusive;
Secs. 28 to 32, inclusive.

COPPER RIVER MERIDIAN

SURVEYED DESCRIPTIONS

T. 1 N., R. 1 E.,
Sec. 5, E½;
Sec. 6, N½, SE¼;
Sec. 8, NW¼, SE¼;
Secs. 9 and 22.
T. 2 N., R. 1 E.,
Sec. 19;
Sec. 30, W½;
Sec. 31, W½.
T. 2 N., R. 1 W.,
Secs. 2, 3, 10, 11, 14, 15, 23, 24;
Sec. 25, N½, SE¼.
T. 3 N., R. 1 W.,
Sec. 8, SW¼SE¼;
Sec. 17, E½.
T. 4 N., R. 1 W.,
Sec. 30, N½NE¼, SW¼NE¼, W½;
Sec. 31;
Sec. 32, SW¼.
T. 4 N., R. 2 W.,
Sec. 24, S½;
Sec. 25.
T. 1 S., R. 1 E.,
Secs. 2 and 3;
Secs. 10 and 11;
Secs. 14 and 15;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 1 W.,
Secs. 1, 2, 12.
T. 2 N., R. 1 W.,
Secs. 4 and 9.
T. 6 N., R. 1 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 7 N., R. 1 W.,
Secs. 3 to 11, inclusive;
Secs. 24 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 8 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 9 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 11 N., R. 1 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Sec. 27;
Sec. 28, E½;
Secs. 30 to 34, inclusive.
T. 12 N., R. 1 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 13 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 14 N., R. 1 W.,
Secs. 31, 32, 33.
T. 3 N., R. 2 W.,
Secs. 1, 2, 11, 12, 13, 24.
T. 4 N., R. 2 W.,
Sec. 36.
T. 5 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.

T. 6 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 7 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 8 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 9 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 10 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 6 S., R. 1 W.,
Secs. 12 and 13;
Secs. 24 and 25.
T. 7 S., R. 1 W.,
Secs. 13 and 14;
Secs. 22 to 27, inclusive;
Secs. 31 to 36, inclusive.
T. 8 S., R. 1 W.,
Secs. 2 to 9, inclusive.
T. 8 S., R. 2 W.,
Secs. 1 to 18, inclusive.
T. 8 S., R. 3 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33, 34, 35.
T. 9 S., R. 4 W.,
Secs. 12, 13, 14;
Secs. 23 to 35, inclusive.
T. 9 S., R. 6 W.,
Secs. 13 to 25, inclusive.
T. 1 S., R. 1 E.,
Secs. 4 and 9.
T. 2 S., R. 1 E.,
Secs. 1, 2, 3;
Secs. 10 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 3 S., R. 1 E.,
Secs. 2 to 5, inclusive;
Secs. 8, 9, 10;
Secs. 15, 16, 17;
Secs. 20, 21, 22;
Secs. 27, 28, 29;
Secs. 32, 33, 34.
T. 4 S., R. 1 E.,
Secs. 3, 4, 5;
Secs. 8, 9, 10;
Secs. 14 to 17, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34, 35, 36.
T. 5 S., R. 1 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 31 to 34, inclusive.
T. 6 S., R. 1 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 7 S., R. 1 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 20, inclusive.
T. 4 S., R. 2 E.,
Secs. 30 and 31.
T. 5 S., R. 2 E.,
Secs. 5 to 8, inclusive;
Secs. 18 and 19.

The areas described above aggregate approximately 371,200 acres.

This order does not otherwise serve to change the provisions and limitations of Public Land Order No. 5150 as herein amended.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 29, 1971.

[FR Doc.72-162 Filed 1-5-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 304]

RECORDS AND REPORTS OF REGISTRANTS

Notice of Extension of Time in Which To File Comments

A notice was published in the FEDERAL REGISTER of December 8, 1971 (36 F.R. 23304), proposing amendments to Part 304 of Title 21 of the Code of Federal Regulations. All interested persons were given until January 7, 1972, to submit comments and objections.

Pursuant to a request from the Pharmaceutical Manufacturers Association, the period for filing comments has been extended to January 17, 1972.

This notice is effective upon publication in the FEDERAL REGISTER (1–6–72).

Dated: January 3, 1972.

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

[FR Doc.72–212 Filed 1–5–72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

[24 CFR Part 203]

[Docket No. R–72–161]

MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Contract Rights and Obligations

Pursuant to section 203 of the National Housing Act (12 U.S.C. 1709) it is proposed to amend Part 203 of the Department's regulations governing contract rights and obligations for mutual mortgage insurance and insured home improvement loans on one to four-family dwellings. The amendments would permit the Commissioner to accept the assignment of a mortgage, in connection with a mortgage insurance claim, without requiring that title evidence be extended to cover the recordation of the assignment. The claiming mortgagee will be required to furnish all title evidence held by the mortgagee. If a mortgagee's title policy is furnished, the Commissioner must be a beneficiary under the policy.

This change in mortgage insurance claim requirements eliminates a former requirement that title evidence furnished by the mortgagee be extended to include the assignment of the mortgage to the Commissioner.

All interested persons are invited to submit written comments or suggestions with respect to this proposal. Communications should identify the proposed rule by the docket number and title and should be filed in triplicate with the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All material received within 30 days after publication of these proposed amendments in the FEDERAL REGISTER will be considered before taking action on the proposal.

Accordingly, the proposed changes, issued in accordance with section 7(d) of the Housing and Urban Development Act, 42 U.S.C. 3535(d), are set out below.

1. In § 203.351, a new paragraph (a) (8) is added to read as follows:

§ 203.351 Application for insurance benefits and fiscal data.

(a) * * *

(8) *Title evidence.* All title evidence held by the mortgagee. It need not be extended to include the recordation of the assignment. If a mortgagee's title policy is furnished, the Commissioner shall be a named insured under such policy.

* * * * *

§ 203.352 [Revoked]

2. Section 203.352, *Title evidence upon assignment,* is revoked.

Issued at Washington, D.C., December 31, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72–207 Filed 1–5–72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–EA–161]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to issue a rule altering the Charleston, W. Va., control zone (36 F.R. 2067) and transition area (36 F.R. 2164).

A review of the controlled airspace requirements for the Charleston, W. Va., terminal area in consonance with the U.S. Standard for Terminal Instrument Procedures indicates that alteration of the Charleston, W. Va., control zone (36 F.R. 2067) and 700-foot floor transition area (36 F.R. 2164) will be required to provide the controlled airspace required to protect aircraft executing the revised and new instrument approach procedures for Kanawha Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Charleston, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Charleston, W. Va., control zone and substitute the following in lieu thereof:

Within a 5.5-mile radius of the center, 38°-22'22" N., 81°35'35" W., of the Kanawha Airport, Charleston, W. Va., extending clockwise from a 229° bearing to a 319° bearing from the airport; within a 6-mile radius of the center of Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 1.5 miles each side of a 141° bearing from the center of Kanawha Airport, extending from the 6-mile radius to 6.5 miles southeast of the airport and within 2 miles each side of the Charleston VORTAC 081° radial extending from the

5.5-mile radius to 2 miles east of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Charleston, W. Va., 700-foot floor transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center 38°22'22" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within 6.5 miles southwest and 5 miles northeast of a line bearing 321° from a point 38°-26'25" N., 81°39'50" W., extending from said point to 11.5 miles northwest; within 6.5 miles northeast and 5 miles southwest of a line bearing 141° from a point 38°17'12" N., 81°30'30" W., extending from said point to 11.5 miles southeast; and within 8 miles northwest and 5 miles southeast of the Kanawha Airport ILS localizer northeast course, extending from the 14-mile radius area to 13 miles northeast of the OM.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 16, 1971.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc.72-198 Filed 1-5-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-162]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wellsville, N.Y. transition area (36 F.R. 2292, 18193, 18575).

A new NDB instrument approach procedure has been developed for Wellsville Municipal (Tarantine) Airport, Wellsville, N.Y., and will require alteration of the Wellsville, N.Y. 700-foot floor transition area (36 F.R. 2292, 18193, 18575) to provide controlled airspace to protect aircraft executing the new procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wellsville, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Wellsville, N.Y. 700-foot floor transition area by inserting after the words "Wellsville Municipal (Tarantine) Airport, Wellsville, N.Y.," the following: "; within 4 miles each side of the 090° bearing from the Hallsport RBN, 42°06'34" N., 77°54'33" W., extending from the 9-mile radius area to 11.5 miles east of the RBN"

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 16, 1971.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc. 72-199 Filed 1-5-72;8:48 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice No. 72-1; Docket No. OPS-14]

LIQUID NATURAL GAS SAFETY STANDARDS

Notice of Proposed Rule Making

The Department of Transportation is considering amending Part 192 to create a new § 192.12 that would establish minimum Federal safety standards for liquefied natural gas (LNG). This would be accomplished by incorporating into the regulations by reference, standards developed in the revised and enlarged version of Standard 59A approved by the National Fire Protection Association (NFPA) on May 19, 1971.

At the present time the Department has not developed regulations specifically applicable to natural gas in liquid form. The process of liquefication of natural gas does not alter the chemical composition or molecular structure of natural gas, and the chemical qualities are the same in both the liquid and gaseous states. Consequently, regulation under this part is required. Any distinction that exists, vis a vis liquid and gas, disappears entirely when liquefied natural gas is exposed to normal pressures and temperatures as would be the case if it were to leak from a pipeline or pipeline facility. The hazard is the same.

As an interim measure, until additional regulations can be developed, it is proposed that the new 1971 NFPA Standard 59A be incorporated into Part 192 by reference. By so doing the production, storage, and handling of LNG will be regulated, with a guide for good design and safety, while the Department has the time and opportunity to study the entire matter of the regulation of LNG in detail.

Interested persons are invited to comment on the proposed amendment by submitting written information, views, or arguments. Communications should be identified by the notice number and docket number and submitted in duplicate to the Office of Pipeline Safety, 400 Sixth Street SW., Washington, DC 20590. Comments received by February 15, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons in the rules docket at the Office of Pipeline Safety, 400 Sixth Street SW., Washington, DC 20590.

In consideration of the foregoing, the Department proposes to amend Part 192 of Title 49 of the Code of Federal Regulations by adding a section to read as follows:

§ 192.12 Liquefied natural gas systems.

No operator may store, process, or transport liquefied natural gas in a system unless that system meets the requirements of this part and of NFPA Standard No. 59A-1971. In the event of a conflict, the requirements of this part prevail.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. sec. 1671 et seq.), Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C. on January 3, 1972.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.72-213 Filed 1-5-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 2]

[Docket No. 19356]

EQUIPMENT AUTHORIZATION OF RF SERVICES

Extension of Time for Filing Comments

Order. In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices, Docket No. 19356.

1. The Commission has before it a number of petitions requesting additional time in which to file comments in the

above-described proceeding.[1] The Commission's notice of proposed rule making in this matter (FCC 71-1194, released December 3, 1971), —— FCC 2d ——, 36 F.R. 23313 (December 8, 1971), called for comments on or before December 30, 1971, and reply comments on or before January 17, 1972. The various petitions request extensions ranging from 30 days to 90 days.

2. The reasons for the extension requests can be summarized, generally, by language in the petition from the EIA Consumer Electronics Group, Note 1, supra, which states:

> They [EIA] are studying the docket; however, they find they are unable to carefully review the considerable detail and still respond within the prescribed time limit.
>
> The response in the docket, which proposes such comprehensive rule changes, falls at a time of the year when most manufacturing facilities are closed for the holidays and management personnel are inaccessible and preoccupied with year end corporate decisions.

3. While the Commission feels that there is a strong need to streamline its equipment authorization rules on an expeditious basis, it recognizes the merit in petitioners' contentions. It is believed, however, that an extension of 45 days from the originally specified dates—for both original and reply comments respectively—is adequate for the purposes desired.

4. *Accordingly, it is ordered,* That, pursuant to section 4(j) of the Communications Act of 1934, as amended (47 U.S.C. Section 154(j)) and §§ 1.46 and 0.251(b) of the Commission's rules (47 CFR 1.46 and 0.251(b)), the time for filing comments in the above-described proceeding is extended until February 15, 1972, and the time for filing reply comments thereto is extended until March 1, 1972.

Adopted: December 27, 1971.

Released: December 29, 1971.

[SEAL] RICHARD E. WILEY, *General Counsel.*

[FR Doc.72-231 Filed 1-5-72;8:51 am]

[47 CFR Part 2]

[Docket No. 19357]

IDENTIFICATION OF RF DEVICES

Extension of Time for Filing Comments

Order. In the matter of amendment of Part 2 of the Commission's rules to prescribe regulations governing the identification of RF devices being marketed, Docket No. 19357.

1. The Commission has before it a number of petitions requesting additional time in which to file comments in the above-described proceeding.[1] The Commission's notice of proposed rule making in this matter (FCC 71-1195, released November 30, 1971), —— FCC 2d ——, 36 F.R. 23322 (December 8, 1971), called for comments on or before December 30, 1971, and reply comments on or before January 17, 1972. The petitions request extensions ranging from 60 to 90 days.

2. The reasons for the extension requests can be summarized, generally by language in the petition from the DORCMA, Note 1, supra, which states:

> The notice of proposed rule making in Docket No. 19357 was not published in the FEDERAL REGISTER until December 8, 1971, and did not come to the attention of the undersigned Executive Secretary and General Counsel of the Association until December 10, 1971.
>
> The members of DORCMA are located in various parts of the United States, with some members being on the West Coast, some on the East Coast, some in Florida and some in other areas. It is difficult, therefore, to call and hold on short notice a meeting of interested companies to consider the implications and effect of the proposed rule making.

3. The Commission recognizes the merit in petitioners' contentions; additionally, we wish to permit interested government agencies ample opportunity to comment on the proposed rule. It is believed, however, that an extension of 45 days from the originally specified dates—for both original and reply comments respectively—is adequate for the purposes desired.

4. *Accordingly, it is ordered,* That, pursuant to section 4(j) of the Communications Act of 1934, as amended (47 U.S.C. secs. 154(j), 1.46 and 0.251(b) of the Commission's rules (47 CFR 1.46 and 0.251(b)), the time for filing comments in the above-described proceeding is extended until February 15, 1972, and the time for filing reply comments thereto is extended until March 1, 1972.

Adopted: December 27, 1971.

Released: December 29, 1971.

[SEAL] RICHARD E. WILEY, *General Counsel.*

[FR Doc.72-232 Filed 1-5-72;8:51 am]

[47 CFR Parts 2, 21, 89, 91]

[Docket No. 19327]

ALLOCATION OF FREQUENCIES

Order Extending Time To File Reply Comments

In the matter of amendment of Parts 2, 21, 89, and 91 of the Commission's rules with regard to allocation of frequencies in the bands 35.19–35.69 MHz and 43.19–43.69 MHz; Docket No. 19327, RM 1069.

1. A motion for extension of time to file reply comments in the above-mentioned proceeding has been filed by Airsignal International, Inc. (Airsignal) requesting an extension of the reply comment filing deadline from December 28, 1971, to January 24, 1972.

2. Airsignal states that the comments submitted by National Association of Radiotelephone Systems and other interested parties have effected a shift in the engineering emphasis of this proceeding which will require a good deal of study before a suitable reply can be prepared.

3. The Commission certainly desires to be fully informed of all engineering considerations and believes Airsignal's motion is justified and that such an extension would not seriously delay the proceeding or inconvenience other interested parties.

Accordingly, it is ordered, Pursuant to authority contained in section 5(d) of the Communications Act of 1934, as amended (47 U.S.C. 155(d)), and § 0.251 (b) of the Commission's rules (47 CFR 0.251(b)), that the date for filing reply comments in this proceeding is extended from December 28, 1971, to January 28, 1972.

Adopted: December 28, 1971.

Released: December 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] RICHARD E. WILEY, *General Counsel.*

[FR Doc.72-233 Filed 1-5-72;8:51 am]

[47 CFR Part 15]

[Docket No. 19281]

ELECTRONIC VIDEO RECORDERS

Order Granting Petition to Extend Date for Reply Comments

Order. In the matter of amendment of Part 15 of the Commission's rules to regulate the operation of a Class I TV device—a new restricted radiation device which produces an RF carrier modulated by a TV signal, Docket No. 19281, RM-1610.

1. The Commission has before it in the above-entitled proceeding, a petition filed on December 21, 1971, by the Association of Maximum Service Telecasters, Inc. (MST) to extend the time for reply comments to matter submitted by Dell-Star Corp. pursuant to the Commission's order of December 1, 1971, (FCC 71-1203) in this Docket.

2. Specifically, MST requests that the time for reply comments to Dell-Star's

[1] To date, requests have been received from: American Telephone and Telegraph Co. (A.T. & T.) (filed December 20, 1971); Door Operator and Remote Controls Manufacturers Association (DORCMA) (filed December 22, 1971); and, Electronics Industries Association (EIA) whose Communications and Industrial Electronic Division filed on December 17, 1971, and whose Consumer Electronics Group filed on December 20, 1971.

[1] To date, requests have been received from: Door Operators and Remote Controls Manufacturers Association (DORCMA) (filed December 22, 1971); and, Electronics Industries Association (EIA) whose Communications and Industrial Electronic Division filed on December 17, 1971, and whose Consumer Electronics Group filed on December 20, 1971.

filing be extended from December 29, 1971,[1] until January 28, 1972, i.e., 30 days. MST notes that the system Dell-Star proposes would operate in the frequencies between 470 and 890 MHz and, therefore, "that Dell-Star's proposal requires careful engineering scrutiny."

3. In its December 1, 1971 order, the Commission acknowledged this very fact when it granted Dell-Star's petition and stated:

> Because of the more serious interference problems anticipated in connection with "wireless" TV devices of the type Dell-Star apparently wishes to accommodate, the Commission will need extensive information, comment and the time to analyze such data. We do not think that the public interest would be served—nor would the interest of Dell-Star—by a hasty consideration of this data.

Indeed, on December 15, 1971, and pursuant to the Commission's December 1 Order, Dell-Star submitted a lengthy petition for rule making to accommodate its device and the Commission is interested in obtaining responses to Dell-Star's position. Certainly the parties represented by MST have a real interest in this matter.

4. *Accordingly, it is ordered,* That the above-described petition of the Association of Maximum Service Telecasters, Inc. to extend the date for receipt of reply comments to Dell-Star's petition in this proceeding until January 28, 1972, is granted.

5. *It is further ordered,* That all interested parties wishing to comment on the merits of Dell-Star's petition for rule making may so file on or before January 28, 1972.

Adopted: December 28, 1971.

Released: December 29, 1971.

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.72-234 Filed 1-5-72;8:51 am]

[1] Commission order of December 1, 1971 (FCC 71-1203).

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 6, 1971.

Dated: December 6, 1971.

E. S. HALL.

[FR Doc. 72-182 Filed 1-5-72;8:47 am]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 16, 1971.

Dated: December 16, 1971.

H. C. VAN HORN.

[FR Doc.72-183 Filed 1-5-72;8:47 am]

PUERTO RICO

Maximum Level of Imports of Finished Products (Excluding Residual Fuel Oil To Be Used as Fuel)

Pursuant to Proclamation 3279, as amended, I prescribe that for the allocation period January 1, 1972 through December 31, 1972, the maximum level of imports of finished products (excluding residual fuel oil to be used as fuel) into Puerto Rico established by section 14 of Oil Import Regulation 1, as revised, is adjusted upward by 1,366 average barrels daily to permit the importation of asphalt, Stoddard Solvent, and aviation jet fuel.

HARRY L. MOFFETT,
Deputy Assistant Secretary of the Interior.

DECEMBER 29, 1971.

[FR Doc.72-190 Filed 1-5-72;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-529]

JAMES F. FEENER

Notice of Loan Application

DECEMBER 30, 1971.

James F. Feener, Post Office Box 858, Gloucester, MA 01930, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new fiber glass vessel, about 17 feet in length, to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-174 Filed 1-5-72;8:46 am]

[Docket No. G-523]

CLARENCE WARREN

Notice of Loan Application

DECEMBER 30, 1971.

Clarence Warren, 11010 Southview, Houston, TX 77052, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 66 feet in length, to engage in the fishery for shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-175 Filed 1-5-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 8555]

REPORTS ON NEAR MIDAIR COLLISIONS

Termination of Policy

The Federal Aviation Administration policy on the reporting of near midair collisions made effective in 1968 (32 F.R. 16539) and continued in effect since that time will terminate on December 31, 1971.

This policy prescribed that the Administrator would take no enforcement or other adverse action, remedial or disciplinary, against any person involved in a near midair collision reported to the FAA during the effective period of the policy. Furthermore, the Administrator would, upon written request of the person making the report, withhold that report and the identity of those persons involved, from public disclosure in accordance with section 1104 of the Federal Aviation Act of 1958. The final report based upon the 1968 study has been issued, and the recommended actions to reduce the midair collision potential have been initiated. The additional reports received subsequent to the issuance of the final report substantiate

the 1968 data. Accordingly, the FAA proposed to permit the present policy to terminate on December 31, 1971. This proposal was published in the FEDERAL REGISTER on October 28, 1971 (36 F.R. 20709) and interested persons were invited to submit such written data, views, or arguments as they desired with regard to termination of the policy.

Comments were received from 26 interested individuals and organizations. Many of these comments recommended continuation of the present policy beyond the December 31, 1971, termination date and expressed the belief that if it is discontinued, pilots will not report near midair collisions. On the other hand, comments in favor of discontinuing the policy took the position that the policy contributes to a lack of vigilance on the part of pilots due to the knowledge that no action will be taken against violators; and that enforcement action resulting from termination of the immunity policy would greatly reduce the incidence of near midair collisions. None of the comments received provided the FAA with any new information to substantiate the assumptions underlying the views expressed.

After careful review and consideration of all comments received, the FAA has concluded that its policy on the reporting of near midair collisions will be permitted to terminate on December 31, 1971.

Issued under the authority of sections 305, 307(c), 312(c), 313(a), 601(a), 701(a), and 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348(c), 1353(c), 1354(a), 1421(a), 1441(a), and 1504), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 29, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.72-191 Filed 1-5-72;8:47 am]

Hazardous Materials Regulations Board

[Docket No. HM-88]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Board Action

On July 15, 1971, the Hazardous Materials Regulations Board published a notice of proposed action, Docket No. HM-88 (36 F.R. 13173) with respect to bulk rail shipment of propylene in DOT Specification 112A340W and 114A340W tank cars.

In that notice, the Board expressed its opinion that the standard design relationship between a tank car's test pressure and its maximum authorized operating pressure should be preserved as a principle of transportation safety. It observed that there were several special permits outstanding for propylene shipment in cars not in accord with that regulatory principle. The vapor pressure of propylene at 115° F. is at least 259 p.s.i.g. This exceeds the upper limit of 255 p.s.i.g. prescribed for Specification 112A340W and 114A340W tank cars. Based on these considerations, the Board proposed rescission of these special permits.

Persons objecting to the Board's proposed rescission of the permits did not present engineering or design data that would support continuance of the present departures from the current regulatory principles. The Board further notes that DOT Specification 114A400W was authorized for use in propylene service by a recent amendment to the Hazardous Materials Regulations thereby providing another specification car for use by shippers.

In consideration of the foregoing, the Hazardous Materials Regulations Board hereby establishes June 30, 1972, as the expiration date for all special permits issued to authorize the transportation of propylene having a pressure in the tank car over 255 p.s.i.g. but not over 259 p.s.i.g. at 115° F. New permits may be issued until that date, and existing permits will be renewed if necessary, but all permits will terminate simultaneously on June 30, 1972.

Issued in Washington, D.C., on January 3, 1972.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

[FR Doc.72-205 Filed 1-5-72;8:49 am]

Office of Hazardous Materials

REQUEST FOR PUBLIC PARTICIPATION

Exemptions

It has been claimed that the Hazardous Materials Regulations of the Department of Transportation impose some requirements that are unnecessary from the standpoint of transportation safety. Except for instances when data are presented to justify modifications of particular requirements for certain materials, there have been no substantiated presentations to support such claims, only statements of viewpoint. If any of the claims are true, the Department is involved in (1) imposing unnecessary costs on the movement of certain goods; (2) detracting from matters that need greater attention; (3) some inefficiency in its regulatory program by misallocation of resources; and (4) bad government practice.

Once a material is classed as a hazardous material in accordance with one of the definitions set forth in Part 173 of Title 49, Code of Federal Regulations, it is then "regulated" (meaning the people who package, mark, label, describe, certify, ship, and carry the material are subject to the requirements of the regulations, and the penalties prescribed in 18 U.S.C. 831-835). If a material is "regulated" it is then covered by the regulations in one of three general areas:

1. It is not subject to the overall requirements of the regulations, in some cases following compliance with some affirmative requirement (see § 173.114(c));

2. It is not subject to the specification packaging, marking, and labeling requirements of the regulations, always following compliance with some affirmative requirement (see § 173.118); or

3. It is fully subject to the regulations.

Materials covered by 2 above are usually described as "exempt" materials but more appropriately they should be described as "partially exempt" materials since they are subject to several significant requirements that involve cost, e.g., the shipping paper and certification requirements specified in sections 173.427 and 173.430. Packages of these materials must also be labeled when shipped by air, and marked to identify their contents when shipped by water. Also, each truck driver, train conductor, aircraft pilot and master of a vessel must have shipping papers in his possession during transportation.

