

federal register

WEDNESDAY, JANUARY 12, 1972

WASHINGTON, D.C.

Pages 429-513

Volume 37 ■ Number 7



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.

AIR SAFETY—FAA amendment on procedures for cease and desist orders in emergencies; effective 2-11-72	436
ANTIBIOTIC DRUGS—FDA revocations of certification for certain drugs for topical use (2 documents)	438, 440
OIL—Interior Dept. regulations on disposal of government royalty oil (2 documents); effective 1-12-72	441
PESTICIDES—EPA regulation exempting from requirement of tolerances for residues of calcium and sodium salts of certain sulfonated petroleum fractions; effective 1-12-72	443
MEDICAID—HEW regulation on time limitation for Federal financial participation; effective 1-12-72	443
ECONOMIC OPPORTUNITY—OEO regulations on poverty guidelines	444
CARGO TANKS—DoT amendments regarding accessory attachments to certain specification tanks; effective March 31, 1972	444
MOTOR VEHICLE LIGHTING STANDARD—DoT amendment permitting use of agency symbol for certification of conformance; effective 1-12-72 ..	445
FOOD STANDARDS—FDA proposals on use of sweetened water as an optional packing medium for canned figs and on amending identity standards for certain specified cheeses; comments within 60 days	468, 470

(Continued inside)

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday date-line and covers materials released during the preceding week. It includes an Index of Contents and a

system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: \$9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents
U.S. Government Printing Office,
Washington, D.C. 20402



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

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

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

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

HIGHLIGHTS—Continued

OCCUPATIONAL SAFETY AND HEALTH —Labor Dept. proposal of standard for exposure to asbestos dust; comments within 30 days.....	466	FOREIGN CURRENCIES —Customs Bur. notice on rates of exchange.....	488
LIBRARIES —HEW proposal on financial assistance for library services, construction and inter-library cooperation; comments by 2-11-72.....	470	NEW ANIMAL DRUG —FDA notice of withdrawal of approval for phenothiazine; effective 1-12-72..	492
WATER QUALITY STANDARDS —EPA notice of withdrawal of proposed rule making.....	478	NEW DRUGS —FDA notice changing effectiveness classifications for sodium heparin.....	492
SELECTIVE SERVICE SYSTEM —Miscellaneous proposed rules dealing with alternate service, conscientious objectors, classifications and other matters (4 documents); comments within 30 days.....	479, 484, 485, 486	COMMISSION ON HIGHWAY BEAUTIFICATION —Notice of public hearing on 1-24-72.....	495
		MEAT INSPECTION —USDA revocation of amendments concerning disposition of swine carcasses..	435

Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT	CIVIL AERONAUTICS BOARD	CUSTOMS BUREAU
Notices	Proposed Rule Making	Notices
Director, Office of Contract Services, Bureau for Supporting Assistance; redelegation of authority regarding contracting functions (2 documents).....	Modification of surety bond requirements; extension of time for filing comments.....	Foreign currencies; rates of exchange.....
488	478	488
AGRICULTURAL RESEARCH SERVICE	Notices	DELAWARE RIVER BASIN COMMISSION
Rules and Regulations	<i>Hearings, etc.:</i>	Notices
Availability of information; correction.....	International Air Transport Association.....	Comprehensive plan; joint public hearing.....
435	493	495
AGRICULTURE DEPARTMENT	Pan American World Airways, Inc.....	ECONOMIC OPPORTUNITY OFFICE
See Agricultural Research Service; Animal and Plant Health Service; Consumer and Marketing Service.	494	Rules and Regulations
ANIMAL AND PLANT HEALTH SERVICE	COMMERCE DEPARTMENT	Community action programs; income poverty guidelines.....
Rules and Regulations	See Import Programs Office; National Oceanic and Atmospheric Administration.	444
Hog cholera and other communicable swine diseases; areas quarantined.....	CONSUMER AND MARKETING SERVICE	EDUCATION OFFICE
435	Rules and Regulations	Proposed Rule Making
ATOMIC ENERGY COMMISSION	Disposition of swine carcasses because of sexual odor; marking requirements; revocation.....	Library services, public library construction, and interlibrary cooperation; financial assistance.....
Notices	435	470
Duke Power Co.; reconstitution of Board.....	Proposed Rule Making	ENVIRONMENTAL PROTECTION AGENCY
493	Milk:	Rules and Regulations
Reactor testing during FY 72 at Nuclear Rocket Development Station, Nev.; availability of final environmental statement..	Boston regional and certain other marketing areas; recommended decision and opportunity to file written exceptions.....	Exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps).....
493	447	443
	Eastern Ohio-western Pennsylvania marketing area; hearing.....	(Continued on next page)
	465	431

Proposed Rule Making

State certification of activities requiring Federal license or permit; withdrawal of proposal..... 478

FEDERAL AVIATION ADMINISTRATION**Rules and Regulations**

Airworthiness directives; British Aircraft Corp. airplanes..... 437
Cease and desist orders; exercise of certain other authority..... 436
Restricted area and continental control area; designation and alteration..... 437
Restricted areas; alterations (3 documents)..... 437, 438

Proposed Rule Making

Restricted area; alteration..... 478

FEDERAL COMMUNICATIONS COMMISSION**Notices**

Standard broadcast application ready and available for processing..... 497
Hearings, etc.:
Bamford, A. V., et al..... 496
Korngold, Alvin L., et al..... 496

FEDERAL POWER COMMISSION**Notices**

Hearings, etc.:
Alabama Power Co..... 497
Atlantic Richfield Co. et al..... 497
Mobil Oil Corp. et al..... 501

FEDERAL RESERVE SYSTEM**Notices**

Mercantile Bancorporation Inc.; acquisition of bank..... 501

FISH AND WILDLIFE SERVICE**Rules and Regulations**

Operation of vehicles; Erie National Wildlife Refuge, Pa..... 445

Proposed Rule Making

Back Bay National Wildlife Refuge Beach, Va.; limitation on use of motor vehicles..... 447

FOOD AND DRUG ADMINISTRATION**Rules and Regulations****Revocations:**

Chlortetracycline hydrochloride powder topical, veterinary..... 440
Penicillin for topical use..... 438

Proposed Rule Making

Canned figs; slightly sweetened water as optional packing medium..... 470
Cheeses and cheese products; labeling requirements..... 468

Notices

Greever's Inc.; phenothiazine and lead arsenate drench powder; withdrawal of new animal drug application..... 492
Sodium heparin; drugs for human use; efficacy study implementation; follow-up notice..... 492

GEOLOGICAL SURVEY**Rules and Regulations**

Disposal of government royalty oil; notices of delivery..... 441
Disposal of Outer Continental Shelf royalty oil..... 441

HAZARDOUS MATERIALS REGULATIONS BOARD**Rules and Regulations**

Shipping container specifications; cargo tank attachments..... 444
Notices
Special permits issued..... 493

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Social and Rehabilitation Service.

HIGHWAY BEAUTIFICATION COMMISSION**Notices**

Highway beautification; public hearing..... 495

IMPORT PROGRAMS OFFICE**Notices**

University of California et al.; applications for duty-free entry of scientific articles..... 491

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Geological Survey; Land Management Bureau.

INTERNAL REVENUE SERVICE**Notices**

Organization and functions..... 489

INTERSTATE COMMERCE COMMISSION**Notices**

Alaska Carriers Association, Inc., and Hawaii Trucking Association, Inc.; application regarding territorial description clarification..... 503

Assignment of hearings..... 502

Fourth section application for relief..... 502

Manhattan Transit Co. et al.; filing of petition for declaratory order..... 503

Motor carriers:

Alternate route deviation notices (2 documents)..... 503, 504

Applications and certain other proceedings..... 504

Temporary authority applications..... 507

National Tank Truck Carriers, Inc.; application regarding commodity description clarification..... 503

LABOR DEPARTMENT

See also Occupational Safety and Health Administration.

Notices

Unemployment compensation laws; certification of States (2 documents)..... 502

LAND MANAGEMENT BUREAU**Notices****California:**

Opening of public lands..... 490
Redelegations of authority:
Chief, Division of Management Services, et al..... 491
Chief, Division of Resources, et al..... 491

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**Rules and Regulations**

Federal motor vehicle safety standards; lamps, reflective devices, and associated equipment..... 445

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**Notices**

Thompson, Jack A. and Jacqueline M.; loan application..... 491

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**Proposed Rule Making**

Standard for exposure to asbestos dust..... 466

POSTAL SERVICE**Rules and Regulations**

Debt obligations; authority implementation of Postal Service to borrow money by selling securities..... 443

SELECTIVE SERVICE SYSTEM**Proposed Rule Making**

Selective Service regulations (4 documents)..... 479, 484, 485, 486

SOCIAL AND REHABILITATION SERVICE**Rules and Regulations**

Services and payment in medical assistance programs; time limitations for Federal financial participation..... 443

STATE DEPARTMENT

See Agency for International Development.