When does a material classed as a hazardous material constitute a potential hazard in transportation that should be especially recognized? Some of the criteria for this determination are: (1) Quantity of material available in each packaging; (2) degree of hazard of the material, e.g., is it extremely toxic, self-reactive, etc.; (3) the effectiveness of the packaging; and (4) the potential for dangerous reactions with or contamination of materials in other packagings. There have been many viewpoints expressed concerning the adequacy and inadequacy of the "partial exemptions." There is some reason to believe that in certain instances they provide overregulation and in others underregulation when the factors stated above are considered.

It is contemplated that the Hazardous Materials Regulations Board will address itself to the inconsistent modal applications mentioned above sometime in the future. Before consideration begins in that area, we believe it desirous that we undertake a project to obtain supported information for use in making a proper recommendation to the Board concerning exemptions.

Any interested person is invited to participate in this project by submission of supported information that will lead to the development of an appropriate rule making proposal. Keeping in mind the background provided above, participants are requested to develop and submit data that will be responsive to the following question: If at all, at what maximum weight or volume should each of the various classes of hazardous materials be totally exempt from the requirements of the Hazardous Materials Regulations and under what circumstances?

It is suggested that tests be conducted for use as the basis for supported information when practicable. For example, if producers of cosmetics believe that certain of their products, classed and shipped as flammable liquids under a "partial exemption," should be totally exempt from the regulations, they may elect to conduct a fire test under simulated transportation conditions. It is

recommended that tests be conducted under the guidance and observation of a fire protection organization such as the National Fire Protection Association. We would appreciate input from any carrier or public protection organization early in the development of any proposal.

Expressions of interest in the project are requested by February 24, 1972. They should be addressed to Chief, Regulations Division, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. They should contain a reference to OHM project 176–71 and an indication of the amount of time necessary to provide complete input.

It is stressed that this document is only for the solicitation of information and is not a rule making action. Any rule making which might result from the receipt of information gathered would follow the published rule making procedures of the Hazardous Materials Regulations Board, contained in 49 CFR Part 170.

Issued in Washington, D.C., on January 3, 1972.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.72–204 Filed 1–5–72;8:49 am]

ATOMIC ENERGY COMMISSION

WATER COOLED NUCLEAR POWER PLANTS

New Safety Guides

The Atomic Energy Commission has issued three new safety guides which have been developed to provide guidance on the acceptability of specific safety-related features of water cooled nuclear power plants.

A total of 21 of these guides has been completed since the Commission, on November 13, 1970, announced development of a series of these guides.

The primary purpose of the safety guides is to make available to the industry positions that have been developed by the Regulatory Staff and the Commission's Advisory Committee on Reactor Safeguards on safety issues. Although the safety guides are not regulatory requirements, they do specifically identify safety issues that should be considered in the design and in the evaluation of water cooled nuclear power plants and describe a set of principles and specifications which will represent an acceptable solution to the Regulatory Staff and Advisory Committee on Reactor Safeguards on these issues. Their use by an applicant will expedite the licensing review process.

Titles of the new guides are:

Safety Guide No. 19—Nondestructive Examination of Primary Containment Liners.
Safety Guide No. 20—Vibration Measurements on Reactor Internals.
Safety Guide No. 21—Measuring and Reporting of Effluents from Nuclear Power Plants.

Other safety guides currently being developed include the following:

Assumptions Used for Evaluating the Potential Radiological Consequences of a Fuel Handling Accident for Boiling and Pressurized Water Reactors.
Radioactive Gas Storage Tank Failure Assumptions.
Reactor Coolant Pressure Boundary Leakage Detection.
Quality Assurance for Design of Nuclear Power Plants.
Ultimate Heat Sink.
Quality Standards for Systems and Components.
Seismic Design Classification for Structures, Systems and Components.
On-Site Meteorological Programs.
Liquid Radioactive Waste Accident Assumptions.
Supplementary Quality Assurance Criteria for Operation.
Monitoring and Reporting of Environmental Levels.
Periodic Testing of Actuation Functions of Protection Systems.

Comments and suggestions for improvements in the guides are encouraged. Comments and requests for copies of the guides should be sent to the Director, Division of Reactor Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 30th day of December 1971.

For the Atomic Energy Commission.

EDWARD J. BLOCH,
Deputy Director of Regulation for Reactor Licensing.

[FR Doc.72–163 Filed 1–5–72;8:45 am]

[Docket No. 50–368]

ARKANSAS POWER & LIGHT 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 "Applicant's Supplement No. 1 to Environmental Report," for Arkansas Nuclear One, Unit 2, submitted by the Arkansas Power and Light Co. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Arkansas River Valley Regional Library, Dardanelle, Ark. 72834. The report is also being made available to the public at the Arkansas Planning Commission, Room 300, Game and Fish Commission Building, Little Rock, Ark. 72201 and the West Central Arkansas Planning and Development District, Municipal Building, Box "R", Hot Springs, Ark. 71901. This report discusses environmental considerations related to the proposed construction of Arkansas Nuclear One, Unit 2, located on the Dardanelle Reservoir on the Arkansas River in Pope County, Ark. This report supersedes the September 10, 1970, Arkansas Nuclear One, Unit 2 Environmental Report in its entirety.

After the report has 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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72–164 Filed 1–5–72;8:45 am]

[Docket No. 50–255]

CONSUMERS POWER CO.

Notice of Availability of Applicant's 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 "Supplemental Information on Environmental Impact of Palisades Plant," and "Requests for Additional Information on Environmental Considerations—Palisades Plant—Docket No. 50–255," submitted by the Consumers Power Co. have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Kalamazoo City Hall, 241 West South Street, Kalamazoo, MI 49006. The reports are also being made available to the public at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913.

These documents discuss environmental considerations related to the operation of the Palisades Plant located in Covert Township, Van Buren County, Mich.

After these supplemental reports have 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 the 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 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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-165 Filed 1-5-72;8:45 am]

[Docket No. 50-334]

DUQUESNE LIGHT CO. ET AL.

Notice of Availability of Applicant's 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 "Beaver Valley Power Station Unit 1 Environmental Report—Operating License Stage, September 24, 1971" (the report) for the Beaver Valley Power Station Unit 1, submitted by the Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. The report is also being made available to the public at the Pennsylvania State Planning Board, 503 Finance Building, State Capitol, Harrisburg, Pa. 17120 and at the Southwestern Pennsylvania Regional Planning Commission, 564 Forbes Avenue, Pittsburgh, PA 15219.

The report discusses environmental considerations related to the proposed operation of the Beaver Valley Power Station, located on the south bank of the Ohio River in Beaver County, Pa., approximately 1 mile from Midland, Pa.

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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-166 Filed 1-5-72;8:45 am]

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER & LIGHT CO.

Notice of Availability of Applicant's Environmental Report Supplement

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 "Florida Power & Light Co. Turkey Point Plant Units Nos. 3 and 4 Environmental Report Supplement" dated November 8, 1971 (the report), submitted by the Florida Power & Light Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Lily Lawrence Row Public Library, 212 Northwest First Avenue, Homestead, FL 33030. The report supersedes in their entirety previous, now obsolete reports dated September 2, 1970, December 3, 1970, and April 7, 1970. The report is also being made available to the public at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304, and at the Metropolitan Dade County Planning Department, 702 Justice Building, 1351 Northwest 12th Street, Miami, FL 33125.

The report discusses environmental considerations related to the proposed operation of the Turkey Point Nuclear Generating Station, Units 3 and 4 located on the company's site at Turkey Point, Dade County, approximately 25 miles south of Miami, Fla.

After the report has 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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-167 Filed 1-5-72;8:45 am]

[Docket No. 50-302]

FLORIDA POWER CORP.

Notice of Availability of Applicant's 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 "Crystal River Unit 3 Nuclear Generating Plant Environmental Report, February 1971" (the report) for the Crystal River Nuclear Generating Plant Unit 3 submitted by the Florida Power Corp. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Crystal River Public Library, Crystal River, Fla. 32629. The report is also being made available to the public at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304 and at the Tampa Bay Regional Planning Council, 3151 Third Avenue N., St. Petersburg, FL 33713.

The report discusses environmental considerations related to the proposed operation of the Crystal River Nuclear Generating Plant Unit 3, located on the corporation's site on the Gulf of Mexico, 70 miles north of Tampa, Fla., and 7½ miles northwest of Crystal River, Citrus County, Fla.

After the report has 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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-168 Filed 1-5-72;8:45 am]

[Dockets Nos. 50-315, 50-316]

INDIANA & MICHIGAN POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Notice of Availability of Applicants' Environmental Report and Supplement to 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 reports entitled "Donald C. Cook Nuclear Plant Environmental Report, February 1, 1971," and "Donald C. Cook Nuclear Plant Supplement to Environmental Report, November 8, 1971" (the reports) for the Donald C. Cook Nuclear Plant Units 1 and 2 have

been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the St. Joseph Public Library, 500 Market Street, St. Joseph, MI 49085. The reports are also being made available to the public at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913, and at the Kalamazoo Metropolitan County Planning Commission, 418 West Kalamazoo Avenue, Kalamazoo, MI 49006, at the Office of the Governor, 206 State House, Indianapolis, Ind. 46204, at the Lake-Porter County Regional Transportation and Planning Commission, 9290 Taft Place, Crown Point, IN 46307, at the Michiana Area Council of Governments, 214 West Wayne Street, South Bend, IN 46601, at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Ill. 62706, and at the Northeastern Illinois Planning Commission, 400 West Madison Street, Chicago IL 60606.

These reports discuss environmental considerations related to the proposed operation of the Donald C. Cook Nuclear Plant, Units 1 and 2, located on the shore of Lake Michigan in Lake Township, near Bridgman, Mich.

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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-169 Filed 1-5-72;8:46 am]

[Docket No. 50-382]

LOUISIANA POWER & LIGHT CO.

Notice of Availability of Applicant's 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 "Applicant's Environmental Report—Construction Permit Stage, January 15, 1971" (the report) for the Waterford Steam Electric Station Unit 3, submitted by the Louisiana Power & Light Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the St. Charles Parish Library, Hahnville, La. 70057. The report is also being made available to the public at the Commission on Intergovernmental Relations, Post Office Box 44316, Baton Rouge, LA 70804, and at the Secretary of the Teche District Clearinghouse, County Agent, Convent Courthouse, Convent, La. 70723.

The report discusses environmental considerations related to the proposed construction of the Waterford Steam Electric Station Unit No. 3 (plans have been canceled for Unit No. 4) located on the company's site on the west bank of the Mississippi River near the town of Taft in St. Charles Parish, about 20 miles west of New Orleans, La.

After the report has 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 29th day of December, 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-170 Filed 1-5-72;8:46 am]

[Dockets Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Notice of Availability of Applicant's Environmental Report and Environmental Report Supplement

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 "Prairie Island Environmental Report-Operating License Stage, May 12, 1971" and "Prairie Island Environmental Report Supplement and Updated Pages, November 5, 1971", submitted by the Northern States Power Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Red Wing Public Library, 225 Broadway Street, Red Wing, MN 55066. The reports are also being made available to the public at the Minnesota State Planning Agency, Suite 603, 550 Cedar Street, St. Paul, MN 55101, and in the Metropolitan Council, 101 Capitol Square Building, 10th and Cedar Streets, St. Paul, MN 55101.

These reports discuss environmental considerations related to the proposed operation of the Prairie Island Nuclear Generating Plant, Units 1 and 2 located on the company's site near Red Wing, in Goodhue County, Minn., about 28 miles southeast of the Minneapolis-St. Paul metropolitan area.

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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-171 Filed 1-5-72;8:46 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Availability of Applicant's Environmental Report and Supplement to 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 the Applicant's Environmental Report and Supplement thereto for the Rancho Seco Nuclear Generating Station, Unit No. 1 (which the applicant refers to as Amendment No. 1) submited by the Sacramento Municipal Utility District, have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Sacramento City County Library, Sacramento, Calif. 95814. The reports are also being made available to the public at the Office of the Lieutenant Governor, Office of Intergovermental Management, State Capitol, Sacramento, Calif. 95814 and at the Sacramento Regional Area Planning Commission, Suite 1100, 926 J Building, Sacramento, CA 95814.

These reports discuss environmental considerations related to the proposed operation of the Rancho Seco Nuclear Generating Station Unit No. 1 located in Sacramento County, Calif.

After the report and the supplement 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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-172 Filed 1-5-72;8:46 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Availability of Applicant's Revised 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 "Environmental Report Operating License Stage, January 1971, Revised November 1971" (the report) for the Kewaunee Nuclear Power Plant submitted by the Wisconsin Public Service Corp. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, WI 54216. The report contains all the information incorporated in previous, now obsolete, submittals dated January 1971 and June 22, 1971. The report is also being made available to the public at the State Planning Bureau, Department of Administration, 1 West Wilson Street, State Office Building, Madison, WI 53701, and at the Brown County Planning Commission, 100 North Jefferson Street, Green Bay, WI 54301.

The report discusses environmental considerations related to the proposed operation of the Kewaunee Nuclear Power Plant, located on the west shore of Lake Michigan about 30 miles east-southeast of Green Bay in the Town of Carlton, Kewaunee County, Wis.

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 29th day of December 1971.

For the Atomic Energy Commission.

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

[FR Doc.72-173 Filed 1-5-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 71-12-140]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over the Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1971. Agreement adopted by the Joint Conferences of the International Air Transport Association relating to fares to apply over the Pacific, Docket 23486, Agreement CAB 22663, R-3.

By Order 71-12-10, dated December 2, 1971, the Board established a schedule for the receipt of comments on various IATA agreements submitted pursuant to section 412 of the Federal Aviation Act of 1958. Among other things, comments were requested on certain North/Central Pacific promotional fares which have an intended effectiveness date of January 1, 1972, and would continue in effect through March 31, 1972. These promotional fares (group inclusive tour fares) were described in the Board's procedural order and provide reductions from present levels of up to $50. In addition to changes in the provisions governing ground accommodations, the maximum length of stay has been extended from 30 to 35 days and the minimum group size for travel during the basic season has been reduced from 15 to 10 passengers.

The three U.S. carriers serving the North/Central Pacific have indicated that the changes in the group inclusive tour fares, both in the level and the conditions of travel, would assist in the development of travel over the Pacific by generating new traffic. Comments opposed to these particular fares have been received from the Aviation Consumer Action Project (ACAP) which contend that because of the directional nature of the fares to and from Japan, they are adverse to the national interest and should be rejected summarily. ACAP argues that the directionality during the basic season ($500 eastbound and $450 westbound) will accelerate the outflow of U.S. dollars, thereby increasing the U.S. travel deficit and worsening the U.S. balance of payment situation.

Pan American World Airways, Inc. (PAA) has replied to the comments of ACAP. The carrier points out that the directional fares exist only during the basic season and not during the peak season, and that the directional pattern must be considered in relation to the contract bulk inclusive tour (CBIT) fares which are at lower levels than the group inclusive tour fares at issue and are available only for Japan-originating passengers. These CBIT fares, PAA contends, have attracted thousands of Japanese visitors to Hawaii and the U.S. mainland.

Northwest Airlines, Inc. (Northwest) likewise points out that the primary fare used by Japanese tourists is the CBIT fare, which has allegedly been one of the most significant contributions to the U.S. balance of payments. Northwest states that small group GIT fares from Japan have little saleable significance and are largely unused because of the nature of the Japanese market. The carrier requests expedited action, stating that numerous groups have already been formed on the basis of the reduced fares and the smaller minimum group size. Should the smaller group size not become effective, the tour groups with only 10 passengers would have to be canceled, and a delay in implementation of the effectiveness date would result in many passengers being faced with considerable additional cash outlays or with a cancellation of travel plans.

The principal point of contention is not with the level of the fares as such, but whether or not a directional differential should be permitted to and from Japan during the basic season. This eastbound-westbound differential exists today, although it would be somewhat broadened by the agreement before us, and stems from the carriers' desire to maintain a relatively low inclusive tour fare for travel to Japan where the westbound CBIT fare was canceled for lack of productivity. On the other hand, the CBIT fare continues to be available for outbound travel from Japan at a level significantly below that of the fares here being considered, and has apparently proven to be very attractive in that market. In light of the availability of this eastbound fare, the limited 3-month duration of the agreement, and since the reduced GIT fares should improve the generative effect of the transpacific fare structure during the off-season, we believe approval is warranted. The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds the subject agreement not to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 22663, R-3, is approved subject to the following:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be

applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin;

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel; and

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.72-225 Filed 1-5-72;8:50 am]

[Docket No. 24024]

PIAIR LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 20, 1972, at 10 a.m. (local time) in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Henry Whitehouse.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 14, 1972.

Dated at Washington, D.C., December 30, 1971.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-224 Filed 1-5-72;8:50 am]

[Docket No. 24090; Order 71-12-141]

WTC AIR FREIGHT

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1971.

By tariff revisions filed December 1, 1971, and marked to become effective January 1, 1972, WTC Air Freight (WTC), an air freight forwarder, proposes to increase most of its rates, including all of its general commodity rates and most of its specific commodity rates. No increases are being filed in military rates, assembly and distribution charges, excess value charges or on certain specific commodity rates. Although no increases are now proposed in pick-up and delivery rates, such increases will be filed subsequently, according to the carrier; as a matter of fact, since many of WTC's rates in effect or proposed apply from door-to-door, most of the proposed higher rates cover pick-up and delivery service. The proposals will involve increases averaging approximately 2.5 percent, although some increases would be as high as 7 percent and some less than 1 percent.

The forwarder bases its proposed increases chiefly upon alleged unsatisfactory financial results for the period June-October 1971. WTC submitted data purporting to show that its profit margin was 2.0 percent during the June-October period as compared with 4.8 percent for the January-May period. It is stated that the decline for the June-October 1971 period was predominantly due to increased airline rates and reductions in WTC's own rates due to a "rate war." WTC asserts that its proposed increases would not have widened its profit margin for the January-October 1971 period of 3.3 percent of revenues in excess of the average for 1968-69 base period of 5.4 percent.

The Board is not persuaded that WTC has shown that its proposed increases are within the stabilization guidelines or otherwise consistent with the purpose of the Stabilization Act of 1970 as required by Order 71-11-97 of November 24, 1971. First, the above profit margins differ significantly from the margins computed from the Form 244 reports submitted by WTC.

Secondly, in its reconstruction of January-October 1971 financial results to reflect the proposed rate increases, WTC does not consider certain increases in a number of specific commodity rates effective November 15, 1971.[1] WTC presents no estimate of the revenue results of the above increases, stating that they would provide "some relief, not definitively measurable at this time." It appears to us, however, that neglecting the effects of the above rate increases may significantly understate WTC's profit margin subsequent to November 15, 1971, and that the forwarder's reconstruction of the January-October 1971 financial results may similarly understate the actual results that would have occurred from subsequent rate increases.

Upon consideration of the foregoing, and all relevant factors, the Board finds that the increased rates proposed by WTC may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful and the Board will institute an investigation of the rates and suspend them for a period of 90 days.

Accordingly, it is ordered, That:

1. An investigation be instituted to determine whether the rates, charges, and provisions described in Appendix A hereto,[2] and rules, regulations, and practices affecting such rates, charges, and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions, and rules, regulations, or practices affecting such rates, charges and provisions;

2. Pending hearing and decision by the Board the rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including March 30, 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 herein designated Docket 24090 be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon WTC Air Freight, which is hereby made a party to Docket 24090.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.72-226 Filed 1-5-72;8:50 am]

[1] These rates were permitted to become effective inasmuch as they did not exceed the levels of WTC's May 25, 1970, rates on the commodities involved.

[2] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-1287]

STATION WTVJ, MIAMI, FLA.

Order Granting Waiver for "Prime Time"

1. The Commission here considers a letter request filed December 9, 1971, on behalf of Station WTVJ, Miami, Fla., for waiver of the "prime time access" rule, § 73.658(k). In general, this rule limits television stations in the top 50 markets (including Miami) to the presentation of no more than 3 hours of network programing during "prime time" each evening. "Prime time" here is 7-11 p.m., e.s.t.

2. The request is for a "one-time waiver", to permit Station WTVJ to carry on Saturday, January 1, 1972 (in addition to the regular 3 hours of CBS material scheduled that evening) the well-known CBS children's program "Cinderella", from 6:30 to 8 p.m., thus requiring a waiver to the extent of 1 hour. This program is scheduled on the network the previous evening, Friday, December 31, 1971, but WTVJ will not carry it then in order to present coverage of the annual Orange Bowl Parade, a matter of special local interest. WTVJ points out that even with the waiver it would still be presenting less over a two-night period than the permissible total (5½ hours compared to 6 hours permitted), and asserts that the CBS program mentioned is "more attractive and valuable for our audience" than the off-network rerun material (Perry Mason and Primus) which it normally presents

from 6:30 to 8 p.m. on Saturday and would otherwise carry.

3. It appears that in view of all of the circumstances of this case—including the "one time" nature of the request, the special character of both the local programing causing the preemption and the network programing being preempted and sought to be "made up", and the fact that even with the waiver the total network prime-time material over a two-night period would be less than that permissible—waiver is appropriate.

4. *Accordingly, it is ordered,* That request of Wometco Enterprises, Inc. (WTVJ, Miami), filed December 9, 1971, is granted; and the provisions of § 73.658(k)(1) are waived, with respect to Station WTVJ, Miami, Fla., for Saturday, January 1, 1972.

Adopted: December 29, 1971.

Released: December 30, 1971.

FEDERAL COMMUNICAITONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-229 Filed 1-5-72;8:51 am]

[FCC 71-1288]

NATIONAL BROADCASTING CO.

Memorandum Opinion and Order Granting "Prime Time" Waiver in Connection With Dallas-San Francisco Playoff Game

1. The Commission has before it a request for waiver of the "prime time access" rule, § 73.658(k), which was adopted in May 1970, affirmed (with some modifications not pertinent here) in August 1970, and became effective October 1, 1971.[1]

2. National Broadcasting Co.'s (NBC) request for waiver of § 73.658(k) of the Commission's rules to permit affiliates of the NBC network in the eastern and central time zones to accept 4 hours of network programing between 7–11 p.m., e.s.t., (6–10 p.m., c.s.t.) on Sunday, January 2, 1972.

3. The waiver is requested so as to permit NBC to accommodate a request by the National Football League, on behalf of the Dallas Cowboys football team, at the National Football Conference playoff game presently scheduled to begin in Dallas at noon Dallas time (1:30 p.m., e.s.t.). They desire to schedule the commencement of the Dallas-San Francisco game at a later time on that date so as to better accommodate attendance at regular church services by people who also wish to attend the playoff game (regular season Dallas' football games commence at 1 p.m. Dallas time (2 p.m., e.s.t.) so that the noon commencement of this playoff game would be different from the usual Dallas pattern).

4. The NBC request for a waiver is stated to be an attempt to accommodate this request because of the special circumstances:

(1) Under contractual arrangements, Columbia Broadcasting System, Inc. (CBS) is now scheduled to carry the National Football Conference playoff for which Dallas will be the home team on January 2, 1972, commencing at 1 p.m., e.s.t. (noon Dallas time).

(2) NBC is scheduled to carry the American Football Conference playoff game at Miami to commence at 4 p.m., e.s.t. The arrangements the league has undertaken with the networks provide for nonconflicting broadcasts of these playoff games so that the NBC coverage commences at the conclusion of the Dallas game.

(3) Only in the event that the American Football Conference playoff game at Miami can be broadcast from 4:30 to 7:30 p.m., e.s.t. could the game in Dallas be scheduled to commence at 1:30 p.m., e.s.t. (12:30 p.m., Dallas time). In view of the national public interest by television viewers in seeing both games, the opportunity should be granted.

(4) NBC would not be willing to accommodate the request by the National Football League to delay the Dallas game in the event it would be required to conform to the requirements of § 73.658(k) by reducing its regular programing that night because of hour structural schedules.

(5) We believe waiver of the rule to be warranted in these situations involving popular sports events. However, this conclusion is limited to the event in connection with the matter which has been raised and not to be taken as an indication that waiver will generally be granted with respect to sports events occurring during prime time hours or started earlier and running into prime time.

5. In view of the foregoing: *It is ordered,* That: the request of National Broadcasting Co., Inc. (NBC) for waiver of § 73.658(k) on January 2, 1972, is granted, so that stations in the top 50 markets may carry the additional half hour of network coverage of the American Football Conference playoff game between 7–7:30 p.m. (e.s.t.) without having that time counted against the hours of permissible programing during the 7–11 p.m. period.

Adopted: December 29, 1971.

Released: December 30, 1971.

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

[FR Doc.72-230 Filed 1-5-72;8:51 am]

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[3] Commissioner Bartley dissenting; Commissioners H. Rex Lee and Johnson absent.

[1] Report & Order in Docket 12782, released May 4, 1970, 23 FCC 2d 382; Memorandum Opinion & Order on reconsideration, released Aug. 14, 1970, 25 FCC 2d, 318.

[2] Commissioner Bartley dissenting; Commissioners Johnson and H. Rex Lee absent.