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Hazardous Materials Regulations Board; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service.

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.

7 CFR

PROPOSED RULES:

1001	447
1002	447
1004	447
1006	447
1007	447
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036 (2 documents)	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447
1062	447
1063	447
1064	447
1065	447
1068	447
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447
1106	447
1108	447
1120	447
1121	447
1124	447

1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447

9 CFR

76	435
311	435
316	435
317	435
400	435

14 CFR

13	436
39	437
71	437
73 (4 documents)	437, 438
PROPOSED RULES:	
73	478
373	478
378	478
378a	478

21 CFR

141a	438
146a	438
146c	440
PROPOSED RULES:	
19	468
27	470

29 CFR

PROPOSED RULES:	
1910	466

30 CFR

225	441
225a	441

32 CFR

PROPOSED RULES:

Ch. XVI	486
1604	479
1606 (2 documents)	479, 484
1609	484
1611	479
1612	484
1621	479
1622	479
1623	479
1624	479
1625	479
1626	479
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

39 CFR

760	443
761	443

40 CFR

180	443
PROPOSED RULES:	
115	478

45 CFR

249	443
1060	444
PROPOSED RULES:	
130	470

49 CFR

178	444
571	445

50 CFR

28	445
PROPOSED RULES:	
28	447

Rules and Regulations

Title 9—ANIMALS AND ANIMAL ANIMAL PRODUCTS

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 72-502]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e) (1) relating to the State of Texas, subdivision (i) relating to Hidalgo, Willacy, and Cameron Counties is revised to read:

(e) * * *

(1) Texas. (i) That portion of the State of Texas comprised of all of Cameron, Hidalgo, Starr, and Willacy Counties.

2. In § 76.2, the references to the States of Alabama and South Carolina in paragraph (f) are deleted, and paragraph (g) is amended by adding thereto the names of the States of Alabama and South Carolina.

(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; sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707)

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

The amendments quarantine all of Starr County in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantine areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined county.

The amendments delete Alabama and South Carolina from the list of hog chol-

era eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Alabama and South Carolina.

The amendments add Alabama and South Carolina to the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from or to such free States are applicable to Alabama and South Carolina.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making procedure would make additional relevant information available to this Department.

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

Done at Washington, D.C., this 6th day of January 1972.

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

[FR Doc.72-467 Filed 1-11-72; 8:49 am]

Chapter III—Consumer and Market- ing Service (Meat Inspection), De- partment of Agriculture

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Disposition of Swine Carcasses Be- cause of Sexual Odor; Marking Re- quirements; Revocation

On August 13, 1971, there was published in the FEDERAL REGISTER (36 F.R. 15109) a document amending Parts 311, 316, and 317 of the Federal meat inspection regulations (9 CFR Parts 311, 316, and 317) under the Federal Meat Inspection Act (34 Stat. 1260, as amended, 21 U.S.C. 601 et seq.) to change the require-

ment regarding the disposition of swine carcasses with sexual odor at establishments subject to the Act. The document provided that the amendments would become effective 60 days after such publication.

On October 13, 1971, and December 17, 1971, there were published in the FEDERAL REGISTER (36 F.R. 19901, 23996) notices postponing the effective date of the amendments to January 12, 1972, with a view to enabling the affected industry to adjust its operations to comply with the requirements prescribed by the amendments.

It now appears that further consideration of this matter is warranted. Therefore, the amendments published on August 13, 1971, are hereby revoked.

The provisions of § 311.20 of the regulations (9 CFR 311.20) which were in force immediately prior to August 13, 1971, are hereby reinstated in effect.

It is contemplated that a new proposal for amendments of the regulations with respect to this matter will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment thereon.

This document revokes amendments that are scheduled to become effective on January 12, 1972. Since it is now apparent that further consideration should be given to the subject matter involved in the amendments, they should not become effective as scheduled. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that public participation in proposed rule making in connection with this action is impracticable, and good cause is found for making this action effective less than 30 days after publication hereof in the FEDERAL REGISTER.

This action shall become effective upon issuance hereof.

Done at Washington, D.C., on January 10, 1972.

KENNETH M. McENROE,
Deputy Administrator, Meat
and Poultry Inspection Program.