[Dockets Nos. 19367–19372; FCC 71–1250]

WEST INDIES COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of application of West Indies Communications, Inc. for a Class II–B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19367, File No. 301–M–L–81; application of Robert L. Smith and William K. Beer doing business as Virgin Islands Radio for a Class II–B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19368, File No. 115–M–L–71; application of Command Communications for a Class II–B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19369, File No. 498–M–L–111; application of West Indies Communications, Inc. for a Class III–B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19370, File No. 156–M–L–71; application of Robert L. Smith and William K. Beer doing business as Virgin Islands Radio for a Class III–B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19371, File No. 116–M–L–71; application of Command Communications for a Class III–B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19372, File No. 977–M–L–61.

1. The above-captioned applications all involve proposals to provide ship-shore radiotelephone common carrier service to the U.S. Virgin Islands. Two classes of public coast stations are involved, i.e., Class II and Class III coast stations. A Class II station provides service of a primarily regional character. A Class III coast station provides service primarily of a local character.[1]

2. On July 12, 1971, Hickory House, Inc. doing business as Radio Telecommunications (Hickory House) filed an Application for Consent to Assignment of its license for a Class II public coast station in St. Thomas, U.S. Virgin Islands.[2] Hickory House also filed an Application for Modification of Station License to permit a change of control point. The purpose of these applications was to effect the transfer of Station WAH from Hickory House to West Indies Communications, Inc. (West Indies). On July 16, 1971, William K. Beer and Robert L. Smith doing business as Virgin Islands Radio (Virgin Islands Radio) filed a pleading denominated a "Complaint and Request for Cancellation of License" and an application for a Class II public coast station which it proposed to locate in St. Thomas. In its complaint, Virgin Islands Radio made allegations concerning Hickory House which, if true, might have rendered its license void or revocable. It is not necessary to determine whether the license formerly held by Hickory House

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[1] See § 81.3 (i) and (j) of the rules.

[2] The license here involved is numbered 531–M–L–69, call letters WAH.

was, in fact, void or revocable because it was allowed to expire by its terms on September 7, 1971. The expiration renders moot the Application for Consent to Assignment, the Application for Modification of Station License and the "Complaint and Request for Cancellation." Accordingly, these applications and the complaint and request will be dismissed in the ordering paragraphs below. The application of Virgin Islands for a Class II public coast station, which was filed concurrently with its "Complaint and Request for Cancellation" is not moot. By letter dated August 20, 1971, Virgin Islands Radio requested grant of this application upon expiration of the Hickory House license. Grant of this application is not possible without a hearing because of the filing of the mutually exclusive applications of West Indies and Command Communications (Command).

3. The remaining six above-captioned applications seek new authorizations for Class II and Class III public coast stations to be located in St. Thomas, U.S. Virgin Islands. All applicants have applied for both a Class II and a Class III station license. With respect to each class, the applications are mutually exclusive. The Class II applications are mutually exclusive because § 83.354 of the rules provides for only one station of this class in the Virgin Islands. The Class III applications are mutually exclusive because the Commission, pursuant to § 81.303 of the rules, does not grant more than one application for a station of this class to serve the same locality absent a special showing of need for more than one station. No such showing has been made in any of the applications here involved. The Class III applications are also mutually exclusive because they all apply for the same working frequency, namely 162.0 MHz, which would cause mutually destructive electrical interference if more than one of these applications were granted. Because all the applications involve the same applicants, the same locality and substantially the same issues, a consolidated hearing pursuant to § 1.227 of the rules will best conduce to the dispatch of public business.

4. By letters dated August 17, 1971, and September 29, 1971, Command petitioned the Commission to "disallow" the application of West Indies for a Class III station. By similar letters, dated August 18, 1971, and September 14, 1971, Command petitioned the Commission to "disallow" the application of Virgin Islands Radio for a Class III station. To the extent that these letters constitute an attempt to file a petition to deny, they will be denied in the ordering paragraphs below for failure to comply with the requirements of service and affidavit of section 309(d)(1) of the Communications Act of 1934, as amended, and because the applications of West Indies and Virgin Islands Radio are being designated for comparative hearing with that of Command. Accordingly, Command will have adequate opportunity to be heard concerning the allegations and conclusions raised in the above described letters to the Commission insofar as those allegations and conclusions may be relevant to the issues designated herein.

5. Except for the issues specified herein, each applicant is otherwise qualified to be a Commission licensee. The Chief, Safety and Special Radio Services Bureau, and the Chief, Common Carrier Bureau, are parties to this proceeding.

6. In view of the foregoing: *It is ordered:* That the above-captioned applications of Command Communications, West Indies Communications, Inc. and Virgin Islands Radio for Class II–B and Class III–B public coast stations are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order on the following issues:

a. To determine comparatively which applicant will provide the public with the best public coast station service in each class of service based on the following considerations:

(1) Coverage area of the proposed Class III–B stations and its relationship to the greatest number of potential users;

(2) Hours of operation;

(3) Ability to effectively participate in the maritime mobile safety system;

(4) Rates and charges;

(5) Qualifications of management, operators, and other personnel;

(6) Interconnection with landline facilities; and

(7) Reliability and efficiency of service, including equipment and availability of maintenance service.

b. To determine the availability of appropriate site locations to each applicant for its proposed services.

c. To determine whether the public interest, convenience, and necessity will be better served by the grant of both Class II and Class III applications to the same applicant or to different applicants.

d. To determine, in light of the evidence adduced on the foregoing issues, which application should be granted, and to which applicant, in each class of station.

7. *It is further ordered,* That the applications of Hickory House, Inc. for Consent to Assignment and for Modification of License to permit new control point with respect to the now expired license numbered 531–M–L–69, call letters WAH, and the "Complaint and Request" of Virgin Islands Radio, are dismissed as moot.

8. *It is further ordered,* That the letters submitted herein by Command Communications against the applications of West Indies Communications, Inc. and against the applications of Virgin Islands Radio are granted to the extent indicated herein and are otherwise denied.

9. *It is further ordered,* That coverage areas of Class III stations will be computed on the basis of the proposals in Commission notice of proposed rule making, Docket No. 18944.

10. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its applications except on issue (d) which is conclusory.

11. *It is further ordered,* That to avail themselves of an opportunity to be heard, Command Communications, Virgin Islands Radio, and West Indies Communications, Inc. pursuant to § 1.221(c) of the rules of the Commission, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: December 15, 1971.

Released: December 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[*]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-228 Filed 1-5-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-167]

DISTRIGAS CORP.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 28, 1971, Distrigas Corp. (applicant), 125 High Street, Boston, MA 02110, filed in Docket No. CP72-167, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale to Algonquin Gas Transmission Co. (Algonquin) this winter of a volume of liquefied natural gas (LNG) equivalent to 1.05 trillion B.t.u. all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Algonquin for resale to various of its customers in New England a portion of the LNG which applicant proposes to import from Algeria this winter beginning in January 1972, in accordance with an application filed under section 3 of the Natural Gas Act on December 21, 1971, in Docket No. CP72-165. Applicant states that the proposed sale to Algonquin will be made f.o.b. Applicant's LNG terminal at Everett, Mass., at a price of $1.625 per million B.t.u. plus 10 cents per million B.t.u. for vaporization. No additional facilities are proposed.

Applicant states that the purpose of the proposed sale is to provide a supplemental supply vitally needed by a number of New England distribution companies served by Algonquin in order that their winter peak requirements beginning in January 1972 may be met.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest

[*] Commissioner Johnson absent.

with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction confered upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-220 Filed 1-5-72;8:50 am]

[Docket No. CP72-168]

DISTRIGAS CORP.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 28, 1971, Distrigas Corp. (applicant), 125 High Street, Boston, MA 02110, filed in Docket No. CP72-168, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale in interstate commerce of a limited volume of liquefied natural gas (LNG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to a number of New England and other Northeastern distributors LNG which it proposes to import from Algeria this winter beginning in January 1972, in accordance with an application filed under section 3 of the Natural Gas Act on December 21, 1971, in Docket No. CP72-165. Applicant states that the proposed sales will be made f.o.b. applicant's LNG terminal at Everett, Mass., during brief periods this winter at a price of $1.70 per million B.t.u. plus 10 cents per million B.t.u. if delivery to the customer requires vaporization. No additional facilities are proposed.

Applicant states that the purpose of the proposed sales is to provide a supplemental supply vitally needed by a number of east coast distribution companies to meet winter peak requirements beginning in January 1972. Applicant proposes to make the following interstate sales:

Customer:	*Total volume (million B.t.u.)*
Elizabethtown Gas Co	3,000
South Jersey Gas Co	60,000
UGI Corp. (Reading, Pa.)	25,000
Valley Gas Co	60,000

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-221 Filed 1-5-72;8:50 am]

[Project 1097]

LEONARD LUNDGREN

Notice of Issuance of Annual License

DECEMBER 30, 1971.

On December 12, 1969, Leonard Lundgren, licensee for Jack Creek Project No. 1097 located in Jefferson County, Oreg., on Jack Creek, a tributary of the Metolius River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The present license for Project No. 1097 was issued effective January 1, 1952, for a period ending December 31, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Leonard Lundgren for continued operation and maintenance of Project No. 1097.

Take notice that an annual license is issued to Leonard Lundgren (licensee) under section 15 of the Federal Power Act for the period January 1, 1972 to December 31, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Jack Creek Project No. 1097, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-236 Filed 1-5-72;8:51 am]

[Docket No. CI72-368]

MACHO, INC.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 20, 1971, Macho, Inc., 236 Building, Jackson, Miss. 39201, filed in Docket No. CI72-368 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Gwinville Field, Jefferson Davis County, Miss., all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that is proposes to sell natural gas to United within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) for 1 year from the date of certificate authorization at the rate of 30.0 cents per Mcf at 15.025 p.s.i.a.

It is reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but

will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-222 Filed 1-5-72;8:50 am]

[Project 2301]

MONTANA POWER CO.

Notice of Issuance of Annual License

DECEMBER 30, 1971.

On December 23, 1968, the Montana Power Co., licensee for Mystic Lake Project No. 2301 located in Stillwater County, Mont., on West Rosebud Creek and Mystic Lake filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 23, 1969, and a supplemental filing pursuant to Commission Order No. 415 on October 29, 1970.

The license for Project No. 2301 was issued effective December 1, 1961, for a period ending December 31, 1969. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the Montana Power Co. for continued operation and maintenance of Project No. 2301.

Take notice that an annual license is issued to the Montana Power Co. (licensee) under section 15 of the Federal Power Act for the period January 1, 1972, to December 31, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mystic Lake Project No. 2301, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-237 Filed 1-5-72;8:51 am]

[Project 619]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

DECEMBER 30, 1971.

On December 22, 1967, Pacific Gas and Electric Co., licensee for Bucks Creek Project No. 619 located in the vicinity of Quincy, County of Plumas, Calif., on Bucks Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on March 2, 1970, and a supplemental filing pursuant to Commission Order No. 415 on November 18, 1970.

The license for Project No. 619 was issued effective April 14, 1926, for a period ending December 31, 1968. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Co. for continued operation and maintenance of Project No. 619.

Take notice that an annual license is issued to Pacific Gas and Electric Co. (licensee) under section 15 of the Federal Power Act for the period January 1, 1972 to December 31, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bucks Creek Project No. 619, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-238 Filed 1-5-72;8:51 am]

[Docket No. CI72-375]

SHELL OIL CO.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 27, 1971, Shell Oil Co. (applicant), Post Office Box 2463, Houston, TX 77001, filed in Docket No. CI72-375 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco) from the Gibson Field, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas to Transco within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) at the rate of 35.0 cents per Mcf at 15.025 p.s.i.a. The term of the proposed sale is 1 year from the date of initial delivery, or until the first day of the month next following the month in which 18 million Mcf of gas have been delivered, or until March 1, 1973, or until Shell cancels the contract between it and Transco, whichever occurs first. Shell has reserved the right to cancel the contract by 30 days' notice given on or after August 1, 1972.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-223 Filed 1-5-72;8:50 am]

[Dockets Nos. RP70-5, RP70-16, and RP71-4]

SOUTHERN NATURAL GAS CO.

Notice of Extension of Time

DECEMBER 27, 1971.

On December 14, 1971, the Georgia Industrial Group filed a motion requesting an extension of time to and including January 17, 1972, within which to file comments on the proposed Stipulation and Agreement filed on November 24, 1971, by Southern Natural Gas Co.

Upon consideration, notice is hereby given that the time is extended to and including January 17, 1972, within which

comments may be filed on the proposed Stipulation and Agreement, in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-239 Filed 1-5-72;8:52 am]

[Docket No. RP72-91]

SOUTHERN NATURAL GAS CO.

Notice of Application for Increase in Resale Rates

DECEMBER 29, 1971.

Take notice that on December 16, 1971, Southern Natural Gas Co. filed in Docket No. RP72-91 an application for an increase in its resale rates. The company's letter of transmittal appears below.[1]

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 14, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-240 Filed 1-5-72;8:52 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Mo., 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 Clay County State Bank, Excelsior Springs, Mo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the second largest bank holding company and the second largest banking organization in Missouri, has 20 subsidiary banks with $936.7 million in deposits, representing 8.2 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through November 30, 1971.)

Bank ($8.3 million deposits), located approximately 28 miles northeast of downtown Kansas City, is the smaller of two banks in Excelsior Springs, and the third largest of eight banks competing in Bank's primary service area. Applicant's lead bank and closest subsidiary to bank is located in downtown Kansas City; however, the record discloses that there is no significant competition between them, primarily because of the disparity in their size and the nature of their banking business. Furthermore, the development of competition between applicant and Bank is considered unlikely in light of Missouri's restrictive branching law, the distances separating applicant's subsidiaries and Bank, and the presence of numerous banking alternatives. The Board concludes, therefore, that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Considerations relating to the financial and managerial resources as they relate to applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Upon consummation of the proposal, applicant proposes expanding Bank's range of services to include real estate financing, industrial and agricultural development, and fiduciary services. Thus, considerations relating to convenience and needs lend weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. 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 Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] December 30, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-179 Filed 1-5-72;8:47 am]

CONNECTICUT BANCSHARES CORP.

Order Approving Formation of Bank Holding Company

Connecticut Bancshares Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of not less than 50.9 percent of the voting shares of Northern Connecticut National Bank, Windsor Locks, Conn. (Bank). The main office of applicant will be transferred from New York to Windsor Locks, Conn., provided the Board approves the proposed formation.

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 is a nonoperating corporation which was formed for the express purpose of acquiring Bank ($29 million deposits). (All banking data are as of June 30, 1971.) The purpose of the proposed transaction is to effect a corporate ownership of Bank, and a fair and equivalent exchange offer will be made to all shareholders. Since applicant has no present operations or subsidiaries, it appears that consummation of the proposal would neither eliminate existing competition, significantly affect potential competition, nor have an adverse effect on other area banks.

The financial and managerial resources and future prospects of Bank are satisfactory and consistent with approval of the application. Applicant was recently organized and its financial condition, management and future prospects appear to be satisfactory. Applicant's ability and plans to furnish management to Bank as needed lend some weight toward approval of the application. Applicant would incur a substantial debt in the proposed acquisition, but proposes to reduce promptly the debt with the proceeds of a planned public offering of stock. It appears further that consummation of the proposal would have no immediate effect on the convenience and needs of the community. However, applicant has long range plans to enter into bank-related activities made available to it through the bank holding company structure, which together with its projected new and improved services should serve to benefit the public. It is the Board's judgment that the transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. 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 Boston pursuant to delegated authority.

By order of the Board of Governors,[1] December 30, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-180 Filed 1-5-72;8:47 am]

[1] Filed as part of the original document.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns.

MARSHALL & ILSLEY BANK STOCK CORP.

Order Approving Acquisition of First National Leasing Corporation

Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., a bank holding company registered under the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire the assets and assume the liabilities of First National Leasing Corp., Milwaukee, Wis. Notice of the application, affording opportunity for interested persons to submit comments and views, was duly published (36 F.R. 21624). The time for filing comments and views has expired and none have been received.

Leasing personal property and equipment, under certain circumstances, is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(6)). A bank holding company may acquire a company engaged in this activity so long as the proposed acquisition is consistent with the relevant factors specified in section 4(c)(8) of the Act.

Applicant is the second largest banking organization in Wisconsin, controlling 13 banks with aggregate deposits of $668 million. First National Leasing Corp. (First National) leases a wide variety of equipment and machinery, mostly to industrial, construction, and retail firms and to hospitals and nursing homes. The gross value of its outstanding lease contracts—all of the type described in 12 CFR 225.4(a)(6)—is $35 million.

The relevant product market is the leasing of capital equipment other than transportation and computer equipment, and the relevant geographic market is the entire United States. Since none of applicant's subsidiaries engages in leasing, consummation of the proposal would eliminate no existing competition. Applicant could enter this leasing market de novo through its sole national bank subsidiary, First National Bank of Superior ($16 million in deposits), or through the formation of a leasing subsidiary. Although applicant has no expertise in leasing, no contacts with suppliers of equipment, and no qualified sales force, de novo entry is possible. Nonetheless, the geographic market is so extensive and the number of participants so large that the potential competition that would be eliminated by the proposed transaction is not considered significant.

Vertical anticompetitive effects—that applicant's banks may cease to be a source of credit for competitors of First National or that First National may cease to be a source of loan business for competitors of applicant's banks—do not appear to be serious.

First National is a small leasing company[1] and has only limited access to additional capital. Consummation of the proposal would allow First National, through access to applicant's financial resources, to expand its activities geographically and permit the company to lease more costly equipment. On balance, the Board concludes that these public benefits outweigh any possible adverse effect on competition.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved, and the Applicant is hereby permitted to engage in the activities now conducted by First National that are authorized by 12 CFR 225.4(a)(6). This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] December 30, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-181 Filed 1-5-72;8:47 am]

[1] Annual business volume of $6 million; its market share is less than 0.5 percent of the total product and geographic market as defined earlier.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 30, 1971.

On December 30, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of the Republic of China concerning exports of cotton textiles and cotton textile products from the Republic of China to the United States. Among the provisions of the agreement are those establishing specific export limitations on Categories 5/6, 9/10, 15/16, 18/19, 20/21, 22/23, 24/25, 26/27, 28/29, 30, 32, 34/35, 41/42, 43, and part of 62 (other knit shirts and blouses), 44, 45, 46/47, 50, 51, 52, 53, 54, 57, 59, 60, part of 62 (other knit wearing apparel), 63, and 64 for the agreement year beginning January 1, 1972.

Accordingly, there is published below a letter of December 30, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of China which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1972, and extending through December 31, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 30, 1971, between the Governments of the United States and the Republic of China, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1972, and for the 12-month period extending through December 31, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 5/6, 9/10, 15/16, 18/19, 20/21, 22/23, 24/25, 26/27, 28/29, 30, 32, 34/35, 41/42, 43, and part of 62 (other knit shirts and blouses), 44, 45, 46/47, 50, 51, 52, 53, 54, 57, 59, 60, part of 62 (other knit wearing apparel), 63, and 64, produced or manufactured in the Republic of China in excess of the following 12-month levels of restraint:

Category	*12-month level of restraint*
5/6	2,525,599 square yards.
9/10	29,662,235 square yards.
15/16	1,380,593 square yards.
18/19	1,606,913 square yards.
20/21	1,047,144 square yards.
22/23	3,187,102 square yards.
24/25	3,109,369 square yards.

Category	12-month level of restraint
26/27	5,244,961 square yards (of which not more than 3,109,369 square yards may be in duck fabric [1]).
28/29	1,939,934 pieces.
30	2,571,060 pieces.
32	383,228 dozen.
34/35	289,383 pieces.
41/42	133,180 dozen.
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605 and 382.0610).	97,984 dozen.
44	25,711 dozen.
45	15,428 dozen.
46/47	10,382,711 square yards.
50	209,133 dozen.
51	335,951 dozen.
52	214,255 dozen.
53	17,139 dozen.
54	35,996 dozen.
57	171,404 dozen.
59	42,851 dozen.
60	32,395 dozen.
Part of 62 (all T.S.U.S.A. numbers except those included in part of 62 combined in 43).	40,268 pounds.
63	214,255 pounds.
64	202,732 pounds.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of China, which have been exported to the United States from the Republic of China prior to January 1, 1972, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning January 1, 1971, and extending through December 31, 1971. In the event that the level of restraint for the 12-month period ending December 31, 1971, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 30, 1971, between the Governments of the United States and the Republic of China which provide in part that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ROBERT A. PODESTA,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.72-188 Filed 1-5-72;8:47 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 30, 1971.

On December 30, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral agreement with the Government of the Republic of Korea concerning exports of cotton textiles and cotton textile products from Korea to the United States. Among the provisions of the agreement are those establishing specific export limitations on Categories 7, 9/10, 18/19/26 (print cloth), 22/23, 26 (duck fabric), 27/26 (other than duck fabric and print cloth), 31, 34/35, 38, 39, 45, 46/47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 63, and parts of 64 (tablecloths, napkins, and zipper tapes only), for the 9-month period beginning January 1, 1972.

There is published below a letter of December 30, 1971, from the chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Republic of Korea, which may be entered or withdrawn from warehouse for consumption in the United States for the 9-month period beginning on January 1, 1972, and extending through September 30, 1972, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 30, 1971, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1972, and for the 9-month period extending through September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 7, 9/10, 18/19/26 (print cloth only), 22/23, 26 (duck fabric), 27/26 (other than duck fabric and print cloth), 31, 34/35, 38, 39, 45, 46/47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 63, and parts of 64 (tablecloths, napkins, and zipper tapes only), produced or manufactured in the Republic of Korea in excess of the following 9-month levels of restraint:

Category		9-month level of restraint
7	square yards	550,397
9-10	do	3,329,900
18-19-26 (print cloth only [1])	do	2,118,675
22-23	do	1,458,553
26 (duck fabric [2])	do	12,108,722
27-26 (other than duck fabric and print cloth)	do	1,596,502
31	pieces	1,046,855
34-35	do	191,183
38	pounds	142,444
39	dozen pairs	120,434
45	dozen	33,025
46-47	square yards	1,227,618
48	dozen	10,484
49	do	27,520
50	do	46,235
51	do	62,746
52	do	33,025
53	do	10,484
54	do	49,536
55	do	10,484
60	do	28,622
63	pounds	92,342
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700)	do	503,063
64 (only T.S.U.S.A. No. 347.3340)	do	61,644

[1] In Category 26, the T.S.U.S.A. Nos. for print cloth are:
320.--34 322.--34 327.--34
321.--34 326.--34 328.--34

[2] The T.S.U.S.A. Nos. for duck fabric are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of Korea, which have been exported to the United States from the Republic of Korea prior to January 1, 1972, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning January 1, 1971, and extending through December 31, 1971. In the

event that the level of restraint for the 12-month period ending December 31, 1971 has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 30, 1971, between the Governments of the United States and the Republic of Korea which provide, in part, that within the aggregate limit, the limits of certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ROBERT A. PODESTA,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.72-189 Filed 1-5-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 3, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115826 Sub 219, W. J. Digby, Inc., now being assigned February 14, 1972, at Denver, Colo., in a hearing room to be later designated.

MC 119700 Sub 17, Steel Haulers, Inc., assigned, January 25, 1972, at Memphis, Tenn., is postponed indefinitely.

MC 108119 Sub 32, E. L. Murphy Trucking Co., assigned February 14, 1972, at Minneapolis, Minn., canceled and application dismissed.

MC 124174 Sub 87, Momsen Trucking Co., now being assigned hearing February 15, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 133327 Sub 2, Melburn Truck Lines Co., Ltd., assigned January 31, 1972, at New York, N.Y., is postponed indefinitely.

MC 119670 Sub 18, The Victor Transit Corp., assigned for hearing January 24, 1972, at Columbus, Ohio, is canceled and the application is dismissed.

MC 95876 Sub 117, Anderson Trucking Service, now being assigned hearing February 14, 1972, at Minneapolis, Minn., in a hearing room to be designated later.

MC 134533 Sub 1, Mid North Furniture Transport, Inc., now being assigned hearing February 16, 1972, at Minneapolis, Minn., in a hearing room to be designated later.

MC 106274 Sub 15, Raeford Trucking Co., now assigned January 24, 1972, at Washington, D.C., is canceled and the application dismissed.

MC 1367 Sub 5, Owl Transfer & Storage Co., Inc., assigned for hearing February 14, 1972, in Room 1155, Federal Office Building, 909 First Avenue, Seattle, WA.

MC 115667 Sub 5, Arrow Transfer Co., Ltd., now being assigned February 28, 1972, in Room 1057, Federal Office Building, 909 First Avenue, Seattle, WA.

MC 134060 Sub 6, Davinder Freightways, Ltd., assigned for hearing March 13, 1972, in Room 1057, Federal Office Building, 909 First Avenue, Seattle, WA.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-215 Filed 1-5-72;8:49 am]

[Notice 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 3, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 116077 (Sub-No. 320 TA), filed December 20, 1971. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from the plantsite of Mobay Chemical Co., located in Chambers County, near Baytown, Tex., to Natrium, W. Va., for 180 days. Supporting shipper: Mobay Chemical Co. (Paul A. Harmon, Manager of Distribution), Penn Lincoln Parkway West, Pittsburgh, Pa. 15205. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 123685 (Sub-No. 12 TA), filed December 21, 1971. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, OH 44646. Applicant's representative: Jas. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and pesticides*, in bags, from Wadsworth, Ohio, to points in Indiana, Illinois, Kentucky, Michigan, Pennsylvania, New York, and West Virginia, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 111 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 128007 (Sub-No. 38 TA), filed December 22, 1971. Applicant: HOFER, INC., Post Office Box 583 (4032 Parkview Drive), Pittsburg, KS 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal and soybean meal*, from Little Rock, Newport, Pine Bluff, Van Buren, and Wilson, Ark., Memphis, Tenn., Clarksdale, Greenwood, Greenville, Jackson, Hollandale, Marks, and Vicksburg, Miss., and West Monroe, Natchitoches, New Roads, and Shreveport, La., to points in Oklahoma and Texas, for 180 days. Supporting shipper: J. Paul Smith Co., 518 Fort Worth Club Building, Fort Worth, Tex. 76102. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128235 (Sub-No. 9 TA), filed December 22, 1971. Applicant: ALVIN JOHNSON, 137-13th Avenue NE., Minneapolis, MN 55413. Applicant's representative: Earl Hacking, 503-11th Avenue South, Minneapolis, MN 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Malt beverages*, in containers, from St. Louis, Mo., to Virginia, Minn., for 180 days. Supporting shipper: Harvey Aluni Distributing Co., Virginia, Minn. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 133565 (Sub-No. 4 TA), filed December 22, 1971. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07114. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. 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, commodities requiring special equipment and those injurious or contaminating to other lading, in containers or trailers, in foreign commerce, having a prior or subsequent movement by water) (1) between those ports of entry on the United States-Canada boundary line at or near Rouses Point and Champlain, N.Y., and Calais, Maine; and (2) between Boston, Mass., for purposes of interlining only traffic moving in foreign commerce, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, those in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4 at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., and points in Rhode Island, for 180 days. Supported by: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 133565 (Sub-No. 5 TA), filed December 22, 1971. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07114. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. 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, commodities requiring special equipment, in containers or trailers, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in that part of New York, on, west and north of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., on traffic having a prior or subsequent movement by water, for 180 days. Supported by: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 133599 (Sub-No. 2 TA), filed December 27, 1971. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., 4150 F-14A Street Southeast, Calgary, Canada. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *All-terrain vehicles, amphibious vehicles* (except boats) off-highway vehicles and trailers equipped with multi-composition longitudinal belts, from points located on the international boundary between the United States and Canada, located at or near Champlain, N.Y.; Sweetgrass, Mont.; Blaine, Wash.; Detroit, Mich.; Noyes, Minn.; and Pembia, N. Dak.; to points with the commercial zones, as defined by the Commission, of Montgomery, Selma, and Mobile, Ala.; Anchorage and Fairbanks, Alaska; Yuma, Ariz.; Little Rock and Pine Bluff, Ark.; Lynwood, Los Angeles, Squaw Valley, Wrightwood, and San Francisco, Calif.; Denver, Grand Junction, Aspen, Trinidad, and Colorado Springs, Colo.; Hartford, Conn.; Hialeah, Daytona Beach, Tampa, Tallahassee, Perry, and Orlando, Fla.; Atlanta, Augusta, and Macon, Ga.; Sun Valley and Mulleni, Idaho; Chicago and Aurora, Ill.; Delphia and Indianapolis, Ind.; Houghton, Iron City, and Lansing, Mich.; Minneapolis, St. Paul, Duluth, and Minnetonka, Minn.; St. Louis, Mo.; Shelby and Dillon, Mont.; Carson City, Nev.; Newark, N.J.; Albany, Watertown, Lewiston, Massena, New York, Rochester, Webbi, and Moon Valley, N.Y.; Winston-Salem, Charlotte, Englehard, Raleigh, Fayetteville, and Washington, N.C.; Cincinnati and Cleveland, Ohio; Enid, Oklahoma City, and Tulsa, Okla.; Klamath Falls, Portland, Eugene, and Dallas, Oreg.; Harrisburg, Pa.; Providence and Davisville, R.I.; Columbia, Florence, and Georgetown, S.C.; Nashville, Knoxville, Asheville, and Memphis, Tenn.; Karnack, Odessa, Houston, and Corpus Christi, Tex.; Salt Lake City, Eden, and Cedar City, Utah; Rutland, Vt.; Richmond and Roanoke, Va.; Centralia, Seattle, Spokane, Yakima, and Longview, Wash.; Madison, Wis.; and the District of Columbia; (B) parts, sections, pieces, and accessories of the commodities described in A above, from points within the commercial zones, as defined by the Commission, of Detroit and Kalamazoo, Mich.; Pittsburgh, Pa.; Oshkosh, Wis.; Portland, Maine; Reno, Nev., and the destinations listed in (A) above, to the origins listed in (A) above, for 180 days. Restriction: Restricted to the performance of service under a continuing contract or contracts with Flextrac Nodwell, Ltd. Supporting shipper: Flextrac Nodwell, Post Office Box 5544 Station A,9, Calgary, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133973 (Sub-No. 5 TA), filed December 21, 1971. Applicant: HUNTINGTON MOVING & STORAGE COMPANY, 1102 Vernon Street, Huntington, WV 25719. Applicant's representative: Joseph F. Mullins, Jr., 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, points in West Virginia, and points in the Ohio Counties of Adams, Allen, Athens, Augliaze, Brown, Butler, Carrol, Champaign, Clark, Clermont, Clinton, Coshocton, Defiance, Delaware, Drake, Gallia, Greene, Fairfield, Fayette, Franklin, Fulton, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Holmes, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingham,

Noble, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Ross, Scioto, Shelby, Tuscarawas, Union, Vanwert, Vinton, Warren, Washington, Williams, and Wyandot; and Kentucky Counties of Anderson, Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford, for 180 days. Supporting shippers: Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115 (Att: Jerry Jarrett, vice president; Jet Forwarding, Inc., 200 West Central Avenue, Santa Ana, CA 92707, Att: L. V. Cupp, vice president operations; Trans-American World Transit, Inc., 7540 South Western Avenue, Chicago, IL 60620, Att: Ronald E. Timm, traffic manager; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, CA 94801, Att: Robert M. Graham, operations manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 136249 (Sub-No. 1 TA), filed December 22, 1971. Applicant: JAMES R. GALBRAITH, JR., Route 1, Box 123, Camanche, IA 52730. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, from Milwaukee, Wis., Minneapolis-St. Paul, Minn. (and commercial zone points); and South Bend, Ind., to Clinton, Iowa, *with return of empties*, from Clinton, Iowa, to Milwaukee, Wis., Minneapolis-St. Paul, Minn. (and commercial zone points); and South Bend, Ind., for 180 days. Supporting shipper: John Roach Distributing Co., Post Office Box 107, Clinton, IA 52732. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

MOTOR CARRIER OF PASSENGERS

No. MC 136260 TA, filed December 27, 1971. Applicant: EXECUTIVE TRAVEL SERVICE, doing business as COLUMBINE SKI TOURS, 2991 Peak Avenue, Boulder, CO 80301. Applicant's representative: Howard R. Peters, 2991 Peak Avenue, Boulder, CO 80301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groups of passengers and their baggage* arriving at Stapleton International Airport, Denver, Colo., and Walker Field, Grand Junction, Colo., having prior and subsequent movement by air in interstate or foreign commerce, between Stapleton International Airport and Walker Field and the following ski areas in the State of Colorado: Steamboat Springs, Winter Park, Aspen, Vail, Keystone, Breckenridge, Arapahoe, Loveland, Copper Mountain, Purgatory, Crested Butte, Monarch, Powderhorn, Eldora, Sunlight; over various roads as weather conditions allow, through points in the following Colorado counties: Moffat, Routt, Jackson, Chaffee, Saguache, Gunnison, Pitkin, Lake, Eagle, Summit, Rio Blanco, Garfield, Mesa, Montrose, Ouray, San Juan, La Plata, Delta, Denver, Grand, Boulder, Gilpin, Clear Creek, Jefferson, Park, for 180 days. NOTE: Applicant proposes to interline with various airlines at Stapleton International Airport and Walker Field. Supported by: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, Room 2022, Federal Building, 1961 Stout Street, Denver, CO 80221.

By the Commission.

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

[FR Doc.72-216 Filed 1-5-72;8:49 am]

[Notice 416]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 29, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16672 (Sub-No. 18 TA), filed December 17, 1971. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, boxes, and shooks*, from Keysville, Va., to points in West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, District of Columbia, Ohio, and North Carolina, for 180 days. Supporting shipper: Spaulding Lumber Co., Chase City, Va. 23924. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 35358 (Sub-No. 27 TA), filed December 20, 1971. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, MN 55421. 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: *Clothing and wearing apparel*, from Secaucus, N.J., to Minneapolis, Minn., for 180 days. Supporting shipper: Dayton's, division of Dayton Hudson Corp., Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 56679 (Sub-No. 59 TA), filed December 1, 1971. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Post Office Box 6985, Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring the use of special equipment because of size or weight), (1) between Covington, Ga. and Milledgeville, Ga., via Georgia Highway 36 to Stewart, Ga., thence over Georgia Highway 212 to Milledgeville, Ga., via Monticello, Ga., serving all intermediate points, and (2) between Milledgeville, and Macon, Ga., via Georgia Highway 49 serving all intermediate points, for 180 days. NOTE: Applicant proposes to join the above routes with its present authority held in Docket MC 56679 and effective subs thereunder, using Covington, Milledgeville, and Macon, Ga., as points of joinder. Applicant also proposes to combine and join the above routes in order to provide through service to, from, and between the above-named points and routes on the one hand, and, on the other, Atlanta and Macon, Ga., for the purpose of interchanging with connecting carriers at Atlanta and Macon, Ga. Supporting shippers: Monticello Bobbin Co., Post Office Box 230, Monticello, GA, 31064, Dexter Axle Co. of Georgia, Inc., Post Office Drawer 71, Monticello, GA 31064, Feldspar Corp., Monticello, GA 31064, The Weston & Brooker Co., Columbia, S.C. 29202. Send protests to: William L.

Scorggs, District Supervisor, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 72423 (Sub-No. 2 TA), filed December 20, 1971. Applicant: R. D. HOUNSHELL, doing business as STERLING TRANSFER CO., 111 East Chestnut Street, Sterling, CO 80751. Applicant's representative: John P. Thompson, 450 Capitol Life Building, East 16th Avenue, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver and Julesburg, Colo., over U.S. Highways 6 and 138 and Interstate Highway 80S, serving Fort Morgan and Julesburg, Colo., and all points intermediate between Fort Morgan and Julesburg, Colo., for 180 days. Supported by: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, Room 2022, Federal Building, 1961 Stout Street, Denver, CO 80221.

No. MC 75651 (Sub-No. 70 TA), filed December 20, 1971. Applicant: R. C. MOTOR LINES, INC., 1851 Executive Center Drive, Post Office Box 2501, 2500 Laura Street, Jacksonville, FL 32207. Applicant's representative: J. Edward Allen, 1205 Universal Marion Building, Jacksonville, FL 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission and articles of unusual value, and articles which, because of size or weight, require specialized equipment), between Alpine, Anniston, Bessemer, Birmingham, Blue Mountain, Gadsden, Homewood, and Talladega, Ala., on the one hand, and Columbus, Albany, Macon, Mountain View, and St. Marys, Ga., on the other, with a right of joinder with applicant's existing interstate operating authorities in Docket No. MC 75761, and Subs thereunder, serving terminal areas, commercial zones and interlining with motor common carriers. Restriction: The authority sought is restricted against service to any point in Georgia, except Augusta, Savannah, and St. Marys, for 180 days. Supported by: There are approximately 43 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 103993 (Sub-No. 684 TA), filed December 16, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Madison County, N.Y., to points in the United States, east of the Mississippi River, Minnesota, and Louisiana, for 180 days. Supporting shipper: Champion Home Builders Co., Dryden, Mich. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 106644 (Sub-No. 132 TA), filed December 16, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 916 (Chattanoochee Station) 30321, 2770 Peyton Road NW., Atlanta, GA 30301. Applicant's representative: Lamar Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rediwash units*, which because of size and weight require the use of special equipment, *parts and equipment* necessary for the installation thereof, from Port Washington, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Jadair, 516 South Ravine Street, Port Washington, WI 53074. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107002 (Sub-No. 413 TA), filed December 16, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80 West), Jackson, MS 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent caustic soda*, in bulk, in tank vehicles, from Pascagoula, Miss., to Mobile, Ala., for 180 days. Supporting shipper: Standard Oil Co., Post Office Box 1446, Louisville, KY 40201. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Street, Jackson, MS 39201.

No. MC 107227 (Sub-No. 125 TA), filed December 17, 1971. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, Post Office Box 1697, San Leandro, CA 94577. Applicant's representative: Howard W. Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made automobiles, trucks and buses* in secondary movements, in truck-away service, in interstate or foreign commerce, from points in California on the international boundary between the United States and Mexico, to (1) San Diego, Calif., and points in California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, (2) points in Nevada, excepting Las Vegas, Nev., and (3) points in Utah, restricted to shipments having a prior movement by water, for 180 days. Supporting shipper: Reynold C. Johnson Co., 7100 Johnson Industrial Drive, Pleasanton, CA 94566. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 110525 (Sub-No. 1023 TA), filed December 16, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium stearate*, in bulk, in tank vehicle, from Perth Amboy, N.J., to Minninocket, Bucksport, and Rumford, Maine, for 180 days. Supporting shipper: Witco Chemical Corp., 277 Park Avenue, New York, NY 10017. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111729 (Sub-No. 330 TA), filed December 20, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). 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, and advertising material moving therewith*, (a) between Piscataway, N.J., on the one hand, and, on the other, Fairless Hills, Hamburg, and Hanover, Pa.; Cambridge, Md., Danbury, Conn., and Millis, Mass., (b) between Lincoln, R.I., and New York, N.Y., (c) between Marseilles, Ill., and Des Moines, Iowa; (d) between Bradley, Ill., and Munster, Ind.; (e) between Waldorf, Md., and Manassas, Va., (2) *small plumbing and heating supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Waldorf, Md., and Manassas, Va.; (3) *whole human blood and blood derivatives*, between Washington, D.C., on the one hand, and, on the other, Charlottesville, Culpeper, Fort Belvoir, Front Royal, Fredericksburg, Gordonsville, Harrisonburg, Leesburg, Louisa, Luray, Manassas, Quantico, Warrenton, Winchester, and Woodstock, Va., and Berkeley Springs, Martinsburg, Petersburg, Ranson, and Rommey, W. Va., and Clinton, Frederick, Hagerstown, La Plata, Leonardtown, Lexington Park, Olney, and Prince Frederick, Md., for 180 days. Supporting shippers: National Can Corp., 2200 East Adams Avenue, Philadelphia, PA 19124; American Cord & Webbing Co., Inc., 505 Eighth Avenue,

New York, NY 10018; Pittsburgh-Des Moines Steel Co., Post Office Box 210, Marseilles, IL 61341; Scot Lad Foods, Inc., 670 West Broadway, Bradley, IL 60915; Waldorf Supply, Inc., Post Office Box 304, Route 5, Waldorf, MD 20601; American Red Cross, Washington Regional Blood Center, 2025 E Street NW., Washington 6, DC. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117940 (Sub-No. 75 TA), filed December 17, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph records and tapes, phonograph and tape players and recorders, radio and television receivers, musical instruments, wire and wood racks*, from Pitman and Mountainside, N.J., Gloversville, Hauppauge, Oceanside and New York, N.Y., and its commercial zone and Allentown, Pa., to Minneapolis and St. Paul, Minn., for 180 days. Supporting shipper: Heilicher Brothers Inc., 7600 Wayzata Boulevard, Minneapolis, MN 55426. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 124170 (Sub-No. 24 TA), filed December 17, 1971. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed loads with bananas, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 127355 (Sub-No. 7 TA), filed December 20, 1971. Applicant: M & N GRAIN COMPANY, 902 East Wooter, Nevada, MO 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts*, from Butler, Mo.; to Los Angeles, Calif.; Chicago, Ill.; New Orleans, La.; South Paris, Maine; Danversport, and Peabody, Mass.; Detroit, Mich.; New York, N.Y.; Brownsville, Houston, and Laredo, Tex.; Fond du Lac, Hartford, Kenosha, and Milwaukee, Wis., to Butler, Mo., from Fort Smith, Ark.; Greeley, Monte Vista, Rocky Ford and Stratton, Colo.; Des Moines and Marshalltown, Iowa; Ellis, Seneca, and Solomon, Kans., Bismarck, Dickinson, Fargo, Jamestown, Minot, and Williston, N. Dak., Enid and Oklahoma City, Okla., Mitchell, Rapid City, and Sioux Falls, S. Dak., Amarillo, Fort Worth, Palestine, Paris, San Angelo and San Antonio, Tex., for 180 days. Supporting shipper: Cox Bros. & Co., Butler, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 133119 (Sub-No. 9 TA), filed December 16, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Post Office Box 206, Akron, IA 51001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities*, exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Morehead City, N.C., to (1) points in North Dakota, Minnesota, Wisconsin, Iowa, Michigan, Illinois, Indiana, Ohio, and Kentucky, and (2) to ports of entry on the international boundary line between the United States and Canada located in the States of North Dakota and Minnesota, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133119 (Sub-No. 10 TA), filed December 16, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Post Office Box 206, Akron, IA 51001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Tampa, Fla., to (1) points in North Dakota, Minnesota, Wisconsin, Iowa, Michigan, Illinois, and Indiana, and (2) to ports of entry on the international boundary line between the United States and Canada located in North Dakota and Minnesota, for 180 days. Supporting shipper: West Indies Fruit Co., 1201 Brickell Avenue, Miami, FL 33101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133119 (Sub-No. 11 TA), filed December 16, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Post Office Box 206, Akron, IA 51001. Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses, as defined by the Commission, from Boyden, Iowa to points in the commercial zone of Chicago, Ill., for 180 days. Supporting shipper: Smit & Son Packing Co., Boyden, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135754 (Sub-No. 2 TA), filed December 16, 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 Waton, Suite 403, Security Federal Building, Post Office Box 722, Columbia, SC 29202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Light express freight*, including mail and newspapers, up to 100 pound carton, from Hilton Head Island, S.C., to Savannah and Savannah Airport, Ga., and from Savannah and Savannah Airport, Ga., to Hilton Head Island, S.C., for 180 days. Supporting shippers: Peoples Bank, Pope Avenue, Hilton Head Island, S.C.; Bank of Beaufort, Coligny Circle, Hilton Head Island, S.C.; Port Royal Inn and Golf Club, Hilton Head Island, S.C.; Palmetto Dunes Resort, Hilton Head Island, S.C.; and Sheraton Adventure Inn, Hilton Head Island, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 136210 (Sub-No. 1 TA), filed December 17, 1971. Applicant: MOUNTAIN TRUCKING CORPORATION, 131 West Kirk Avenue, Roanoke, VA 24011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ungraded lumber, and wood chips*, from points in Bland, Carroll, and Tazewell Counties, Va., to Lexington and Winston-Salem, N.C., Saint Marys, W. Va., and Kingsport, Tenn., for 180 days. Supporting shipper: Hubbard Lumber Corp., Bland, Va. 24315. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

MOTOR CARRIER OF PASSENGERS

No. MC 136256 TA, filed December 16, 1971. Applicant: THE YELLOW CAB COMPANY OF SAVANNAH, INC., doing business as SAVANNAH AIRLINE LIMOUSINES, 315 East Congress Street, Savannah, GA 31401. Applicant's representative: Spencer Connerat, Jr., Post Office Box 9848, Savannah, GA 31402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Hilton Head Island, S.C., on the one hand, and, on the other, the Savannah Airport, Savannah, Ga., for 180 days. Supporting shippers: Port Royal Plantation Group, Hilton Head Island, S.C. 29928; Sea Pines Plantation Co., Hilton Head Island, S.C.

29928; Sheraton Adventure Inn, Hilton Head Island, S.C. 29928; Sea Crest Motel, Post Office Box 6126, Hilton Head Island, SC 29928; Palmetto Dunes Resort, Inc., Post Office Box 5008, Hilton Head Island, SC 29928. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

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

[FR Doc.72-218 Filed 1-5-72;8:50 am]

[Notice 417]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 30, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9050 (Sub-No. 31 TA) (Amendment), filed October 26, 1971, published FEDERAL REGISTER, November 13, 1971, amended and republished as amended this issue. Applicant: SEEGER BROS., Hillside Avenue, Kenvil, N.J. 07847. Applicant's representative: James J. Farrell, 206 North Boulevard, Belmar, NJ 07719. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting materials and blasting supplies including nitro-carbo-nitrate*, between McAdory, Ala., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Hercules Inc., 910 Market Street, Wilmington, DE 19899. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102. NOTE: The purpose of this republication is to redescribe the authority sought and to delete West Virginia and Virginia.

No. MC 61396 (Sub-No. 230 TA), filed December 16, 1971. Applicant: HERMAN BROS. INC., 2501 No. 11 Street, Post Office Box 189, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from plantsite of Arco Chemical Co., in Cerro Gordo County, Iowa to points in Minnesota, for 180 days. Supporting shipper: Arco Chemical Co., Division of Atlantic Richfield Co., Post Office Box 238, Fort Madison, IA 52627. Send protests to: Carroll Russell, District Supervisor, 711 Federal Office Building, Interstate Commerce Commission, Bureau of Operations, Omaha, Nebr. 68102.

No. MC 112854 (Sub-No. 28 TA), filed December 20, 1971. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Macedon Center Road, Ontario Center, NY 14520. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* when mixed in loads with bananas, from Albany, N.Y., to points in New Jersey, New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Peter Comtabad, Traffic Manager, Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104 O'Donnell Building, 301 Erie Boulevard, West Syracuse, NY 13202.

No. MC 114106 (Sub-No. 91 TA), filed December 20, 1971. Applicant: MAYBELLE TRANSPORT COMPANY, Post Office Box 849, 1820 South Main Street, Lexington, NC 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, from Atlanta, Ga., to points in North Carolina, for 90 days. Supporting shipper: The South Coast Corp., Carondelet Building, New Orleans, La. 70130. Send protests to: Frank H. Wait Jr., District Supervisor, Interstate Commerce Commission, 316 East Morehead Street, Suite 417, Charlotte, NC 28202.

No. MC 114239 (Sub-No. 29 TA), filed December 20, 1971. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. 64448. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, except in tank vehicles, from the plantsite and warehouse facilities of Atlas Chemical Industries, Inc., located at or near Atlans, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, Memphis, TN. Send protests to: Vernon V. Coble, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115654 (Sub-No. 14 TA) (Amendment), filed November 29, 1971. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Post Office Box 1193, Nashville, TN 37202. Applicant's representative: Walter Harwood, 404 James Robertson Parkway, Nashville, TN 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.; Barren, Christian, Logan, and Warren Counties, Ky.; Jackson, Limestone, and Madison Counties, Ala.; and points in Dade, Catoosa, Murray, Walker, and Whitfield Counties, Ga., for 180 days. NOTE: Applicant proposes to tack with other authority and to interline traffic at Nashville, Tenn. Supporting shippers: Hershey Foods, Hershey, Pa. 17033; Hollywood Brands, Centralia, Ill. 62801; Brach & Sons, Box 802, Chicago, IL 60690; Peter Paul, Inc., Naugatuck, Conn.; M&M Mars, Hackettstown, N.J.; Crown Candy Corp., Post Office Box 3256, Atlanta, GA 30302; King Candy Co., Post Office Box 2080, Fort Worth, TX 76101; Standard Candy Co., Nashville, Tenn. 37202; Whitman's Chocolates Division, East Point, Ga. 30044, and Deran Confectionery Co., Inc., 4715 Frederick Drive SW., Atlanta, GA 30336. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. NOTE: The purpose of this republication is to redescribe the territorial scope of the application.

No. MC 117980 (Sub-No. 5 TA), filed December 20, 1971. Applicant: WILLIAM BADGIO AND SONS, INC., 291 Green Street, Brockton, MA 02401. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., and Albany, N.Y., to New Bedford, Brockton, Cambridge, and Worcester, Mass.; Providence, R.I., and Manchester, N.H., for 180 days. Supporting shipper: Tropical Supply Co., Inc., 24 White Avenue, Brockton, MA 02403. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Room 2211-B, Government Center, Boston, Mass. 02203.

No. MC 119660 (Sub-No. 2 TA), filed December 20, 1971. Applicant: ALASKA AGGREGATE CORPORATION, doing business as PACIFIC WESTERN LINES,

Post Office Box 3-3788, 1300 A Street, Anchorage, AK 99501. Applicant's representative: Donald Ille (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections and *double wide mobile homes* on wheeled undercarriages equipped with hitch-ball connector, from Anchorage and Seward, Alaska, to (1) Alaska Highway 1 between and including Homer and Tok, Alaska; (2) Alaska Highway 2 between and including Tok and Tofty, Alaska; (3) Alaska Highway 4 between and including Valdez and Buffalo Center, Alaska; (4) Alaska Highway 6 between and including Fairbanks and Circle, Alaska; and (5) Alaska Highway 9 between and including the junction of Alaska Highways 1 and 9 northwest of Moses Pass and Seward, Alaska, for 90 days. NOTE: Applicant states it does intend to tack the authority here applied for to other authority held by it. Supporting shipper: McGrath Corp., 2255 116th Avenue NE., Bellevue, WA 98004; Heritage Investors, Big Lake, Alaska. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, AK 99510.