[FR Doc.72-531 Filed 1-11-72; 8:51 am]

Chapter IV—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—PUBLIC INFORMATION

PART 400—AVAILABILITY OF INFORMATION

Correction

In F.R. Doc. 72-235 appearing at page 135 in the issue of Thursday, January 6, 1972, the reference to "Part 510 of this title" in the fifth line of § 400.1 should read "7 CFR Part 510".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11626, Amdt. 13-9]

PART 13—ENFORCEMENT PROCEDURES

Cease and Desist Orders; Exercise of Certain Other Authority

The purpose of these amendments to Part 13 of the Federal Aviation Regulations is to implement section 1005(a) of the Federal Aviation Act of 1958 with respect to the issuance of cease and desist orders in emergencies, and to state the general course and method by which this and certain other authority is exercised.

Under section 1005(a) of the Act, whenever the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce, he may, either upon complaint or his own initiative without complaint, at once, if he so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, make such just and reasonable orders, rules, or regulations, as may be essential in the interest of air commerce to meet the emergency.

These amendments to Part 13 reflect the authority of the Administrator under section 1005 to issue a cease and desist order in an emergency situation requiring immediate action in respect of safety in air commerce. As stated in these amendments, this authority is also exercised by the General Counsel, the Associate General Counsel for Operations and Evaluation, each Regional Director, the Director, Aeronautical Center, and Regional and Aeronautical Center Counsel where their respective Directors delegate the authority to them.

Section 1005(a) also provides that the Administrator shall immediately initiate proceedings relating to the matters embraced in the order and shall, insofar as practicable, give preference to those proceedings over all others. These amendments specifically implement this provision, and also state that under Section 1006 of the Act any person disclosing a substantial interest in the order has a right to seek judicial review in a court of appeals of the United States or the U.S. Court of Appeals for the District of Columbia.

These amendments further reflect certain delegations of other authority to exercise functions in enforcement proceedings under Part 13. They state that, in addition to the General Counsel and the Regional Counsel concerned, the Associate General Counsel for Operations and Evaluation may make or accept offers to compromise civil penalties (§ 13.15 (b) and (c)). They change § 13.17 to reflect the authority of the General Counsel, in addition to the

Regional Directors, to issue orders of seizure of aircraft, and to eliminate references to Area Managers whose positions and titles have been abolished. They state that the authority of the Administrator to issue certificate action orders, now delegated to the General Counsel and the Regional Counsel, is also exercised by the Associate General Counsel for Operations and Evaluation and, as to the suspension or revocation of Certificates of Aircraft Registration by the Aeronautical Center Counsel (§ 13.19 (b)).

In addition, these amendments reflect the current practice, as indicated in the enclosures of Notices of Proposed Certificate Action, of allowing an alleged violator to choose among five alternatives following receipt of a notice. The fifth alternative added to § 13.19(c) by these amendments is that the certificate holder may request that an order be issued in accordance with the Notice of Proposed Certificate Action so that he may appeal to the National Transportation Safety Board.

Since these amendments are procedural in nature, represent implementation of existing statutory authority, and do not impose a burden on any person, notice and public procedure thereon is not required and the amendments may be made effective less than 30 days after publication.

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations is amended, effective February 11, 1972, as follows:

§ 13.15 [Amended]

1. By inserting the phrase "the Associate General Counsel for Operations and Evaluation," after the words "the General Counsel" in the second sentence in paragraph (b), and in the second sentence in paragraph (c), in § 13.15.

§ 13.17 [Amended]

2. By amending § 13.17 as follows:
a. By striking out the phrase "Area Manager of the area in which the aircraft is located" in paragraph (a) and substituting the words "by the General Counsel" therefor.

b. By striking out the words "Area Manager" in the lead-in portion of paragraph (c) and substituting the words "General Counsel" therefor.

c. By inserting the words "General Counsel or" before the words "Regional Counsel" in paragraph (d).

d. By striking out the words "Area Manager" in the lead-in portion of paragraph (e) and substituting the words "General Counsel" therefor.

e. By striking out the words "Assistant Administrator" in subparagraph (e)(3) and substituting the words "Regional Counsel or the General Counsel" therefor.

3. By amending § 13.19 as follows:
a. By amending paragraph (b) to read as set forth below;

b. By inserting the phrase "the Associate General Counsel for Operations and Evaluation," after the words "the General Counsel," in the first and last sentences in paragraph (c);

c. By striking out subparagraphs (3) and (4) in paragraph (c) and substituting the following subparagraphs (3), (4), and (5) therefor:

§ 13.19 Certificate action.