No. MC 124796 (Sub-No. 92 TA), filed December 20, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, scouring, and washing compounds, solvents, starch, bleach, lubricating oil, carbon, gum, and sludge removing compounds, disinfectants, softeners, sizing and janitorial supplies*, from Berkeley, R.I., Danville, Ill., and Santa Fe Springs, Calif., to Birmingham, Ala., Phoenix, Ariz., Los Angeles, and San Francisco, Calif., Denver, Colo., Jacksonville, Fla., Chicago and Kankakee, Ill., Baltimore, Md., Minneapolis, Minn., Kansas City, Mo., Piscataway, N.J., Buffalo, N.Y., Cincinnati, and Cleveland, Ohio; Saylesville, R.I., Greenville and Mauldin, S.C., Dallas and Palestine, Tex., Richmond, Va., Seattle, Wash., and Milwaukee, Wis., and (2) *returned, refused or rejected shipments* of the commodities described in (1) above, from the destinations shown to Berkeley, R.I., Danville, Ill., and Santa Fe Springs, Calif. Restriction: The operations are restricted against the transportation of commodities in bulk and are limited to a transportation service to be performed under a continuing contract, or contracts, with Morton-Norwich Products, Inc., its divisions and affiliates, for 180 days. Supporting shipper: Texie Chemicals, Inc., Post Office Box 368, Greenville, SC 29602. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 Los Angeles Street, Los Angeles, CA 90012.

No. MC 126514 (Sub-No. 34 TA) (Correction), filed November 17, 1971, published FEDERAL REGISTER December 18, 1971, corrected and republished as corrected this issue. Applicants: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, 5200 West Bethany Home Road, Glendale, AZ 85301, Mailing: Post Office Box 392, Phoenix, AZ 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes*, from New York, and Knoxville, Tenn., to Anaheim, Calif., for 150 days. Supporting shipper: Business Envelope Manufacture Inc., 2350 Lafayette Avenue, Bronx, NY 10473. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, Phoenix, Ariz. 85025. NOTE: The purpose of this republication is to broaden the territorial scope.

No. MC 128007 (Sub-No. 37 TA), filed December 20, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients, such as defluorinated phosphate, dicalcium phosphate, monoammonium phosphate*, in bulk, in bags, from Beaumont, Tex., to points in Louisiana, Arkansas, Oklahoma, Kansas, Missouri, New Mexico, Colorado, and Mississippi, for 180 days. Supporting shipper: Borden Chemical, Borden, Inc., 50 West Broad Street, Columbus, OH 43215. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133065 (Sub-No. 18 TA), filed December 20, 1971. Applicant: ECKLEY TRUCKING AND LEASING, INC., Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air handling units, make-up air systems, heating and ventilating units, gas unit heaters, and cooling and heating systems, and equipment, materials and supplies* used in the manufacture and production thereof, from Hastings, Nebr., to points in Washington, Wyoming, Florida, North Carolina, Utah, Idaho, and Oklahoma, under continuing contract with Hastings Industries, Inc., for 180 days. Supporting shipper: Charles I. Magee, Jr., traffic supervisor, Hastings Industries, Inc., 108 South Colorado Avenue, Hastings, NE 68901. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 134531 (Sub-No. 2 TA), filed December 20, 1971. Applicant: AGGREGATE HAULERS, INC., Post Office Box 386, 2019 State Street, Cayce, SC 29033. Applicant's representative: Edward J. Morrison, Post Office Box 67, Lexington, SC 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aggregates, sand* (not dry processed), *gravel, crushed stone, and stabilizing material* such as used in highway construction, from points in North Carolina (except crushed stone, in bulk, from points in Mecklenberg County, N.C., to points in York and Chester Counties, S.C.), and from points in Georgia to points in South Carolina (except crushed stone, sand, sand clay, in bulk, from points in Columbia and Richmond Counties, Ga., to points in Aiken, Allendale, Bamberg, Barnwell, Beaufort, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, S.C.); (2) *plant mix asphalt*, from points in South Carolina to points in Georgia and North Carolina; and from points in Georgia and North Carolina to points in South Carolina; (3) *sand, dry processed, and ornamental aggregates*, in bags and in bulk, from points in South Carolina to points in Georgia and North Carolina; and from points in Georgia and North Carolina to points in South Carolina; (4) *fertilizer and fertilizer material*, in bags and in bulk, in vans, flat bed trailers, and kille-brews, from points in Charleston County, S.C., to points in Georgia and North Carolina; and from points in Chatham and Richmond Counties, Ga., to points in South Carolina; and (5) *prestress and precast concrete products*, from points in Lexington, Richland, Sumter and Florence Counties, S.C., to points in Georgia and North Carolina, for 180 days. Supporting shippers: Macon Prestressed Concrete Co., Cayce, S.C.; Castastone Products of South Carolina, Inc., Columbia, S.C.; Columbia Silica Sand Co., Columbia, S.C.; Kaiser Agricultural Chemicals, Savannah, Ga.; Florence Concrete Products, Inc., Florence, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 136159 (Sub-No. 2 TA), filed December 20, 1971. Applicant: AVIS HIGGINS, doing business as A.B.S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 135 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass reinforced panels*, from Gainesville, Fla., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used or useful in the manufacture, sale, production, or distribution of the commodities named in part (1) of this application, from points in Illinois north of U.S. Highway 24 to Gainesville, Fla., for 180 days. Supporting shipper: Panelcomb Industries Corp., 2833 North Main Street, Gainesville, FL 32601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of

Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

MOTOR CARRIER OF PASSENGERS

No. MC 125021 (Sub-No. 1 TA), filed December 20, 1971. Applicant: BOISE-WINNEMUCCA STAGES, INC., 1105 La Pointe Street, Boise, ID 83706. Applicant's representative: Adolph J. Achabal (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (aliens), from points in Malheur and Baker Counties, Oreg., and Idaho south of the Salmon River, to points in California, for 180 days. NOTE: Carrier does not intend to tack or interline authority herein applied for with any other carrier. Supporting shipper: U.S. Department of Justice, Immigration and Naturalization Service, 417 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 136255 TA, filed December 20, 1971. Applicant: ISLAND AVIATION, INC. Post Office Box 1267, Hilton Head Island, SC 29928. Applicant's representative: E. F. Jungemann (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, newspaper, and passenger baggage*, in the same vehicle, between Hilton Head Island, S.C., and Municipal Airport (Travis Field), Savannah, Ga., for 180 days. Supporting shippers: Port Royal Plantation Inn, Hilton Head Island, S.C.; Sheraton Adventure Inn, Hilton Head Island, S.C.; Sea Crest Motel, Hilton Head Island, S.C.; Hilton Head Inn, Hilton Head Island, S.C.; Sea Pines Plantation Co., Hilton Head Island, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

By the Commission.

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

[FR Doc.72-219 Filed 1-5-72;8:50 am]

[Notice 1]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's 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-72745. By order of December 30, 1971, the Motor Carrier Board approved the transfer to Whitfield Associated Transport, Inc., a New Mexico corporation, Las Cruces, N. Mex., of the operating rights issued to Whitfield Transportation, Inc., a Delaware corporation, El Paso, Tex., in the No. MC-108461 series, authorizing the transportation of numerous specified commodities, including cement, lumber, compressed nitrogen, in bulk, cottonseed meal, flour, copper ore, in bulk, potash, phosphate, soil conditioners, and copper sulphate, to and from points as specified in Texas, New Mexico, Arizona, Utah, California, Colorado, Wyoming, and Idaho. O. Russell Jones, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, NM 87501, attorney for applicants.

No. MC-FC-73253. By order of December 27, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Priority Freight Systems, Inc., Elberton, Ga., of that portion of the operating rights in certificate No. MC-31438 issued November 10, 1949, to Roy O. Wetz, doing business as R. O. Wetz Transportation, Marietta, Ohio, authorizing the transportation of general commodities, with usual exceptions, between points and places in Washington County, Ohio, on the one hand, and, on the other, points in Ohio and points in specified portions of Pennsylvania and West Virginia. A. Charles Tell, 100 East Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC-FC-73306. By order of December 29, 1971, the Motor Carrier Board approved the transfer to State Wide Trucking, Inc., Dallas, Tex., of Certificate of Registration No. MC-98649 (Sub-No. 3), issued June 24, 1971, to Lenox Carruth, Dallas, Tex., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 5132, as was embraced in predecessor's certificate of registration transferred and reissued January 8, 1971, by the Railroad Commission of Texas. James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224, attorney for applicants.

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

[FR Doc.72-217 Filed 1-5-72;8:49 am]

[Notice 105]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 30, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 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. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 921 (Sub-No. 21), filed December 8, 1971. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 631, Fulton Drive, Corinth, MS 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting:

[1] Copies of Special Rule 247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

General commodities (except those of unusual value, classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk, and articles which because of size or weight require special handling). Regular routes: (1) Between Tupelo, Miss., and Pensacola, Fla., from Tupelo, Miss., over U.S. Highway 78 to Birmingham, Ala., thence on Interstate Highway 65 to Montgomery, Ala., thence over U.S. Highway 31 and/or Interstate Highway 65 to Evergreen, Ala., thence over U.S. Highway 31 to Brewton, Ala., thence over U.S. Highway 29 to Pensacola, Fla., and return over the same route, serving all intermediate points, and serving all points in Escambia and Santa Rosa Counties, Fla., as off-route points; (2) between Tupelo, Miss., and Montgomery, Ala., from Tupelo, Miss., over U.S. Highway Alternate 45 to its junction with U.S. Highway 82, thence over U.S. Highway 82 to Tuscaloosa, Ala., thence over U.S. Highway 43 to Demopolis, Ala., thence over U.S. Highway 80 to Montgomery, Ala., and return over the same route, serving all intermediate points; (3) between Tuscaloosa and Birmingham, Ala., from Tuscaloosa, Ala., to Birmingham, Ala., over Interstate Highways 20 and 59, and return over the same route, serving all intermediate points; and (4) between Tuscaloosa and Montgomery, Ala., from Tuscaloosa, Ala., to Montgomery, Ala., over U.S. Highway 82, and return over the same route, serving all intermediate points;

Alternate routes: (1) Between Columbus, Miss., and Eutaw, Ala., from Columbus, Miss., over Mississippi Highway 69 to the Mississippi-Alabama State line, thence over Alabama Highway 14 to Eutaw, Ala., and return over the same route, serving no intermediate points; (2) between Demopolis, Ala., and Meridian, Miss., from Demopolis, Ala., to Kewanee, Miss., over U.S. Highway 80, thence over Interstate Highways 20 and 59 to Meridian, Miss., and return over the same route, serving no intermediate points; (3) between Pensacola, Fla., and Hattiesburg, Miss., from Pensacola, over U.S. Highway 90 to Mobile, Ala., thence over U.S. Highway 98 to Hattiesburg, Miss., and return over the same route, serving no intermediate points; (4) between Evergreen, Ala., and Laurel, Miss., from Evergreen, over U.S. Highway 84 to Laurel, Miss., and return over the same route, serving no intermediate points; (5) between Pensacola, Fla., and Meridian, Miss., from Pensacola, to Mobile, Ala., over Interstate Highway 10, thence over U.S. Highway 45 to Meridian, Miss., and return over the same route, serving no intermediate points; (6) between Grove Hill, and Demopolis, Ala., from Grove Hill over U.S. Highway 43 to Demopolis, Ala., and return over the same route, serving no intermediate points; and (7) between New Augusta and Ellisville, Miss., from New Augusta, Miss., over Mississippi Highway 29 to Ellisville, Miss., and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in 1 thru 7 above, in connection with applicants regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Pensacola, Fla.

No. MC 1693 (Sub-No. 5), filed October 25, 1971. Applicant: P. J. FLYNN, INC., 1000 Coolidge Street, South Plainfield, NJ 07080. Applicant's representative: Robert J. Lyon, c/o P. J. Flynn, Inc., 1000 Coolidge Street, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, colors, and minerals*, from South Plainfield, Union County, N.J., to points in Suffolk County, Long Island, N.Y., under contract with Whittaker, Clark & Daniels, Inc., South Plainfield, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, or Trenton, N.J.

No. MC 4405 (Sub-No. 490), filed November 22, 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: *Commodities* which because of size or weight require the use of special equipment; and *self-propelled articles* weighing 15,000 pounds or more, moving on trailers: (1) Between points in Wisconsin, Iowa, and Illinois; (2) between points in Wisconsin, Illinois, and Iowa, on the one hand, and, on the other, points in Indiana; and (3) between points in Wisconsin, on the one hand, and, on the other, points in Missouri. NOTE: Applicant states it intends to tack with various authorities in its MC 4405 and subs to provide a through service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 20042 (Sub-No. 2), filed November 18, 1971. Applicant: FAT'S EXPRESS, INC., 501 South Second Street, Belleville, IL 62222. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, Suite 1850, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Collinsville, and Wood River, Ill.; and (2) between High Ridge, Mo., and Collinsville, Wood River, and Belleville, Ill., and St. Charles, 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 St. Louis, Mo., or Springfield, Ill.

No. MC 22182 (Sub-No. 21), filed November 24, 1971. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, Post Office Box 172, Bryn Mawr, PA 19010. Applicant's representative: Gerald K. Gimmel, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor buses*, in secondary movements, in truckaway service, (1) from New York, N.Y., and Baltimore, Md., to points in the United States (except Alaska and Hawaii), and (2) between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, and Florida. 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 29886 (Sub-No. 275), filed December 8, 1971. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Buses and bus chassis and parts thereof*, in initial movements, in driveaway and truckaway service, from the plantsite of AM General Corp. in St. Joseph County, Ind., to points in the United States (excepting Hawaii but including Alaska), and in secondary movements from points in the United States to the plantsite of AM General Corp.; and (b) *passengers*, who are, at the time, representatives of manufacturers or purchasers of new buses and who have been designated by their principals to accompany such buses during the transportation thereof, and the *baggage* of such representatives, from the plantsite of AM General Corp. in St. Joseph County, Ind., to points in the United States (excepting Hawaii but including Alaska). 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 Chicago, Ill.

No. MC 50544 (Sub-No. 65), filed December 23, 1971. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, MO 63103. Applicant's representative: Robert S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in service auxiliary to and supplemental of rail service of Texas and Pacific Railway Co., as follows: Between Shreveport, La., and Arcadia, La., over Interstate Highway 20 (U.S. 80), serving no intermediate points and not serving Arcadia, La., except to interchange Texas and Pacific Railway-Missouri Pacific Railroad traffic in through trailers with affiliated Missouri Pacific Truck Lines, Inc. NOTE: The sole purpose of this application (and companion Missouri Pacific Truck Lines,

Inc. application under Docket MC 89723 sub 62 appearing in this publication) is to secure a shorter closed-door route in conjunction with the Missouri Pacific Truck Lines, Inc. for operating convenience only, to, from, and between Shreveport, La. and Monroe, La., via Arcadia, La., in lieu of and in addition to the presently authorized route of these two companies between Shreveport, La., and Monroe, La., via Alexandria, La. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport, or Monroe, La.

No. MC 51146 (Sub-No. 244), filed December 6, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, and paper, and paper products and material, equipment, and supplies* used in the manufacture of such products, from Philadelphia, Pa., to points in the United States (except Alaska and Hawaii), and (2) *returned and rejected* shipments of the above-described commodities and *paper and paper products*, from points in the United States (except Alaska and Hawaii) to Philadelphia, Pa. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 245), filed December 6, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, plastic materials and products, paper and paper products (except commodities in bulk), between the plantsites and storage facilities of Will Ross, Inc., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the plant and storage facilities of Will Ross, Inc., restricted to traffic originating at and destined to the named plant and storage facilities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 51146 (Sub-No. 246), filed December 6, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter and paper and paper products and materials, equipment, and supplies* used in the manufacture of such products, from Milwaukee, Wis., Chicago, Ill.; and Kokomo, Ind., to points in the United States (except Alaska and Hawaii); and (2) *returned and rejected shipments* of the above-described commodities and *paper and paper products*, from points in the United States (except Alaska and Hawaii) to the above origin points. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52953 (Sub-No. 39), filed December 20, 1971. Applicant: ET & WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, TN 37601. Applicant's representative: H. M. Cook, Post Office Box 449, Johnson City, TN 37601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Greenville, Miss., and West Monroe, La., as follows: From Greenville over U.S. Highway 82 to junction U.S. Highway 165, thence over U.S. Highway 165 to Monroe, thence over U.S. Highway 80 to West Monroe, and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 56679 (Sub-No. 60), filed December 13, 1971. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic animal* and *poultry feed ingredients*, from Rogers, Minn., to Birmingham, Ala., Loganville, Ga., and Tampa, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 59680 (Sub-No. 196), filed December 6, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Furniture and furniture parts*, serving the warehouse facility of Singer Co. at or near Warwick, N.Y. as an off-route point in connection with Strickland's authority to serve New York, N.Y. Restriction: This authority is restricted to traffic originating at Singer Co. plant at or near Trumann, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Dallas, Tex.; or New York, N.Y.

No. MC 59680 (Sub-No. 197), filed December 6, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (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 commodities requiring special equipment), serving Harrisburg, New Kingstown, and Carlisle, Pa., as off-route points in connection with carrier's regular route operations. Restriction: Restricted to interchange of traffic with motor common carriers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, or Philadelphia, Pa.

No. MC 60122 (Sub-No. 6), filed December 7, 1971. Applicant: JOHN VIANO AND EDWARD VIANO, a partnership doing business as VIANO BROTHERS, Harding Highway, Landisville, NJ 08326. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Winston-Salem, N.C., to Landisville, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Atlantic City or Trenton, N.J., or Wilmington, Del.

No. MC 61592 (Sub-No. 253), filed December 3, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredder harvesters and stack movers*, from ports of entry on the international boundary line between the United States and Canada to points in the United States (except 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 Chicago, Ill.

No. MC 61592 (Sub-No. 255), filed December 13, 1971. Applicant: JENKINS

TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooked or precooked poultry parts*, (2) *cooked or precooked, breaded, battered, and marinated poultry or poultry parts, and* (3) *poultry skins and fats, uncooked, cooked, or precooked*, (a) between the plants and warehouse sites of McCormick Foods, Inc., located at or near Bedford, Va., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Michigan, Arkansas, Texas, California, Minnesota, Iowa, North Carolina, South Carolina, and Illinois, and, (b) between the plant and warehouse sites of McCormick Foods, Inc., located at or near Bedford, Va., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, New Jersey, New York, Pennsylvania, Michigan, Arkansas, Texas, California, Minnesota, Iowa, North Carolina, South Carolina, and Illinois). 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 69833 (Sub-No. 101), filed October 29, 1971. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Earl E. Meisenbach (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, commodities requiring special equipment and those injurious or contaminating to other lading), serving the plant of the Stauffer Wacker Silicone Corp., Raisin Township, Lenawee County, Mich., as an off-route point in connection with applicant's regular route operations over Michigan Highway 50 or U.S. Highway 223. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, or Detroit, Mich.

No. MC 76629 (Sub-No. 4), filed December 3, 1971. Applicant: OVERLAND FREIGHT LINES, INC., 576 Reno Street, Indianapolis, IN 46206. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, and commodities* produced or distributed by manufacturers and converters of paper and paper products, from the plantsite of Inland Container Corp. at Crawfordsville, Ind., to points in Illinois, Kentucky, Michigan, Missouri, and Ohio; and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the above-described destination territory to the plantsite of Inland Container Corp. at Crawfordville, 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 Indianapolis, Ind.

No. MC 87720 (Sub-No. 122), filed November 23, 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: (1) *Chemicals, paint additives, ink, ink additives, resin and resin materials or products*, between Belleville, Burlington, Carlstadt, East Rutherford, Elizabeth, Flemington, Fords, Garfield, Moonachie, Nixon, Paterson, Piscataway, and Rockaway, N.J.; Reading, Pa., and Chestertown, Md., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, between Lobeco, S.C., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania; and (2) *materials, equipment, and supplies* utilized in the manufacture, sale and distribution of the commodities described above, from the named destination States to the above-described origin points. Restriction: The proposed service to be restricted against the transportation of commodities in bulk; and to be performed under contract or continuing contracts with Tenneco Chemicals, Inc. (Intermediates Division), subsidiary of Tenneco, Inc. NOTE: Applicant presently holds a portion of the authority as sought; no duplicating authority is requested. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 89084 (Sub-No. 4), filed December 13, 1971. Applicant: INTERSTATE HEAVY HAULING, INC. 2035 Northeast Columbia Boulevard, Portland, OR 97211. Applicant's representative: Duane A. Bartsch, 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which by reason of size or weight, require special handling or the use of special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles, transported on trailers, and related machinery, tools, parts, and supplies* moving in connection therewith; (3) *iron and steel articles* as described in appendix 5 to the Commission's report in *Descriptions in Motor Carrier Certificates*, Ex Parte MC 45, 61 M.C.C. 209 and 766; (4) *pipe other than iron or steel, together with fittings*; and (5) *construction materials*, between points in California, on the one hand, and, on the other, points in Oregon, Washington, Idaho, Montana, Nevada, Utah, and Arizona. 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 San Francisco, Calif.

No. MC 89684 (Sub-No. 79), filed November 8, 1971. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West, Salt Lake City, UT 84110. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Merchandise, equipment, and supplies* sold, used, or distributed by a manufacturer of cosmetics, (a) from Salt Lake City, Utah, to points in Idaho south of the southern boundary of Idaho County, and to points in Utah, and (b) from Pocatello and Boise, Idaho, 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 Salt Lake City, Utah.

No. MC 89723 (Sub-No. 62), filed December 23, 1971. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103. Applicant's representative: Robert S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co., as follows: Between Monroe, La., and Arcadia, La., over Interstate Highway 20 (U.S. 80) serving no intermediate points and not serving Arcadia, La., except to interchange Missouri Pacific Railroad-Texas and Pacific Railway traffic in through trailers with affiliated Texas and Pacific Motor Transport Co. NOTE: The sole purpose of this application (and companion Texas and Pacific Motor Transport Co. application under Docket MC 50544 (Sub-No. 65), appearing in this publication) is to secure a shorter closed door route in conjunction with the Texas and Pacific Motor Transport Co. for operating convenience only, to, from, and between Monroe, La., and Shreveport, La., via Arcadia, La., in lieu of and in addition to the presently authorized route of these two companies between Monroe, La., and Shreveport, La., via Alexandria, La. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 95540 (Sub-No. 827), filed December 9, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same

address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses* as described in appendix I, sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from Emporia, Kans., to points in Louisiana, Mississippi, and Tennessee, and (b) from Dakota City, Nebr., to points in Florida. 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 Omaha, Nebr.

No. MC 95540 (Sub-No. 830), filed December 13, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charlotte and Concord, N.C., to points in Arkansas, Florida, Georgia, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority under MC 95540 (Sub-No. 242), for service to points in Alabama and Oklahoma, but has no intention of tacking at this time as other gateways are currently available. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104523 (Sub-No. 49), filed December 13, 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, and material, equipment, and supplies used in connection therewith*, from Fort Worth, Tex., to points in Arkansas, Arizona, California, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin, 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 Denver, Colo., or Fort Worth, Tex.

No. MC 106943 (Sub-No. 104), filed December 8, 1971. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47808. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of the Public Service Co. of Indiana at or near East Mount Carmel, Ind., as an off-route point in connection with carrier's authorized regular-route operations to and from Evansville, Ind. 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 does not specify location.

No. MC 108053 (Sub-No. 109) (Correction), filed November 12, 1971, published in the FEDERAL REGISTER issue of December 23, 1971, and republished in part as corrected this issue. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned thereto as MC 108053 in lieu of MC 108350 which was in error in previous publication. The rest of the application remains the same.

No. MC 113959 (Sub-No. 4), filed December 7, 1971. Applicant: LEMMON TRANSPORT, INCORPORATED, Post Office Box 580, Marion, VA 24354. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste products*, in bulk, from the plantsite of Hercules, Inc., Radford Army Ammunition Plant, at or near Radford, Va., to the plantsite of Champion Paper, Inc., Division of U.S. Plywood, at or near Canton, N.C., under contract with Hercules, Inc. and Radford Army Ammunition Plant. NOTE: Applicant now holds common carrier authority under its No. MC 107544 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 114533 (Sub-No. 242), filed November 26, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restorative dentistry products*, (a) between Kansas City, Mo., on the one hand, and, on the other, points in Kansas; and (b) between Kansas City, and Mission, Kans., on the one hand, and, on the other, points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 128616 and subs, 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 115311 (Sub-No. 129), filed December 6, 1971. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. 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: *High temperature bonding mortar, insulating cement, and firebrick*, from points in Sumter County, Ga., to points in Alabama, Georgia, Florida, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115669 (Sub-No. 126), filed December 6, 1971. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. 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: 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 115793 (Sub-No. 14), filed December 7, 1971. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, NC 28645. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products, bakery mixes, and bases for bakery products*, from Alton, Ill., to points in North Carolina on and west of U.S. Highway 301, those in South Carolina on and north of U.S. Highway 29, those in Georgia on and north of U.S. Highway 78 (except Atlanta, Ga.), those in Tennessee on and east of Alternate U.S. Highway 41 and those in Kentucky within the area bounded by U.S. Highway 41 from the Tennessee-Kentucky State line north of U.S. Highway 62, thence northeast along U.S. Highway 62 to U.S. Highway 231, thence southeast along U.S. Highway 231 to U.S. Highway 80, thence east along U.S. Highway 80 to Interstate Highway 75, thence south along Interstate Highway 75 to the Tennessee-Kentucky State line and westward along that State line to point of beginning, including points on all designated boundary lines. 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 116763 (Sub-No. 215), filed November 15, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains and varnishes, caulking and glazing compounds, roofing cement, petroleum oils and greases, and related products*, from Cleveland, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the facilities of Parr, Inc., at or near Cleveland, Ohio. 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 Cleveland, Ohio.

No. MC 117686 (Sub-No. 126), filed November 18, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51105. 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: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Hospers, Iowa, to points in Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma. 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, Iowa, or Sioux Falls, S. Dak.

No. MC 117883 (Sub-No. 164), filed December 3, 1971. Applicant: SUBLER TRANSFER, INC., Post Office Box 62, Versailles, OH 45380. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour, prepared flour mixes, frosting mixes, and icing mixes*, from Chelsea, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at Chelsea Milling Co. at Chelsea, Mich. 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 117940 (Sub-No. 74), filed November 18, 1971. Applicant: NATIONWIDE CARRIERS, INC., Box 104, Maple Plain, MN 55359. 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: *Television receiving antennas*, from Sherburne and Norwich, N.Y., to Minneapolis, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118535 (Sub-No. 46), filed December 6, 1971. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog food*, from the facilities of Allen Canning Co. at or near Alma, Van Buren, Gentry, Siloam Springs, and a point located approximately 10 miles east of Siloam Springs, Ark., and Proctor, and Kansas, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, 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 Tulsa, Okla., or Little Rock, Ark.

No. MC 118535 (Sub-No. 47), filed November 22, 1971. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, (1) from Kansas City, Mo., and the facilities of Kansas City Power & Light Co. at or near Clinton, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Nebraska, and Oklahoma; and (2) from the facilities of Kansas City Power & Light Co. at or near LaCygne, Kans., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, and Oklahoma. 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.

No MC 119639 (Sub-No. 5), filed November 24, 1971. Applicant: INCO EXPRESS, INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabric coated with plastic and/or liquid plastic*, between points in King and Snohomish Counties, Wash., on the one hand, and, on the other, points in Alameda, Contra Costa, Los Angeles, and Orange Counties, Calif., restricted to traffic requiring refrigeration. 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 Seattle, Wash.

No. MC 119670 (Sub-No. 21), filed November 29, 1971. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box, 115, Winton Place Station, Cincinnati, OH 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from the plantsite of CF Industries, Inc., Terre Haute Nitrogen Complex, at or near Terre Haute, Ind., to points in Ohio. 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 Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 119762 (Sub-No. 4), filed December 8, 1971. Applicant: KIMBERLAIN TRUCKING, INC., 5307 Cynthia Lane, Racine, WI 53406. Applicant's representative: Paul Pike Pullen, 4920 West Vliet Street, Milwaukee, WI 53208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages* and *empty containers* or other such incidental facilities used in transporting said commodity, from South Bend, Ind., to Racine and Kenosha, Wis., under contract with Triangle Wholesale Co., Inc., and Rapids Beer Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Racine, Wis.

No. MC 119789 (Sub-No. 110), filed December 6, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods, commodities in bulk, in tank vehicles, meats and meat byproducts), from Delaware and Defiance, Ohio, to points in Texas, California, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 119934 (Sub-No. 174), filed December 9, 1971. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Sugar, dry in bulk, from St. Bernard Parish, La., to points in Arkansas, 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 Indianapolis, Ind.; New Orleans, La., or Washington, D.C.

No. MC 119988 (Sub-No. 48), filed December 6, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Lufkin, TX 75901. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation pursuant to section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter from the plantsite or warehouses of Web Offset Division of the Oklahoma Publishing Co., at or near Oklahoma City, Okla., to points in Alabama (except Birmingham), Arkansas, Colorado (except Denver), Delaware, Florida, Georgia, Idaho, Illinois (except Chicago), Iowa, Kansas, Kentucky (except Louisville), Maine, Massachusetts (except Boston), Maryland, Mississippi, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, New York (except New York City), North Dakota, Oregon, Pennsylvania east of U.S. Highway 219, South Carolina, South Dakota, Tennessee, Texas (except Dallas), Utah, Vermont, Virginia, Washington, West Virginia (except Wheeling), Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, or Dallas, Tex.

No. MC 123048 (Sub-No. 204), filed December 8, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Engine-cooling radiators;* and (2) *racks* for engine-cooling radiators, between Kenosha, Wis., on the one hand, and, on the other, Paducah, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123407 (Sub-No. 98), filed November 18, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, 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: *Floor tile, flooring adhesives, flooring materials, supplies, and accessories*, used in the installation thereof (except commodities in bulk), from Kankakee, Ill., to points in Minnesota, North Dakota, South Dakota, Nebraska, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 125338 (Sub-No. 7), filed December 14, 1971. Applicant: SUPER SPEED TRANSPORT, INC., Post Office Box 755, Waterloo, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and snowplow tractors*, from the port of entry on the international boundary line between the United States and Canada at or near Trout River, N.Y., to Malone, N.Y. 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 Plattsburgh, N.Y.; Montpelier, Vt., or Boston, Mass.

No. MC 125433 (Sub-No. 31), filed December 2, 1971. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quick freezing systems, carbon dioxide recovery systems, vaporizers, converters, and liquefiers*, from the plantsite of Airco Cryogenics at or near Irvine, Calif., to points in the United States (except Hawaii and Alaska). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Salt Lake City, Utah.

No. MC 125497 (Sub-No. 15), filed November 26, 1971. Applicant: L. WOODS & SON TRANSPORT LTD., 5005 Irwin Avenue, LaSalle, PQ, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and trail bikes*, between ports of entry on the international boundary line between the United States and Canada and points in the United States on the one hand, and, on the other, points in Massachusetts, restricted to foreign commerce only. 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 126198 (Sub-No. 12), filed November 3, 1971. Applicant: MICHAUD TRUCKING, INCORPORATED, 133 Birch Street, Kingsford, MI 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely beer, ale, and malt*, from St. Louis, Mo., to Escanaba (Delta County), Mich., and empty containers on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 128273 (Sub-No. 116), filed December 3, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Franklin, Va., to points in Ohio, Indiana (points on and north of U.S. Highway 40), Michigan (points on and south of Michigan Highway 21) and Chicago, Ill., and 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 Washington, D.C.

No. MC 128273 (Sub-No. 117), filed December 3, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from Olmstead, Ill., and Paris, Tenn., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Texas, Louisiana, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, 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 Minneapolis, Minn., or Washington, D.C.

No. MC 129613 (Sub-No. 8), filed December 2, 1971. Applicant: ARTHUR FULTON, Stephens City, Va. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, normally sold in department or variety stores, from the Silco Stores, Inc., warehouse at or near Winchester, Va., to points in Delaware, Maryland, North Carolina, New Jersey, Ohio, Pennsylvania, Virginia, and West Virginia and from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and Washington, D.C., to Silco Stores, Inc., warehouse at or near Winchester, Va., under contract with Silco Stores, Inc., Huntington Valley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Winchester, Va., or Washington, D.C.

No. MC 129631 (Sub-No. 24), filed November 29, 1971. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Applicant's representative: Max D. Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, valves, fittings and hydrants, and the stringing thereof* (except those commodities which because of size or weight require special equipment), from Provo and Ironton, Utah to points in Oregon and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 101741. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133562 (Sub-No. 10), filed December 13, 1971. Applicant: HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, IA 51334. Applicant's representative: Merle Johnson (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 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 utilized by Spencer Foods, Inc., at or near Hartley and Spencer, Iowa, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 133591 (Sub-No. 1), filed November 24, 1971. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, Post Office Box 303, Mount Vernon, MO 65712. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, from plantsites and storage facilities of L. S. Heath & Sons, Inc. at or near Robinson, Ill., and from plantsites and storage facilities of Fred W. Amend Co. at or near Danville, Ill., to points in California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, and Nevada. NOTE: Applicant holds contract carrier authority under its No. MC 134494 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133741 (Sub-No. 11), filed October 26, 1971. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Montana, to points in Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, and Wisconsin, under contract with U.S. Plywood-Champion Papers, Inc. NOTE: Applicant holds common carrier authority under MC 134370 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Billings, Mont., or Cheyenne, Wyo.

No. MC 133854 (Sub-No. 4), filed December 6, 1971. Applicant: DOYLE REASNOR AND LEO REASNOR, a partnership, doing business as REASNOR CONSTRUCTION COMPANY, Post Office Box 148, Kinta, OK 75442. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the mine site of Kerr-McGee Corp. near Stigler, Okla., to Sansbois Creek 3 miles west of Keota, Okla., restricted to the transportation of traffic having a subsequent movement by water, under contract with Kerr-McGee Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 133966 (Sub-No. 11), filed August 10, 1971. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. 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: *Cellular or expanded plastic sheet*, from West Hazleton, Pa., to points in Indiana, Illinois, Massachusetts, Michigan, Ohio, Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 134387 (Sub-No. 9), filed December 6, 1971. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, Los Angeles, CA 90280. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal cans and can ends*, from points in Alameda, Los Angeles, Orange, San Bernardino, Santa Clara, Stanislaus, San Francisco, and San Mateo Counties, Calif., to points in Hood River, Clackamas, Lane, Lynn, Polk, Marion, Multomah, Umatilla, Washington, Yamhill, and Clatsop Counties, Oreg., and to points in Benton, Clark, King, Lewis, Pierce, Thurston, Walla Walla, Yakima, Skagit, Snohomish, and Watcom Counties, Wash., and (2) *glass containers and closures* therefor, from points in Los Angeles and Alameda Counties, Calif., to points in King, Pierce and Benton Counties, Wash., and to points in Multnomah County, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 127952 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134922 (Sub-No. 21) (Amendment), filed December 6, 1971, published in the FEDERAL REGISTER issue of December 30, 1971, and republished as amended this issue. 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, Mississippi, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add Mississippi as a destination state. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135681 (Sub-No. 1), filed December 3, 1971. Applicant: LEONARD JACKSON, doing business as L. M. JACKSON AND SONS, Post Office Box 94, Daleville, IN 47334. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble and granite monuments*, and *materials* and *supplies* used in their preparation, from Muncie, Ind., to points in Indiana; points in Champaign, Clark, Clay, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Iroquois, Jasper, Jefferson, Lawrence, Livingston, McLean, Macon, Marion, Moultrie, Piatt, Richland, Saline, Shelby, Vermilion, Wabash, Wayne, White, and Williamson Counties, Ill.; points in Darke, Preble, Mercer and Van Wert Counties, Ohio; and Owensboro, Louisville, Elizabethtown, Glasgow, Frankfort, and Lexington, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 135900 (Sub-No. 1), filed August 16, 1971. Applicant: ROBERT B. JONES, Post Office Box 141, Lake Stevens, WA 98298. Applicant's representative: Patrick D. Sutherland, Suite 900 Capitol Center Building, Olympia, Wash. 98501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by surplus and

discount stores, between Seattle warehouses and only the Worldwide Distributors affiliated stores in Multnomah, Marion, Jackson, Wasco and Umatilla Counties, Oreg., and Latah County, Idaho, under contract with World Wide Distributors affiliate stores only in Washington, Oregon, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 135942 (Sub-No. 2), filed December 8, 1971. Applicant: MAX BRONES, doing business as BRONES LIVESTOCK, Joice, Iowa 50446. Applicant's representative: Clayton L. Wornson, 824 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic tubing* and (on return) *material, equipment and supplies*, used in manufacture, distribution and installation of corrugated plastic tubing (except in bulk, from Lake Mills, Iowa to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and on return from points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin to Lake Mills, Iowa, under contract with Certain-Teed/Daymond Co., Valley Forge, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City, or Des Moines, Iowa.

No. MC 135974 (Sub-No. 1), filed November 15, 1971. Applicant: DONALD W. LEMMONS, doing business as INTERSTATE WOOD PRODUCTS, 107 Johnson Lane, Kelso, WA 98626. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, shavings and hogged fuel*, (1) from points in Lewis County, Wash., to points in Grays Harbor and Cowlitz Counties, Wash., and Clackamas, Clatsop, and Columbia Counties, Oreg., and (2) from points in Hood River County, Oreg., to Longview, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 135999 (Sub-No. 2), filed December 8, 1971. Applicant: HARRY PATTERSON, doing business as PATTERSON TRUCK LINE, Box 192, Salisbury, MO 65281. Applicant's representative: Dale E. Sporleder, 614 Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsite of Semco Manufacturing, Inc., at or near Salisbury, Mo., to points in the United States (except Alaska and Hawaii), under contract with Semco Mfg., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, or Kansas City, Mo.

No. MC 136179 (correction), filed November 9, 1971, published FEDERAL REGISTER, issue of December 16, 1971, and republished as corrected this issue. Applicant: CHARLES A. NOLLMAN, Route 6, Box 662, Ringgold, GA 30736. NOTE: The purpose of this republication is to show the correct docket number assigned hereto, No. MC 136179, in lieu of No. MC 136180, which was in error. The rest of the notice remains as previously published.

No. MC 136185, filed November 15, 1971. Applicant: FLEETWOOD HOMES OF TEXAS, INC., 2901 Industrial Road, Waco, TX 70703. Applicant's representative: Coke Mills, Jr., 604 First National Building, Waco, Tex. 76701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Extruded polyethylene film, liners and bags* (except in tank vehicles), from Waco, Tex., to points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., Cooke, DuPage, and Lake Counties, Ill., Columbus, Ohio, Atlanta, Ga., New Orleans, La., Little Rock, Ark., St. Louis, Mo., Oklahoma City, Okla., Louisville, Ky., Phoenix, Ariz., and Albuquerque, N. Mex., under contract with Pakrite Plastic Corp., of Waco, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 136206, filed December 9, 1971. Applicant: TWIN COUNTY TRUCKING & DELIVERY SERVICE, INC., 810 Fourth Avenue, Asbury Park, NJ 07712. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. 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, commodities requiring special equipment, and those injurious or contaminating to other lading), between Trenton, N.J., on the one hand, and, on the other, points in Monmouth and Ocean Counties, N.J., and those in Middlesex County, N.J., on and south of the Raritan River, restricted to shipments having a prior or subsequent movement by other carriers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Philadelphia, Pa.

No. MC 136217 (Sub-No. 1), filed December 6, 1971. Applicant: HRH TRUCKING, INC., 19–95 Linden Boulevard, Elmhurst, NY 11368. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus fruit juice crystals, citrus fruit juice powder, nonalcoholic beverage mix and beverage dispenser, beverage preparations, aromatic bitters, flavoring syrup, rock crystal syrup, and advertising matter*, from Carteret, N.J., to points in New York, N.Y., commercial zone as defined in the Fifth Supplemental Report in commercial zones and terminal areas, 53 M.C.C. 451, within which local operations may be conducted under exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), under a continuing contract or contracts with the Angostura-Wuppermann Corp., and Cramore Products, Inc., a subsidiary of Iroquois Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136219, filed November 22, 1971. Applicant: ACKERMAN MOTOR LINES, INC., 208 Alpine Trail, Sparta, NJ 07870. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and materials, equipment and supplies* used or useful in the manufacture and sale of textiles, between Washington, N.J., on the one hand, and, on the other, Newburgh and points in the New York, N.Y., commercial zone as defined by the Commission, Carlstadt and Paramus, N.J., and points in Pennsylvania east of the Susquehanna River, under contract with Milville Dyeing Finishing Co. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136241, filed December 9, 1971. Applicant: GEORGE A. FAGUE, 246 Woonasquatucket Avenue, North Providence, RI 02911. Applicant's representative: Martin Johnson, 638 Hospital Trust Building, Providence, R.I. 02903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger vehicles*, by drive-away method in secondary movement, between points in Rhode Island on the one hand, and, on the other, points in the continental United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 136245, filed December 3, 1971. Applicant: HARVEY L. DAVIS, doing business as DAVIS GARAGE AND WELDING SHOP, 1024 Northwest Boulevard W, Winston-Salem, NC 27104. Applicant's representative: W. Leslie Johnson, Jr., 203 Northwestern Bank Building, Corner Cherry and Third Streets, Winston-Salem, NC 27101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked cars and trucks*, between points in eastern United States (except Wisconsin, Michigan, Minnesota, New Hampshire, Vermont, and Maine), under contract with Carolina Garage, Anchor Motor Freight and McLean Trucking Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 136247, filed December 6, 1971. Applicant: WRIGHT TRUCKING, INC., 1303 10th Street SE., Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by wholesale food and beverage distributors, from Jamestown, N. Dak., to points in North Dakota except Fargo an Portland, and the facilities of Valley Sales Co., Inc., at Jamestown and Valley City, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 136257, filed December 8, 1971. Applicant: JOE EDGEWORTH, doing business as EDGEWORTH TRUCKING, 4484 South K Street, Tulare, CA 93274. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, CA 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, expanded, having a density of less than 6 pounds per cubic foot, from points in Los Angeles and Orange Counties, Calif., to points in Nevada, Arizona, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136100 (Sub-No. 1), filed December 3, 1971. Applicant: K & K TRANSPORTATION CORP., 4515 North 24 Street, Omaha, NE 68110. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Folding cartons and corrugated cases*, from Omaha, Nebr., to points in the United States, (b) *carton forming machinery* to and from Omaha, Nebr., to the aforesaid destinations and between the aforesaid destinations, and (c) *plastic film*, from Chicago, Ill., and Bridgeport, Conn., to Omaha, Nebr., under contract with Midwest Supply Co., Omaha, Nebr., and Malnove Specialty Box Co., Omaha, Nebr. NOTE: Applicant states commodities destined for Nassau, Bahamas; Honolulu, Hawaii; and Pago, Pago, will be delivered to the port of embarcation. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

MOTOR CARRIER OF PASSENGERS

No. MC 135854 (Sub-No. 1), filed December 7, 1971. Applicant: GINO PAUL DEFENT, doing business as GINO'S BUS SERVICE, 186 Canterbury Street, Ingersoll, ON Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Passengers and their baggage* in the same vehicle with passengers, in special operations in round trip, sightseeing and pleasure tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in New York and Michigan and extending to points in Michigan and New York, and (b) *passengers and their baggage* in charter operations from ports of entry on the international boundary line between the United States and Canada located in Michigan and New York to points in New York and Michigan, and return. Restriction: The transportation authorized herein is restricted to foreign transportation only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

By the Commission.

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

[FR Doc.72-136 Filed 1-5-72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*
1–62	Jan. 4
63–123	5
125–193	6

federal register

THURSDAY, JANUARY 6, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 3

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

Grants, Loans, and Loan Guarantees for Construction and Modernization of Hospitals and Medical Facilities

No. 3—Pt. II——1

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 53—GRANTS, LOANS AND LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

On July 29, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14016) proposing a revision of 42 CFR Part 53, relating to grants, loans and loan guarantees for the construction and modernization of hospitals and medical facilities under Title VI of the Public Health Service Act (42 U.S.C. 291 et seq.).

Interested persons were invited to submit, within 30 days, written comments, suggestions or objections regarding the proposed regulations.

A number of responses were received. The substance of these comments, and the Department's response thereto, is summarized below.

Changes have been made in the final regulations as a result of the following comments on the proposal:

1. *Allotment of direct loan and loan guarantee funds.* It was pointed out that the proposed formula for allotment of loan and loan guarantee funds to States did not include the element "need for construction", which is required by statute (sec. 622(a), Public Health Service Act).

The omission of the element "need for construction" was inadvertent. It has now been included in the formula (§ 53.92).

2. *Size criteria for mental and tuberculosis hospitals.* It was suggested that the 3,000-bed maximum size for mental hospital projects is contrary to the Federal policy of encouraging a trend away from large State or municipal "warehouses" for the mentally ill; and that the 100-bed minimum size for tuberculosis hospitals is contrary to the policy of the program to include necessary TB beds as units of general hospitals, rather than as separate entities.

The size criteria for both mental health and TB hospitals (§§ 53.102 and 53.103 of the proposal) have been deleted.

3. *Review of State plans by areawide health planning agencies.* It was suggested that, in addition to the review of individual projects by areawide health planning agencies required by statute, the State plan itself should be submitted in draft form to such agencies for review and comment.

Although this suggested addition has been program policy since January 1971, it constitutes a step in the plan review process which should more logically be included in the regulations. Accordingly, a provision has been added (§ 53.121(b)) requiring that the State Hill-Burton agency submit the State plan and any modifications thereof in final draft, before submission to the Secretary, to each agency which has developed an areawide health plan pursuant to section 314(b) of the Public Health Service Act with respect to an area in the State and, with respect to any area in which there is no such agency, to the agency administering the State plan under section 314(a) of the Act.

4. *Assurance of reasonable volume of services to persons unable to pay therefor.* Several comments related to the assurance which has been authorized by statute (section 603(e)(2), PHS Act) and required by regulation since the program's inception, and which was restated in § 53.111(b) of the proposal, with respect to the provision of a reasonable volume of services for persons unable to pay therefor.

That assurance is currently the subject of litigation in a number of suits in which the Secretary has been named or joined as a defendant. A new regulation designed to define the scope of the assurance more clearly and to govern its enforcement is under preparation in the Department and will be published separately in the near future as a notice of proposed rule making with invitation for public comment. In the interim, the assurance of a reasonable volume of services for persons unable to pay therefor has been revised so as to restate the statutory language, and has been placed in a separate section (§ 53.111). In addition, the provisions relating to community service (§ 53.111(a) of the proposal), nondiscrimination on account of creed (§ 53.111(c)), Title VI of the Civil Rights Act of 1964 (§ 53.112), and nondiscrimination in construction contracts (§ 53.113) have been placed in a new § 53.112, as paragraphs (a)(1), (a)(2), (c), and (b), respectively.

5. *Use of 1960 data in determining poverty areas.* Objection was raised to the fact that "the latest available published data from the Bureau of the Census", which State agencies are required to use in determining rural and urban poverty areas under § 53.129 of the proposal, is currently the data from the 1960 census—1970 census data will not be available until at least February 1972.

To alleviate this problem, a paragraph has been added providing that if States can demonstrate to the satisfaction of the Secretary that the income levels of families in particular areas have changed sufficiently since the date of the latest available census data to justify changes in the ranking of such areas, they may qualify as rural or urban poverty areas.

In addition, the following comments were received:

6. *Fifty-year title requirement.* Objection was raised to the requirement that an applicant provide assurance that he has or will have a fee simple or other interest in the construction site sufficient to assure undisturbed use of the facility for a period of 50 years (§ 53.128(a) of the proposal).

The 50-year title requirement is statutory (see section 645(1), PHS Act).

7. *Services in outpatient facilities.* It was suggested that a more specific list of minimum services to be provided in outpatient facilities be developed (§ 53.1(j) of the proposal).

It is the Department's judgment that no inclusion of specific types of outpatient services is necessary, since the emphasis is on the comprehensiveness of such facilities. Policy guidelines specify that single purpose outpatient facilities such as alcoholic or narcotic addiction centers are eligible where they serve one or more general hospitals within the same service area under formal written agreements. This same arrangement has been made for other types of single purpose facilities eligible in the past, such as laboratory or laundry facilities to be used by a number of general hospitals. Maintaining this concept strengthens the emphasis on shared services and reduction of duplication of functions.

8. *"Comprehensive health care".* It was suggested that the term "comprehensive" as used in § 53.81(a) of the proposal is too general, and that a list of basic minimum services should be included by way of definition.

"Comprehensive health care" is deliberately left undefined, since it is to be construed in relation to the need of a community/service area. To spell out a list of services invites duplication of those services by applicants in order to qualify for assistance. Priority judgment will be applied in favor of the applicant who presents the best program to meet the largest share of the defined needs.

In addition to the changes described in paragraphs 1–5 above, a number of editorial and technical changes have been included.

After consideration of all the comments and suggestions received, the revision as proposed is hereby adopted, subject to the following changes:

1. The first sentence of § 53.42 is revised to read as set forth below.

2. Paragraph (c) of § 53.84 is changed by inserting ")" immediately after the word "section".

3. Subparagraph (2) of § 53.92(a) is revised to read as set forth below.

4. Paragraph (b) of § 53.94 is revised to read as set forth below.

5. Sections 53.102 and 53.103 are deleted, and § 53.104 is renumbered as § 53.102.

6. Subpart L is revised to read as set forth below.

7. Section 53.121 is revised to read as set forth below.

8. Subdivision (i) of § 53.128(1)(2) is revised to read as set forth below.

9. Paragraph (c) of § 53.129 is redesignated as paragraph (d) of such section, and a new paragraph (c) is inserted.

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER (1–6–72).