(b) If, as a result of such a reinspection, reexamination, or other investigation made by him under section 609 of the Act, the Administrator determines that the public interest and safety in air commerce requires it, he may issue an order amending, suspending, or revoking, all or part of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate. This authority is also exercised by the General Counsel, the Associate General Counsel for Operations and Evaluation, and the Regional Counsel concerned. If the Administrator finds that any aircraft registered under Part 47 of this chapter is ineligible for registration, or if the holder of a Certificate of Aircraft Registration has refused or failed to submit Part 1, AC Form 8050-73, as required by § 47.44 of this chapter, the Administrator issues an order suspending or revoking that certificate. This authority as to aircraft found ineligible for registration is also exercised by the Aeronautical Center Counsel.

(c) * * *

(3) Request that an order be issued in accordance with the Notice of Proposed Certificate Action so that he may appeal to the National Transportation Safety Board;

(4) Request an opportunity to be heard in an informal conference with the FAA counsel; or

(5) Request a formal hearing if the charges concern a matter under title V of the Act.

4. By inserting a new § 13.20 after § 13.19 to read as follows:

§ 13.20 Cease and desist orders.

(a) Under section 1005(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1485(a)), whenever the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce, the Administrator is authorized, either upon complaint or his own initiative without complaint, at once, if he so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, to make such just and reasonable orders, rules, and regulations as may be essential in the interest of safety in air commerce to meet the emergency. This authority includes the authority to issue a cease and desist order. Under section 1006 of the Act (49 U.S.C. 1486), any persons disclosing a substantial interest in the cease and desist order may seek judicial review of the order by the courts of appeals of the United States or the U.S. Court of Appeals for the District of Columbia.

(b) Whenever a cease and desist order is issued under section 1005(a) of the Act, the Administrator immediately initiates formal or informal proceedings as appropriate relating to the matters embraced in the order, giving preference to those proceedings over all others insofar as practicable.

(c) The authority of the Administrator under section 1005(a) of the Act is also exercised by the General Counsel, the Associate General Counsel for Operations and Evaluation, each Regional Director, and the Director, Aeronautical Center. This authority is also exercised by Regional and Aeronautical Center Counsel where their respective Directors delegate the authority to them.

§ 13.21 [Amended]

5. By inserting the phrase "the Associate General Counsel for Operations and Evaluation," after the words "the General Counsel" in § 13.21.

(Secs. 313(a), 601, 609, 1005(a), 1006, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1429, 1485(a), 1486; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); sec. 147(a), regulations, Office of the Secretary of Transportation)

Issued in Washington, D.C., on January 4, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-430 Filed 1-11-72;8:47 am]

[Docket No. 10276, Amdt. 39-1375]
**PART 39—AIRWORTHINESS
DIRECTIVES**

**British Aircraft Corp. Model BAC 1-11
200 and 400 Series Airplanes**

Amendment 39-1349 (36 F.R. 22363), AD 71-25-2, requires, in part, replacement of failed or loose flap beam bracket attachment bolts through the wing lower skin and provides for flight in accordance with FAR 21.197 to a base where the repairs can be performed.

After issuing Amendment 39-1349, AD 71-25-2, the FAA determined that, through inadvertence, the AD fails to provide for such flight in one case where repairs are required. Therefore, the AD is being amended to correct this deficiency.

Since this amendment corrects an inadvertent omission in Amendment 39-1349, AD 71-25-2, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administration (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1349 (36 F.R. 22363), AD 71-25-2, is amended by inserting in paragraph (f) (2), after the words "before further flight" the words "except that the airplane may be flown in accordance with FAR 21.197 to a base where the repairs or modifications can be performed."

This amendment becomes effective upon publication in the FEDERAL REGISTER (1-12-72).

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

Issued in Washington, D.C., on January 6, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.72-429 Filed 1-11-72;8:46 am]

[Airspace Docket No. 71-RM-31]

**PART 71—DESIGNATION OF FEDERAL
AIRWAYS, AREA LOW ROUTES,
CONTROLLED AIRSPACE, AND RE-
PORTING POINTS**

PART 73—SPECIAL USE AIRSPACE

**Designation of Restricted Area and
Alteration of Continental Control Area**

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to redesignate Restricted Area R-6413, Green River, Utah, as a joint-use restricted area and to include the area in the Continental control area.

The Department of the Air Force has requested the redesignation of R-6413 to provide for the launching of U.S. Army ballistic missiles. The area will be activated for approximately 90 days beginning April 1, 1972, and terminating June 30, 1972.

In the notice of proposed rule making published in the FEDERAL REGISTER (36 F.R. 1911) of February 3, 1971, Airspace Docket No. 70-WE-93, it was stated that: "Each successive period would be designated by rule published in the FEDERAL REGISTER," therefore, further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended as hereinafter set forth.

1. Effective 0901 G.m.t., March 2, 1972, Parts 71 and 73 are amended as follows:
a. In § 71.151 (36 F.R. 2045) "R-6413 Green River, Utah." is added.

b. In § 73.64 (36 F.R. 2360) restricted area R-6413 Green River, Utah, is added.

R-6413 GREEN RIVER, UTAH

Boundaries: Beginning at latitude 38°-57'00" N., longitude 110°09'40" W.; thence to latitude 38°46'03" N., longitude 110°06'00" W.; to latitude 38°31'30" N., longitude 109°57'00" W.; to latitude 38°31'30" N., longitude 109°51'00" W.; to latitude 38°33'27" N., longitude 109°46'00" W.; to latitude 38°49'15" N., longitude 109°57'02" W.; to latitude 38°58'02" N., longitude 110°05'33" W.; thence to point of beginning.

Designated altitudes: Surface to unlimited. Time of designation: From April 1, 1972, to June 30, 1972, unless canceled sooner by Notices to Airmen. All subsequent firing periods would be designated by a rule published in the FEDERAL REGISTER.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Air Force Special Weapons Center, Air Force Systems Command, Kirtland AFB, N. Mex.

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

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

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.72-431 Filed 1-11-72;8:47 am]

[Airspace Docket No. 71-WA-41]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of the Sailor Creek, Idaho, Restricted Area R-3202. This change was requested by the Department of the Air Force.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (1-12-72), as hereinafter set forth.

In § 73.32 (36 F.R. 2340) the Sailor Creek, Idaho, Restricted Area R-3202 is amended by changing the using agency from "Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho," to "Commander, 347th Tactical Fighter Wing, Mountain Home AFB, Idaho."

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

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

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.72-434 Filed 1-11-72;8:47 am]

[Airspace Docket No. 71-SW-74]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the name of the controlling agency of Restricted Area R-3804B, Fort Polk, La.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective February 3, 1972, as hereinafter set forth.

Section 73.38 (36 F.R. 2343) is amended as follows:

R-3804B Fort Polk, La., is amended by deleting "Controlling agency. Federal Aviation Administration, Alexandria, La.,

Flight Service Station," and substituting "Controlling agency. Federal Aviation Administration. Houston, Tex., ARTC Center." therefor.

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

Issued in Washington, D.C., on January 4, 1972.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.72-432 Filed 1-11-72;8:47 am]

[Airspace Docket No. 71-GL-31]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redesignate Restricted Area R-4202, Lake Margrethe, Mich., as a joint-use restricted area.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and for that reason this amendment can be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (1-12-72), as hereinafter set forth.

Section 73.42 (36 F.R. 2345) R-4202 Lake Margrethe, Mich., is amended by adding "Controlling Agency: Federal Aviation Administration, Traverse City Flight Service Station."

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

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

T. McCORMACK,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.72-433 Filed 1-11-72;8:47 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

[DESI 5740]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS, TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Penicillin for Topical Use; Revocations

In a notice (DESI 5740) published in the FEDERAL REGISTER of February 18, 1971 (36 F.R. 3145), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of

Sciences-National Research Council, Drug Efficacy Study Group, regarding the following drugs:

1. Penicillin G Crystalline-Potassium Ointment and Ophthalmic Ointment (4 reports); Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 60-405 and 5-740).

2. Penicillin G Crystalline-Potassium Ophthalmic Ointment; Day-Baldwin, Inc., 1460 Chestnut Avenue, Hillside, New Jersey 07205 (NDA 60-313).

3. Potassium Penicillin G Ophthalmic Ointment; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, New Jersey 08903 (NDA 60-364).

4. Penicillin Topical Ointment and Penicillin G Crystalline Potassium Ophthalmic Ointment; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, New Jersey 07407 (NDA 60-311).