Dated: December 6, 1971.

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

Approved: December 30, 1971.

ELLIOT L. RICHARDSON,
Secretary.

AUTHORITY: The provisions of this Part 53 issued under secs. 215, 603, 623(b), Public Health Service Act as amended, 58 Stat. 690, 78 Stat. 451, 84 Stat. 346; 42 U.S.C. 216, 291o, 291j-3(b).

Subpart A—Definitions

§ 53.1 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this part:

(a) "Act" means title VI of the Public Health Service Act, as amended (42 U.S.C. 291 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State agency" means the agency designated by a State pursuant to section 604(a)(1) of the Act.

(d) "Service area" means the geographic territory from which patients come or are expected to come to existing or proposed hospitals or existing or proposed public health centers, or existing or proposed medical facilities (i.e., facilities for long-term care, outpatient facilities, rehabilitation facilities), the delineation of which is based on such factors as population distributon, natural geographic boundaries, and transportation and trade patterns, and all parts of which are reasonably accessible to existing or proposed hospitals, public health centers, or medical facilities. When appropriate, interstate areas may be formed with the mutual agreement of the States concerned.

(e) "Hospital" means general, tuberculosis, mental, and other types of hospitals, and related facilities such as laboratories, outpatient departments, nurses' home facilities, extended care facilities, facilities related to programs for home health services, self-care units, education or training facilities for health professions personnel operated as an integral part of a hospital, and central service facilities operated in connection with hospitals, but does not include any hospital providing primarily domiciliary care.

(f) "General hospital" means any hospital for short-term inpatient medical or surgical care of illness or injury, which may include obstetrical care.

(g) "Mental hospital" means a hospital (including long-term care, intensive care, or both) for the diagnosis and treatment of mental illness.

(h) "Tuberculosis hospital" means a hospital for the diagnosis and treatment of tuberculosis.

(i) "Facility for long-term care" means a facility (including an extended care facility) providing community service for inpatient care for convalescent or chronic disease patients who require skilled nursing care and related medical services

(1) Which is a hospital (other than a hospital primarily for the care and treatment of mentally ill or tuberculosis patients) or is operated in connection with a hospital, or

(2) In which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State. Institutions furnishing primarily domiciliary care are not included.

"Chronic disease hospitals" and "nursing homes" as used in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities," incorporated by reference in § 53.101(a), constitute "facilities for long-term care."

(j) "Outpatient facility" means a facility, located in or apart from a hospital, providing community service for the diagnosis or diagnosis and treatment of ambulatory patients (including ambulatory inpatients) in need of physical and/or mental care

(1) Which is operated in connection with a hospital; or

(2) In which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State; or

(3) Which offers to patients not requiring hospitalization the services of licensed physicians in various medical specialities, and which makes provision for its patients to receive a reasonably full range of diagnostic and treatment services.

(k) "Rehabilitation facility" means a facility providing community service which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program under competent professional supervision of: Medical evaluation and services; and psychological, social, or vocational evaluation and services. The major portion of the required evaluation and services must be furnished within the facility; and the facility must be operated either in connection with a hospital or as a facility in which all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State. For purposes of this paragraph:

(1) An integrated program brings together as a team specialized personnel from the (i) medical, and (ii) psychological, social, or vocational areas for the purpose of pooling information, interpretations and opinions for the development of a rehabilitation plan of services in which the disabled individual is viewed as a whole. When members of the team contribute to the diagnosis and treatment of illness, their contributions must be coordinated under medical responsibility.

(2) A disabled person is an individual who has a physical or mental condition which, to a material degree, limits, contributes to limiting, or if not corrected, will probably result in limiting, the individual's performance or activities to the extent of constituting a substantial physical, mental, or vocational handicap.

(3) Medical service, in the case of a rehabilitation facility operated in connection with a hospital, means a service under the direct personal supervision of a medical director, varied and extensive availability of specialized consultants, physical and occupational therapy department and occupation therapy services, and medical evaluation.

(4) Medical service, in the case of a rehabilitation facility not operated in connection with a hospital, means medical supervision, availability by agreement of medical consultants, and evaluation and services suitable to the needs of the disabled persons to be served.

(5) Social service means evaluation and services by a qualified social worker in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(6) Psychological service means evaluation and services by a qualified psychologist in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(7) Vocational service, in the case of a rehabilitation facility operated in connection with a hospital, means evaluation and services by a qualified vocational rehabilitation counselor in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(8) Vocational service, in the case of a rehabilitation facility not operated in connection with a hospital, means those vocational services required in hospitals, plus a variety of vocational services appropriate to the program and the persons to be served, such as prevocational exploration, work evaluation and vocational training.

(l) "Public health center" means a publicly owned facility utilized by a local health unit for the provision of public health services, including related publicly owned facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(m) "Local health unit" means a single county, city, county-city, or local district health unit, as well as a State health district unit where the primary function of the State district unit is the direct provision of public health services to the population under its jurisdiction.

(n) "Public health services" means services provided through organized community effort in the endeavor to prevent disease, prolong life, and maintain a high degree of physical and mental efficiency.

(o) "Hospital bed" means a bed for an adult or child patient. Bassinets for the newborn in a maternity unit nursery, beds in labor rooms, recovery rooms, and other beds used exclusively for emergency purposes are not included in this definition.

(p) "Population", with respect to any State or any area thereof, means the latest figures of civilian population certified by the U.S. Department of Commerce.

(q) "Projected population" means the projected State population estimates obtained from the U.S. Department of Commerce and provided to the State agency by the Secretary. The State agency shall distribute such population among the various areas, provided that the sum of the projected populations distributed among the various areas shall not exceed the figures provided by the Secretary.

(r) "Nonprofit hospital," "nonprofit outpatient facility," "nonprofit rehabilitation facility," and "nonprofit facility for long-term care" means any hospital, outpatient facility, rehabilitation facility, or facility for long-term care, as the case may be, owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(s) "Community service", when applied to any facility, means that (1) the services furnished are available to the general public, or (2) admission is limited only on the basis of age, medical indigency, or type or kind of medical or mental disability, or (3) the facility constitutes a medical or nursing care unit of a home or other institution which home or other institution is available in accordance with subparagraph (1) or (2) of this paragraph.

(t) "Modernization" includes alteration, major repair, remodeling, replacement, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in equipment of existing buildings. It does not include the replacement of a facility or a portion of a facility to an inpatient capacity greater than the capacity of the existing facility.

(u) "Equipment" includes those items which are necessary for the functioning of the facility but does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, and soap.

(v) "Built-in equipment" means that equipment which is affixed to the facility, and usually included in the construction contract.

(w) "Major repair" means those repairs to an existing building excluding routine maintenance which restore the building to a sound state, the cost of which is no less than $100,000.

(x) "State" means the 50 States, Puerto Rico, Guam, the Virgin Islands, American Samoa, the District of Columbia, and the Trust Territories of the Pacific Islands.

Subpart B—Distribution of Beds for Acute and Long-Term Illness (Excluding Mental and Tuberculosis)

§ 53.11 State need (standards of adequacy).

The total number of beds for acute and long-term illness required to provide adequate service to the people residing an any State shall be the total of such beds required for individual service areas within the State. The number of beds required for each service area shall be determined by the State agency as follows:

(a) For general hospitals,

(1) Step (i): Multiply the current area use rate (area patient days per 1,000 current area population per year) by the projected area population (in thousands) and divide by 365 to obtain a projected area average daily census; Step (ii): Divide the projected area average daily census by 0.85 (occupancy factor) and add 10 to obtain the number of beds needed in the area, or

(2) By a different method which shall (i) incorporate, as a minimum, area utilization experience, projected area population and a desirable occupancy factor, and (ii) be submitted to the Secretary for approval prior to its use in the State plan.

(3) State agencies may adjust the bed need, as determined by one of the above methods, for specific areas with unusual circumstances or conditions; any such adjustment must be fully explained and justified in the State plan.

(b) For facilities for long-term care,

(1) Step (i): Multiply the current area use rate (area patient days per 1,000 current area population per year) by the projected area population (in thousands) and divide by 365 to obtain a projected area average daily census; Step (ii) Divide the projected area average daily census by 0.90 (occupancy factor) and add 10 to obtain the number of beds needed in the area, or

(2) By a different method which shall (i) incorporate, as a minimum, area utilization experience, projected area population and a desirable occupancy factor, and (ii) be submitted to the Secretary for approval prior to its use in the State plan.

(3) State agencies shall take into consideration (i) adjustment of bed need, as determined by one of the above methods, for areas in which a change in use rate is anticipated, and (ii) the use of area population age 65 and over, where appropriate, in place of total area population in determining bed need for long-term care.

§ 53.12 Service areas.

(a) The same service areas shall be used for planning general hospital facilities and facilities for long-term care, except that State agencies may use different areas for planning facilities for long-term care when this is consistent with effective relationships between the location of facilities and the need for services.

(b) Each service area shall have sufficient population that it may have general hospital or long-term care services appropriately planned in one or more facilities.

(c) The State agency shall describe in the State plan the population characteristics of each service area and outline a program for the distribution of beds and facilities for general hospital and long-term care.

§ 53.13 Existing general hospital beds and long-term care beds.

(a) The count of existing general hospital beds shall include the beds in the hospitals of this category as defined in Subpart A, which are not included in the count of beds for any other category under this part, and beds in any mental hospital, tuberculosis hospital or facility for long-term care which are specifically assigned for general hospital care, provided the beds so assigned in any such facility number 10 or more.

(b) The count of existing beds in facilities for long-term care shall include the beds in the facilities of this category as defined in Subpart A, which are not included in the count of beds in any other category under this part, and beds in any general, mental or tuberculosis hospital which are specifically assigned to long-term care other than mental or tuberculosis, provided the beds so assigned to any such facility number 10 or more.

(c) The count of existing beds described in paragraphs (a) and (b) of this section shall: (1) Include beds in all nursing units, including those currently closed or assigned to easily convertible nonpatient use, and bed space under construction, and (2) exclude beds in labor rooms, recovery rooms, emergency rooms, beds used intermittently for diagnosis or treatment, beds set up for temporary use, bassinets in new-born nurseries in maternity units, and unfinished bed space not under construction.

(d) The number of existing facilities in each category referred to in this subpart shall be counted.

(e) Existing beds described in paragraphs (a) and (b) of this section shall be classified as conforming or nonconforming according to specific standards of plant evaluation. Such standards shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of nursing units;

(4) Design and structural factors affecting the function of service departments.

Subpart C—Distribution of Tuberculosis Hospital Beds

§ 53.21 State need (standards of adequacy).

The number of beds required to provide adequate hospital services for tuberculosis patients in any State or service area shall be determined by the following method: Divide the current average daily census of each hospital by 0.90 (occupancy factor).

§ 53.22 Distribution.

Tuberculosis hospitals receiving grants under the Act shall be built in centers of population, in proximity to general hospitals, with a view to developing community based inpatient and outpatient programs rather than isolated inpatient programs.

§ 53.23 Existing tuberculosis hospital beds.

(a) The count of existing tuberculosis hospital beds shall include the beds in tuberculosis hospitals, which are not included in the count of beds for any other category, and also beds in any general hospital which are specifically assigned for the care of patients with tuberculosis, provided the beds so assigned in any such general hospital number 10 or more.

(b) Existing tuberculosis hospital beds shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart B of this part.

Subpart D—Eligibility, Distribution and Priority of Beds for the Mentally Ill

§ 53.31 Mental health services principally for persons residing in the community.

(a) For the purpose of determining need and priority, the State plan approved or approvable under the Community Mental Health Centers Act (42 U.S.C. 2681 et seq.) shall constitute that portion of the plan under the Act for construction of facilities for providing services principally for persons residing in a particular community or communities in or near which the facility is situated for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons.

(b) Special consideration shall be given to those projects for which the applicant sets forth in his application a reasonable and feasible proposal for the development, within a reasonable period of time, of a program for the provision of those essential elements of comprehensive mental health services prescribed in § 54.212 of this chapter relating to community mental health centers.

(c) An application for the construction of facilities specified in paragraph (a) of this section may be approved under this part only if the Secretary determines that funds are not available under the Community Mental Health Centers construction grant program (Part 54, Subpart C, of this chapter).

§ 53.32 Mental health services not principally for persons residing in the community.

(a) With respect to facilities for the mentally ill which do not provide services principally for persons residing in a particular community in or near which the facility is situated, special consideration shall be given to those projects for remodeling or replacing services and facilities which do not increase bed capacity, or if services are being expanded, the applicant demonstrates that no alternative plan for provision of such expanded services is feasible.

(b) An application for construction of facilities specified in paragraph (a) of this section may be approved only if it conforms with the State plan approved under the Act.

§ 53.33 Distribution.

Mental hospitals receiving grants under the Act shall be built in centers of population, as a part of or in proximity to general hospitals, with a view to developing community based inpatient and outpatient programs rather than isolated inpatient programs.

§ 53.34 Existing mental hospital beds.

(a) The count of existing mental hospital beds shall include the beds in mental hospitals, which are not included in the count of beds in any other category, and also beds in any general hospital which are specifically assigned for the comprehensive inpatient care of patients with mental illness.

(b) Existing mental hospital beds shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart B of this part.

Subpart E—Distribution of Public Health Centers

§ 53.41 State need (standards of adequacy).

(a) The number of public health centers to be planned in a State shall be adequate to meet the needs of the people of that State.

(b) The need shall be determined after consultation with the State health authority (where the State agency is not the State health authority) and with local health departments where such departments are independent operating units.

§ 53.42 Distribution.

The general method of distribution of public health centers throughout the State shall conform to the plan of organization of local health units within the State. In instances where the State agency is not the State health authority, the method of distribution shall be determined after consultation with the State health authority.

§ 53.43 Existing public health centers.

(a) Where the State agency is not the State health authority, the number of existing public health centers shall be determined after consultation with the State health authority.

(b) Existing public health centers shall be classified as conforming or nonconforming according to plant evaluation standards, which shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of the center.

Subpart F—Distribution of Outpatient Facilities

§ 53.51 State need (standards of adequacy).

Outpatient facilities shall be planned in sufficient number to make at least the basic minimum services readily available to all persons in the State. Provision of the basic minimum services requires facilities for examination of patients by a physician or a dentist, and the provision of clinical laboratory and diagnostic X-ray services.

§ 53.52 Distribution (service areas).

In determining the need for additional outpatient facilities in an area as a basis for distribution of such facilities, special consideration shall be given to areas in which there is a shortage of services provided by private physicians and dentists. Outpatient facilities should be planned in the same service areas used for planning hospitals except that more than one outpatient facility service area may be planned in such hospital service area, resulting in a subdivision of the hospital service area into a number of outpatient facility service areas.

§ 53.53 Existing outpatient facilities.

(a) The count of existing outpatient facilities shall exclude:

(1) Offices of private physicians and dentists, whether for individual or group practice;

(2) Industrial clinics for employees only, first aid clinics, and similar facilities not furnishing a community service.

(b) Existing outpatient facilities shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart E of this part.

Subpart G—Distribution of Rehabilitation Facilities

§ 53.61 State need (standards of adequacy).

Rehabilitation facilities shall be planned by each State so that all persons in the State shall have access to integrated rehabilitation services for all types of disabilities. The facility or facilities may be programmed in the State or by joint planning with one or more other States to serve the residents of such States. In determining the number of rehabilitation facilities and services needed, the State shall consider such factors as the particular needs of the population to be served and the scope and nature of service of the existing and proposed facilities.

§ 53.62 Distribution.

In determining the need for additional rehabilitation services as a basis for distribution of rehabilitation facilities, consideration shall be given to (a) rehabilitation services provided in existing facilities, avoiding duplication and overlapping of services; and (b) availability of rehabilitation services to people in all geographical areas.

§ 53.63 Existing rehabilitation facilities.

The count of existing rehabilitation facilities shall include existing beds in such facilities. Such beds shall be classified in accordance with the procedures set forth in Subpart B of this part.

Subpart H—Distribution of Modernization Projects for All Categories of Facilities

§ 53.71 Determination of need.

(a) The need for modernization shall be determined for each category of facilities by evaluation of existing facilities and with initial consideration being given to the most densely populated areas of the State. The evaluation shall be based on specific standards of plant evaluation, which shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of the facility.

(b) Based on the evaluation, beds or facilities shall be classified as conforming or nonconforming. Those beds or facilities which are classified as nonconforming shall represent the beds and facilities in need of modernization.

(c) In the event that a service area has a total of existing conforming beds or facilities and existing nonconforming beds or facilities needing modernization which exceeds the total need for the service area, the number of beds or facilities to be modernized shall be reduced accordingly. At no time shall the beds or facilities to be modernized, when added to the existing conforming beds or facilities, be greater than the total beds or facilities needed in any one category.

§ 53.72 Distribution.

Modernization shall be planned for general hospitals, facilities for long-term care, and outpatient facilities in the service areas used for planning new construction. For other categories of facilities, modernization may be planned on a statewide basis.

Subpart I—Priority of Projects

§ 53.81 General.

The general manner in which the State agency shall determine the priority of projects included in the State construction program shall be based on the relative need of different service areas lacking adequate facilities and shall conform to the principles set out in this subpart. In addition to the specific considerations set forth in this subpart with respect to particular types of projects, special consideration shall be given.

(a) To facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization;

(b) To facilities which will provide training in health or allied health professions; and

(c) To facilities which will provide to a significant extent for the treatment of alcoholism.

§ 53.82 Hospitals (new construction).

In determining the priority of projects for new construction of hospitals, special consideration shall be given to hospitals serving areas with relatively small financial resources and, at the option of each State, to hospitals serving rural communities. Relative need for new construction of hospitals shall be expressed in terms of the ratio of existing beds to total beds needed in the service area.

§ 53.83 Facilities for long-term care (new construction).

Priority shall be determined on the basis of the relative need for beds in facilities for long-term care in the area to be served by the project taking into account the utilization of existing beds and giving special consideration to projects operated by or affiliated with hospitals. Relative need for new construction shall be expressed in terms of the ratio of existing beds to total beds needed in each service area.

§ 53.84 Outpatient facilities (new construction and modernization).

(a) In determining the priority of projects for construction or modernization of outpatient facilities, special consideration shall be given to any outpatient facility that will be located in, and provide services for residents of, an area determined by the Secretary pursuant to § 53.129 to be a rural or urban poverty area.

(b) Subject to the provisions of paragraph (a) of this section priority of projects for new construction of outpatient facilities shall be determined on the basis of the relative need for additional outpatient facilities in the area to be served by the facility, taking into account existing services available and their utilization.

(c) In determining the priority of projects for modernization of outpatient facilities, special consideration shall be given (in addition to that specified in paragraph (a) of this section) to facilities serving areas of high population density.

§ 53.85 Rehabilitation facilities (new construction).

Priority shall be given to rehabilitation facility projects in the order of importance as given below, taking into consideration existing rehabilitation services in the community and the need for additional services in the community.

(a) Facilities operated in connection with a university teaching hospital which will provide an integrated program of medical, psychological, social, and vocational evaluation and services under competent supervision.

(b) Facilities offering rehabilitation services for multiple disabilities in hospitals and medical facilities capable of sustaining an organized department of physical medicine and rehabilitation.

(c) All other rehabilitation facilities.

§ 53.86 Public health centers (new construction).

Highest priority in this category shall be given to the provision of facilities for local health units serving rural communities and communities with relatively small financial resources. Where the State agency is not the State health authority, the State agency shall determine the relative priorities to be established after consultation with the State health authority.

§ 53.87 Modernization.

In determining the priority of projects for modernization, special consideration shall be given to facilities serving areas of high population density. With respect to each category, relative need shall be expressed

(a) For facilities for inpatient care, in terms of the ratio of existing conforming beds in each service area to (1) total existing beds in such area or (2) total beds needed in such area, whichever is less; and

(b) For facilities for outpatient care, in terms of the ratio of existing conforming facilities for outpatient care in each service area to (1) total existing facilities for outpatient care in such area or (2) total facilities for outpatient care needed in such area, whichever is less.

Subpart J—Allotments for Modernization Grants and for Loans and Loan Guarantees, and Transfer of State Allotments

§ 53.91 Allotments for modernization grants.

The allotments to the several States under section 602(a)(2) of the Act for grants for modernization shall be computed as follows:

(a) 33⅓ percent will be allotted to each State on the basis of population weighted by per capita income; and

(b) 66⅔ percent will be allotted to each State on the basis of the extent of the need for modernization of the facilities.

§ 53.92 Allotments for direct loans and loan guarantees.

(a) *Allotment formula.* The total of the amount of principal of loans to nonprofit private agencies which may be guaranteed and loans to public agencies which may be directly made under Part B of the Act with respect to any fiscal year shall be allotted among the several States as follows:

(1) A portion of such total which bears the same ratio to such total as the number of general hospital beds which the Secretary determines will be modernized in all States bears to the sum of the general hospital beds in all States which the Secretary determines will be modernized and added through new construction will be allotted to the States on the basis of the formula set forth in § 53.91 for allotments for modernization grants. The Secretary's determinations under this paragraph will be made on the basis of State plans for the latest year for which all States desiring to participate under Part B of the Act have submitted approved State plans.

(2) The remainder of such total will be allotted to the States on the basis of each State's relative population weighted by (i) the square of such State's allotment percentage, as determined in accordance with sec. 602(c) of the Act, and (ii) the relative need of such State for construction of general hospital beds.

(b) *Period of availability.* Subject to the provisions of § 53.93(b) (relating to transfers of allotments to another State), any amount allotted under paragraph (a) of this section to a State for a fiscal year ending before July 1, 1973, and remaining unobligated at the end of such fiscal year shall remain available to such State, for the purpose for which made, for the next 2 fiscal years, and any such amount shall be in addition to the amounts allotted to such State for such purpose for each of such next 2 fiscal years.

§ 53.93 Transfer of allotments to another State.

(a) With respect to allotments under Part A of the Act, a State may submit a request in writing to the Secretary that a specified portion of its allotment for the construction of hospitals and public health centers, facilities for long-term care, outpatient facilities, rehabilitation facilities, or for modernization, be added to the corresponding allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction or modernization of a facility of the type authorized under the allotments in such other State. In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment as requested by it will assist in carrying out the purposes of the Act, the Secretary shall consider the accessibility of the facility and the extent to which services will be made available to the residents of the State making the request for the transfer.

(b) With respect to allotments under Part B of the Act, any such allotment to a State for a fiscal year ending before July 1, 1973, and remaining unobligated at the end of such year may, with the consent of such State, be reallotted by the Secretary to other States which the Secretary determines have need therefor. Such reallotment shall be on such basis as the Secretary finds consistent with the purposes of Part B of the Act, and any amount so reallotted to another State shall be available for the purposes for which made until the close of the second fiscal year after the fiscal year for which such funds were initially allotted and shall be in addition to the amount allotted and available to such State for the same period.

§ 53.94 Transfer of grant allotments to another category within a State.

(a) For the purpose of transfer of allotments as authorized by section 602(e)(2) of the Act, the State agency shall, together with the certification required by that subsection, set forth the method by which a reasonable opportunity has been afforded applicants to submit applications for projects from the portion of the allotment to be transferred.

(b) A determination under section 602(e)(3) of the Act that the need for new public or other nonprofit hospitals and public health centers is substantially greater than the need for modernization projects shall be made only after completion of the determination of the State's need for modernization projects pursuant to Subpart H of this part and in accordance with the approved State plan.

Subpart K—General Standards of Construction and Equipment

§ 53.101 General.

(a) Plans and specifications for each project submitted to the Secretary for approval shall be prepared in accordance with "General Standards of Construction and Equipment for Hospital and Medical Facilities" (PHS No. 930–A–7), and any amendments or revisions thereof, which document is hereby incorporated by reference and deemed published herein. Said document will be provided to all applicants for assistance under this part, and is available to any interested person, whether or not affected by the provisions of this part, upon request to the Health Care Facilities Service,[1] Health Services and Mental Health Administration, Department of Health, Education, and Welfare, or to the Health Services and Mental Health Information Center or Regional Office Information Center as listed in 45 CFR 5.31. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed if he is satisfied that the purposes of such requirements have been fulfilled.

(b) The design and construction covered by the plans and specifications must conform with the applicable State and local laws, codes, and ordinances and with the approved State plan. The plans

[1] The Health Care Facilities Service also maintains an official historic file of PHS No. 930–A–7.

and specifications must be complete and adequate for contract purposes and have the approval and recommendation of the State agency.

(c) Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

§ 53.102 Size of facilities for long-term care.

No application shall be approved for construction of a facility for long-term care, not an addition to a hospital, with a capacity of less than 10 beds.

Subpart L—Services for Persons Unable To Pay; Community Service; Nondiscrimination

§ 53.111 Services for persons unable to pay.

Before an application under this part is recommended by a State agency to the Secretary for approval, the State agency shall obtain an assurance from the applicant that there will be made available in the facility or portion thereof to be constructed or modernized a reasonable volume of services to persons unable to pay therefor. The requirement of an assurance from an applicant shall be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Secretary, that such a requirement is not feasible from a financial viewpoint.

§ 53.112 Community service; nondiscrimination.

(a) Before an application under this part is recommended by a State agency to the Secretary for approval, the State agency shall obtain assurances from the applicant that:

(1) The facility will furnish a community service; and

(2) All portions and services of the entire facility for the construction or modernization of which, or in connection with which, aid under the Act is sought will be made available without discrimination on account of creed, and no professionally qualified person will be discriminated against on account of creed with respect to the privilege of professional practice in the facility.

(b) Each construction contract is subject to the condition that the applicant shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, and the applicable rules, regulations, and procedures prescribed pursuant thereto.

(c) Attention is called to the requirement of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, applicable to assistance under this part for construction and modernization of hospitals and medical facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 53.121 General; review and comment by areawide health planning agencies.

(a) The State plan shall provide for general methods of administration which are in accord with the principles set out in this subpart.

(b) Prior to submission of the State plan or any modifications thereof to the Secretary, the State agency shall submit such plan or modifications for review and comment to each agency or organization which has developed an areawide health plan pursuant to section 314(b) of the Public Health Service Act with respect to any area in such State for which there is no such agency or organization, to the State agency administering or supervising the administration of the State plan approved under section 314(a) of the Public Health Service Act. Comments from any such agency received by the State agency within 30 days after such submission shall be considered by the State agency prior to submission of the State plan to the Secretary.

Subpart M—Methods of Administration of the State Plan

§ 53.122 Construction program.

The State programs for hospitals, facilities for long-term care, outpatient facilities, rehabilitation facilities, public health centers, and modernization shall be developed in the following manner:

(a) The State agency shall determine the need for additional hospital facilities of all types, facilities for long-term care, outpatient facilities, rehabilitation facilities, public health centers, and for modernization of such facilities in accordance with the provisions of Subpart B through Subpart H.

(b) The State agency shall determine through field investigation, and otherwise, the approximate locations in each area in which the various types of health facilities identified in paragraph (a) of this section should most appropriately be built and the locations at which modernization projects are needed.

(c) After having determined the hospital, long-term care facilities, outpatient facility, rehabilitation facilities, public health center and modernization needs, the State agency shall establish an overall construction program. This program shall set forth all such needs in accordance with the standards specified in Subpart B through Subpart H and shall show the relative need for each project included, irrespective of the availability of funds for construction and for maintenance and operation of such project.

(d) The State agency shall from time to time as necessary, but not less often than annually, review the State plan, including the overall program for the construction of hospitals, long-term care facilities, outpatient facilities, rehabilitation facilities, public health centers and for modernization, and shall submit to the Secretary any modifications of the plan and the construction program as the State agency considers necessary to administer the plan and the annual allotment.

(e) At least 30 days prior to the submission of the State plan or any modification thereof to the Secretary, the State agency shall publish in newspapers having general circulation throughout the State a general description of the proposed plan or any such modification, and the State plan shall be available for examination and comment by interested persons prior to submission to the Secretary.

(f) The State agency shall establish a separate construction schedule on such forms and for such periods as the Secretary may prescribe. Insofar as funds are available for construction and for maintenance and operation, construction shall be scheduled in the order of relative need.

§ 53.123 Personnel administration.

(a) *Merit system.* The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed in the administration of the State plan. Conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91-648; 84 Stat. 1915) modifying or superseding such Standards, will be deemed to meet this requirement as determined by said Commission.

(b) *Conflict of interest.* No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs, shall receive funds from the applicant, directly or indirectly, in payment for services provided in connection with the planning, design, construction or equipping of the project.

§ 53.124 Fair hearings.

The State agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

§ 53.125 Construction standards.

The State agency shall adopt general standards of construction and equipment for the various types of hospitals, facilities for long-term care, outpatient facilities, rehabilitation facilities, and public health centers assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Public Health Service and set forth in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities", as incorporated by reference in § 53.101(a).

§ 53.126 Minimum standards of maintenance and operation.

The State plan shall provide for minimum standards of maintenance and operation of facilities providing inpatient care which receive aid under the Act, and shall provide for enforcement of such standards.

§ 53.127 Application; submittal; amendment; processing.

(a) *Submittal of application.* Applications for grants, loan guarantees, and direct loans under the Act, including both detailed narrative descriptions and detailed estimates of the cost of the respective projects, shall be submitted to the Secretary through the State agency in such form as the Secretary may prescribe.

(b) *Amendment to application.* An amendment to any application approved by the Secretary shall be processed in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Processing of application.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend, and forward to the Secretary applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority; and

(2) The State agency certifies to the Secretary that financial resources for the construction, maintenance, and operation of projects of higher priority are not then available.

§ 53.128 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant, loan guarantee, and direct loan shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Secretary may at any time approve exceptions to those conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That the applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Secretary's approval of the final working drawings and specifications, which conform to the general standards of construction and equipment, will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Secretary, upon written justification by the applicant, to be required by the needs of the program;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Secretary;

(e) That applicant will submit to the Secretary for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times. All records shall be retained for 3 years after the close of the fiscal year in which construction is completed. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified by the end of such 3-year period, such records shall be retained (1) for 5 years after the close of the fiscal year in which construction is completed or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions;

(h) That applicant will furnish progress reports and such other information as the Secretary may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities," Form DHEW 514 (April 1969) (issued by the Office of Grants Administration Policy, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Secretary and State agency will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection;

(m) That a facility providing inpatient care will be operated and maintained in accordance with minimum standards prescribed by the State agency for the maintenance and operation of such facilities;

(n) (1) That, in the case of any project for construction or modernization of a general hospital, there will be adequate provision for extended care services to patients of such hospital when such services are medically appropriate for them. Subject to the provisions of subparagraph (2) of this paragraph, such services must be provided in facilities which—

(i) Are structurally part of, physically connected with, or in immediate proximity to, such hospital; and

(ii) Either are under the supervision of the professional staff of such hospital or have organized medical staffs and have in effect written transfer agreements with such hospital which provide for:

(a) The transfer of patients between the hospital and the long-term care facility(s) whenever such transfer is determined to be medically appropriate;

(b) The exchange between the facilities of appropriate medical and other information relating to the care and treatment of patients;

(c) Prompt initiation of transfer of the patient to the hospital for acute care should there be a reversal in the patient's medical condition requiring more intensive medical and nursing care;

(d) The amount and types of services offered in the long-term care facility(s) which correspond to those specified for reimbursement eligibility for the skilled nursing home care category under titles XVIII and XIX of the Social Security Act, as amended; and

(e) The general availability of the medical, diagnostic, and rehabilitative services of the hospital to any patient of the long-term care facility(s) who requires them.

(2) The Secretary may, at the request of the State agency, waive compliance with the requirements of subparagraph (1)(i) or (ii), or both of this paragraph, in the case of any project if the State agency has determined that compliance with such subsection or subsections would be inadvisable;

(o) That, in the case of any project for construction or modernization of an outpatient facility, the services of a general hospital will be available to patients of such outpatient facility who are in need of hospital care. Such assurance may be provided by a written transfer agreement with one or more general hospitals which provides for

(1) The transfer of patients from the outpatient facility to the general hospital where such transfer is determined to be medically appropriate;

(2) The exchange of appropriate medical and other information relating to the care and treatment of patients between the facilities; and

(3) The amount and types of services offered in the general hospital which correspond to those specified for reimbursement eligibility under Titles XVIII and XIX of the Social Security Act, as amended;

(p) That, in the case of any project solely for the purpose of the acquisition of equipment, other than initial equipment for new buildings or for existing buildings which are expanded, remodeled or altered, such project will help to provide a service not previously provided in the community. For purposes of this paragraph, "community" shall mean a geographic area encompassing one or more neighborhoods having a population and geographic size sufficiently large as normally to be served by and support the particular service to be provided;

(q) That the applicant will file at least annually with the State agency a statement, in such form and containing such information as the Secretary may require to show (1) the financial operations of the facility, and (2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services during the period with respect to which the statement is filed;

(r) That the applicant will conform to all the applicable requirements of the State plan and the regulations of this part.

§ 53.129 Determination of rural or urban poverty areas.

For purposes of determining the priority of projects for construction or modernization of outpatient facilities pursuant to section 603(a)(4) of the Act and of establishing a Federal share of any project (not to exceed 90 per centum of the cost of construction) pursuant to section 645(b)(4) of the Act, the State plan shall include a designation of areas in the State which are proposed by the State agency, in accordance with this section, to be rural or urban poverty areas. For purposes of this section, "area" means a service area (or the nearest approximation thereto for which current census data are available, based on geographic boundaries such as counties or census tracts) or a subservice area which is designated in the State plan as providing the basis for the provision of outpatient services.

(a) The Secretary will determine to be a rural or urban poverty area any area which has been found by the State agency, on the basis of the latest available published data from the Bureau of the Census, to be an area in which the median annual family income ranks in or below the 20th percentile of the median family incomes for all areas in the State.

(b) The Secretary may determine to be a rural or urban poverty area any area which

(1) has been found by the State agency to be an area in which the median family income ranks above the 20th percentile of the median family incomes for all areas in the State but in or below the 30th percentile of the median family incomes for all areas in the State;

(2) has been designated by the State agency as a rural or urban poverty area, and

(3) has been determined by the Secretary, on the basis of information set forth in the State plan, to have special characteristics related to poverty which are not adequately reflected in its median family income percentile rank, such as (i) subareas of extreme poverty or (ii) high costs of obtaining hospital services when compared to other areas in the State.

(c) The Secretary may also determine to be a rural or urban poverty area any area in which, on the basis of the latest available published data from the Bureau of the Census, the median family income ranks above the 30th percentile of median family incomes for all areas in the State but with respect to which the State agency demonstrates to the satisfaction of the Secretary that the income level of families in such area has changed sufficiently since the date of such latest available published data to justify classification of the area as a rural or urban poverty area under the criteria set forth in paragraph (a) or (b) of this section.

(d) The State agency shall reevaluate its designation of proposed rural or urban poverty areas every 2 years, and will make such revisions in such designation as it finds necessary in accordance with the provisions of this section.

§ 53.130 Certification to the Secretary.

After the State agency has approved an application for a construction grant, it shall recommend it to the Secretary for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed:

(1) Availability of funds for the non-Federal share of construction costs shall mean (i) funds immediately available, placed in escrow, or acceptably pledged, or (ii) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (iii) other assurances acceptable to the Secretary;

(2) To assure the availability of funds for maintenance and operation the application for the construction of a new project must include a proposed operating budget, on a form prescribed by the Secretary, for the 2-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet any excess of proposed expenditures over anticipated income from the operation of the constructed addition for the 2-year period immediately following its completion.

(b) That the application is in conformity with and contains the assurances required by the State plan and these regulations.

§ 53.131 Requests for construction payments for grants.

(a) *Certification by State agency.* The State agency shall certify to the Secretary the amount of payments due an applicant for a construction grant under Part A of the Act for the cost of work performed and materials and equipment furnished.

(b) *Inspection by State agency.* As a basis for certification by the State agency in accordance with paragraph (a) of this section that payment of an installment is due an applicant, the State agency shall make adequate inspections to determine that the work has been performed upon a project, or purchases

have been made, in accordance with the approved plans and specifications.

§ 53.132 Fiscal and accounting requirements.

(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Secretary for approved construction projects.

§ 53.133 Access by Comptroller General.

The State plan shall provide that the Comptroller General of the United States or his duly authorized representatives will have access for purposes of audit and examination to such records of the State agency as are required to be maintained by the Secretary.

§ 53.134 Notice of change of status of facility.

The State agency shall promptly notify the Secretary in writing if, at any time within 20 years after completion of construction, any facility which received funds under the Act is transferred to any person, agency or organization, not qualified to file an application under the Federal Act or not approved as a transferee by the State agency; or ceases to be a public health center or a public or other nonprofit hospital, outpatient facility, facility for long-term care or rehabilitation facility, as defined in the Federal Act.

§ 53.135 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be a public health center or a public or other nonprofit hospital, outpatient facility, facility for long-term care, or rehabilitation facility the Secretary, in determining whether there is good cause for releasing the applicant or other owner of the facility from its obligation shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public or nonprofit purpose which will promote the purpose of the Act;

(b) There are reasonable assurances that for the remainder of the 20-year period other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes; or

(c) The facility has been acquired from an agency of the United States (e.g., the Federal Housing Administration under its mortgage insurance commitment program) which has made a reasonable effort to dispose of it for operation as a public or nonprofit facility.

Subpart N—Loan Guarantees and Direct Loans

§ 53.141 Applicability.

In addition to the other provisions of this part, the following provisions of this Subpart N are also applicable to loans to public agencies and loan guarantees to nonprofit private agencies under part B of the Act.

§ 53.142 Definitions.

(a) All terms used in this subpart and defined in the Act or in § 53.1 shall have the same meaning as there given them.

(b) When used in this subpart, the term "public agency" shall include any private organization the income from whose bonds or other obligations issued as security for a loan with respect to a project under part B of the Act is exempt from Federal income taxation.

§ 53.143 Eligibility for loan guarantees and direct loans.

(a) *Loan guarantees.* The Secretary may, in accordance with part B of the Act and these regulations, guarantee to non-Federal lenders payment of principal of and interest on loans made to nonprofit private agencies to carry out projects for the construction or modernization of nonprofit private hospitals, facilities for long-term care, outpatient facilities and rehabilitation facilities.

(b) *Direct loans.* The Secretary may, in accordance with Part B of the Act and these regulations, make direct loans to public agencies to carry out projects for the construction or modernization of public health centers and public hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities.

§ 53.144 Approval of applications.

(a) *Applications for loan guarantees.* An application for a loan guarantee submitted through the State agency and in accordance with the requirements of § 53.127 may be approved by the Secretary only if he makes each of the findings required pursuant to section 623(b) of the Act, and determines:

(1) That the applicant will have sufficient financial resources to enable him to comply with the terms and conditions of the loan with respect to which the guarantee is sought;

(2) That the applicant has the necessary legal authority to finance, construct, and maintain the proposed project, to apply for and receive the loan with respect to which the guarantee is sought, and to pledge or mortgage any assets or revenues to be given as security for such loan or against other satisfactory security specified in § 53.147;

(3) That the loan with respect to which the guarantee is sought will be secured by a first lien against the facility to be constructed or against other security satisfactory to the Secretary specified in § 53.147.

(4) That the loan with respect to which the guarantee is sought will be made only with respect to the initial permanent financing of the project;

(5) That the rate of interest on the loan with respect to which a guarantee is sought does not exceed such per centum per annum as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

(6) Such additional determinations as the Secretary finds necessary with respect to particular applications in order to protect the financial interests of the United States.

(b) *Applications for direct loans.* An application for a direct loan submitted through the State agency and in accordance with the requirements of § 53.127 may be approved by the Secretary only if he makes each of the applicable findings required pursuant to sections 623(b) and 627(a)(2) of the Act, and determines:

(1) That the applicant will have sufficient financial resources to enable him to comply with the terms and conditions of the direct loan;

(2) That the applicant has the necessary legal authority to finance, construct, and maintain the proposed project, to apply for and receive the direct loan, and to pledge or mortgage any assets or reserves to be given as security for such direct loan;

(3) That the direct loan will be secured by a first lien against the facility to be constructed or against other security satisfactory to the Secretary specified in § 53.147;

(4) That the direct loan will be made only with respect to the initial permanent financing of the project; and

(5) Such additional determinations as the Secretary finds necessary with respect to the particular application in order to protect the financial interests of the United States.

§ 53.145 Maximum amount of direct loan or guaranteed loan.

No direct loan or loan with respect to which a guarantee is made for any project under Part B of the Act may be in an amount which, when added to the amount of any grant or loan under Part A of the Act with respect to such project, exceeds 90 per centum of the cost of such project: *Provided*, That, in determining the actual cost of the construction of the project, there shall be excluded from such cost all fees, interest, and other charges relating or attributable to the financing of the project.

§ 53.146 Forms of evidence of indebtedness.

The evidence of indebtedness with respect to direct loans with respect to which a guarantee is made shall be in such form as may be acceptable to the Secretary.

§ 53.147 Security for loans.

All direct loans and loans with respect to which a guarantee is made shall be secured in a manner which the Secretary finds reasonably sufficient to insure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facility and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Secretary.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust funds acceptable to the Secretary.

(d) A pledge of a specified portion of annual general or special revenues of the applicant, acceptable to the Secretary.

(e) Full faith and credit (tax supported) obligations of a State or local public body.

(f) Such other security as the Secretary may find acceptable in specific instances.

§ 53.148 Opinion of legal counsel.

At appropriate stages in the application and approval procedure for direct loans and loan guarantees, the applicant shall furnish to the Secretary a memorandum or opinion of legal counsel with respect to the legality of any proposed bond or note issue, the legal authority of the applicant to offer the issue and secure it by the proposed collateral, and the legality of the issue upon delivery. "Legal counsel" means either a law firm or individual lawyer, thoroughly experienced in the long-term financing of construction projects, and whose approving opinions have previously been accepted by lenders or lending institutions. In addition, in the case of a direct loan to a public agency, the legal counsel shall be a recognized bond counsel in the municipal field. The legal memorandum or opinion to be provided by legal counsel in each case shall be as follows:

(a) A memorandum, submitted with the application for a direct loan or loan guarantee, stating that there is or will be authority to finance, construct and maintain the project, and to issue the proposed obligations and to pledge or mortgage the assets and/or revenues offered to secure the direct loan or the loan with respect to which a guarantee is sought, as the case may be, citing the basis for such authority; and

(b) A final approving opinion, delivered to the Secretary at the same time as the delivery of the bonds to the Secretary (in the case of a direct loan) or to the lender (in the case of a loan guarantee), stating that the indebtedness of the applicant is duly authorized, sold, and delivered, and that such indebtedness is valid, binding and payable in accordance with the terms on which the direct loan or loan guarantee was approved by the Secretary.

§ 53.149 Length and maturity of loans.

The repayment period for direct loans and loans with respect to which a guarantee is made shall be limited to 25 years: *Provided*, That—

(a) The Secretary may, in particular cases where he determines that a repayment period of less than 25 years is more appropriate to an applicant's total financial plan, approve such shorter repayment period; and

(b) In no case shall a loan repayment period exceed the estimated useful life of the facility to be constructed with the assistance of the loan.

§ 53.150 Interest on direct loans.

Each direct loan shall require the borrower to pay to the Secretary, or as directed by him, interest thereon at a rate determined by the Secretary to be comparable to the current rate of interest prevailing with respect to loans to nonprofit private agencies which are guaranteed under part B of the Act, for the modernization on construction of similar facilities in the same or similar areas, minus 3 per centum per annum.

§ 53.151 Repayment.

Unless otherwise specifically authorized by the Secretary, each direct loan and loan with respect to which a guarantee is made shall be repayable in substantially level total annual installments of principal and interest, sufficient to amortize the loan through the final year of the life of the loan.

§ 53.152 Loan Guarantee Agreement and Direct Loan Agreement.

(a) *Loan Guarantee Agreement.* (1) For each application for a loan guarantee which is approved by the Secretary, an offer of a loan guarantee will be sent to the applicant, setting forth the pertinent terms and conditions for the loan guarantee, and will be conditioned upon the fulfillment of these terms and conditions. The accepted loan guarantee offer will constitute the Loan Guarantee Agreement between the Secretary and the applicant.

(2) Each Loan Guarantee Agreement shall include the following provisions:

(i) That the loan guarantee evidenced by the Agreement shall be incontestable (a) in the hands of the applicant on whose behalf such loan guarantee is made except for fraud or misrepresentation on the part of such applicant, and (b) as to any person who makes or contracts to make a loan to such applicant in reliance on such loan guarantee, except for fraud or misrepresentation on the part of such other person.

(ii) That if the applicant shall default in making payment, when due, of the principal and interest on the loan with respect to which the guarantee is made, and such default is not cured within 90 days after the happening thereof, the holder of such loan shall have the right to make demand in writing upon the Secretary for the purchase by the Secretary of such loan.

(iii) That each holder of a loan to an applicant on whose behalf the loan guarantee evidenced by such Agreement is made shall have a contractual right to receive from the United States interest payments in an amount sufficient to reduce by 3 per centum per annum the net effective interest rate determined by the Secretary to be otherwise payable on the loan with respect to which such guarantee is made.

(iv) That payments of interest pursuant to subdivision (iii) of this subparagraph will be made by the Secretary, in accordance with the terms of the loan with respect to which the guarantee is made, directly to the holder of such loan or to a trustee or agent designated in writing to the Secretary by such holder until such time as the Secretary is notified in writing by the holder that such loan has been transferred. Pursuant to such written notification of transfer, the Secretary will make such interest payments directly to the new holder (transferee) of the loan.

(v) That the applicant shall be permitted to prepay up to 15 per centum of the original principal amount of such loan in any calendar year without additional charge.

(vi) Such other provisions as the Secretary finds necessary in order to protect the financial interests of the United States.

(b) *Direct Loan Agreement.* (1) For each application for a direct loan which is approved by the Secretary, an offer of a direct loan will be sent to the applicant, setting forth the pertinent terms and conditions for the direct loan, and will be conditioned upon the fulfillment of those terms and conditions. The accepted direct loan offer will constitute the Direct Loan Agreement between the Secretary and the applicant.

(2) Each Direct Loan Agreement shall include such provisions as the Secretary finds necessary in order to protect the financial interests of the United States.

§ 53.153 Loan closing.

(a) *Loan guarantees.* Closing for any loan with respect to which a guarantee is made shall be accomplished at such time

as may be agreed upon by the parties to such loan and found acceptable by the Secretary.

(b) *Direct loans.* Closing for any direct loan shall be accomplished at such time as may be determined by the Secretary.

§ 53.154 **Waiver of right of recovery.**

In determining whether there is good cause for waiver of any right of recovery which he may have against a nonprofit private agency by reason of any payments made pursuant to a loan guarantee, or against a public agency by reason of the failure of such agency to make payments of principal and interest on a direct loan to such agency, the Secretary shall take into consideration the extent to which:

(a) The facility with respect to which the loan guarantee or direct loan was made will continue to be devoted by the applicant or other owner to use for the purpose for which it was constructed or another public or nonprofit purpose which will promote the purposes of the Act;

(b) There are reasonable assurances that for the remainder of the repayment period of the loan other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes; and

(c) Such recovery would seriously curtail the provision of medical services to persons in need of such services in the area.

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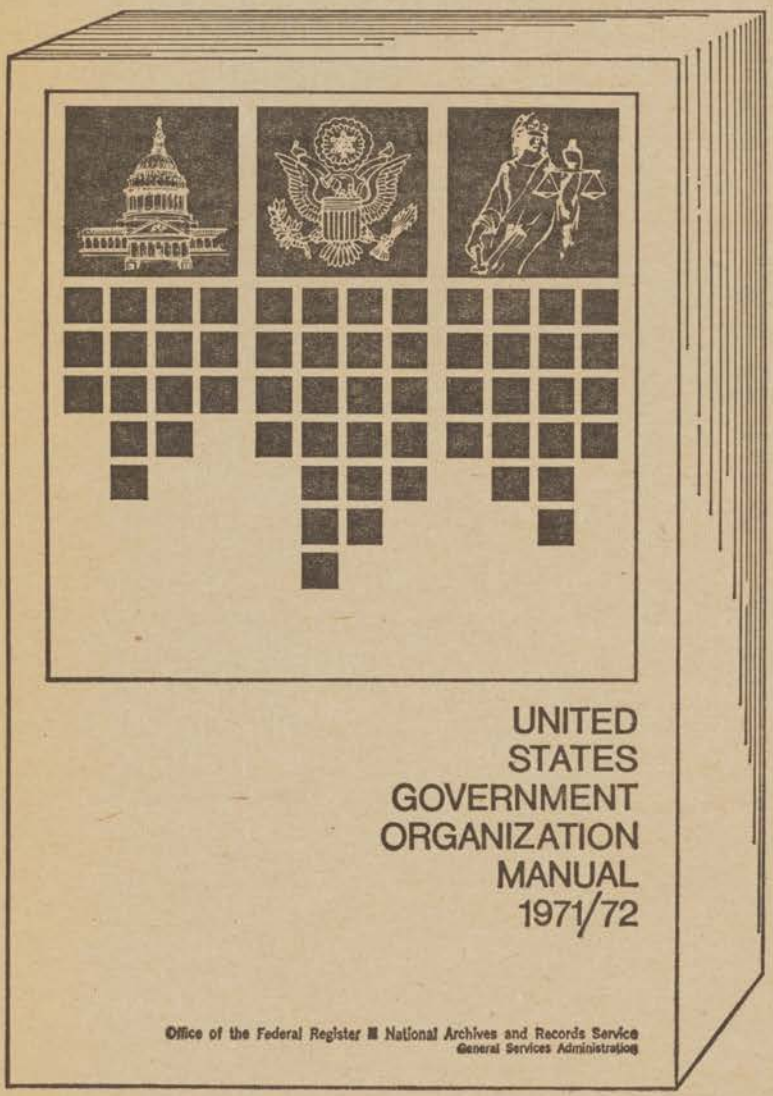

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