5. Penicillin Ointment Topical; Bryan Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, New York 10550 (NDA 60-329).

6. Penicillin Ointment and Topical Ointment (2 reports); Day-Baldwin, Inc. (NDA 60-313).

7. Crystalline Potassium Penicillin G Ointment; E. R. Squibb & Sons, Inc. (NDA 60-364).

8. Ledericillin Ointment; containing procaine penicillin G, Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 60-416).

The Food and Drug Administration concluded that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that the effectiveness of topical penicillin is sufficient to justify its use in view of the known serious hazards associated with such use.

The Commissioner announced his intention to initiate proceedings to revoke the antibiotic drug regulations providing for certification or release of the above-listed antibiotic drugs and any similar drugs for topical administration in man.

Interested persons who might be adversely affected by removal of these drugs from the market were invited to submit within 30 days after said publication date any pertinent data bearing on the proposal to revoke the antibiotic drug regulations. No data were received.

For the listed products, the conditions of certification are described in §§ 141a.8 and 146a.26 of the antibiotic regulations. Sections 141a.11, 141a.15, 141a.17, 141a.18, 141a.22, 141a.35, 141a.36, 141a.40, 141a.53, 141a.58, 141a.65, 141a.89, 141a.96, 146a.22, 146a.29, 146a.33, 146a.35, 146a.36, 146a.40, 146a.54, 146a.55, 146a.59, 146a.76, 146a.81, 146a.89, and 146a.111 describe the conditions for certification of other penicillin-containing products for topical use and are also affected by this order.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141a and 146a are amended as follows and all antibiotic certificates or releases issued under these regulations for such drugs for human use are also revoked:

1. Part 141a is amended:

a. In § 141a.8 by revising the section heading to read as follows:

§ 141a.8 Penicillin ointment, veterinary.

* * * * *

§§ 141a.11, 141a.15, 141a.17, 141a.18, 141a.40, 141a.53, 141a.58 [Revoked]

b. By revoking the following sections: § 141a.11 Penicillin with aluminum hydroxide gel; § 141a.15 Penicillin for surface application; § 141a.17 Penicillin sulfonamide powder; § 141a.18 Penicillin vaginal suppositories; § 141a.40 Penicillin tooth powder; § 141a.53 Penicillin-streptomycin implantation pellets; penicillin - dihydrostreptomycin implantation pellets; and § 141a.58 Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.

c. In § 141a.22 by revising the section heading to read as follows:

§ 141a.22 Penicillin bougies, veterinary.

* * * * *

d. In § 141a.35 by revising the section heading to read as follows:

§ 141a.35 Penicillin-streptomycin ointment, veterinary; penicillin-dihydrostreptomycin ointment, veterinary.

* * * * *

e. In § 141a.36 by revising the section heading to read as follows:

§ 141a.36 Penicillin-streptomycin bougies, veterinary; penicillin-dihydrostreptomycin bougies, veterinary.

* * * * *

f. In § 141a.65 by revising the section heading to read as follows:

§ 141a.65 Penicillin - streptomycin-neomycin in oil, veterinary; penicillin-dihydrostreptomycin-neomycin in oil, veterinary; penicillin-streptomycin-neomycin ointment, veterinary; penicillin-dihydrostreptomycin-neomycin ointment, veterinary.

* * * * *

g. In § 141a.89 by revising the section heading to read as follows:

§ 141a.89 Procaine penicillin-neomycin-polymyxin in oil, veterinary; procaine penicillin-neomycin-polymyxin ointment, veterinary.

* * * * *

h. In § 141a.96 by revising the section heading to read as follows:

§ 141a.96 Penicillin - streptomycin-neomycin-polymyxin ointment, veterinary; penicillin-dihydrostreptomycin-neomycin-polymyxin ointment, veterinary.

* * * * *

2. Part 146a is amended:

a. In § 146a.22 by revising the heading and preamble to read as follows:

§ 146a.22 **Penicillin - streptomycin-neomycin-polymyxin ointment, veterinary; penicillin-dihydrostreptomycin-neomycin-polymyxin ointment, veterinary.**

Penicillin - streptomycin - neomycin-polymyxin ointment, veterinary, and penicillin - dihydrostreptomycin - neomycin-polymyxin ointment, veterinary, conform to all requirements and are subject to all procedures prescribed by § 146a.89 for penicillin-streptomycin-neomycin ointment, veterinary, and penicillin - dihydrostreptomycin - neomycin ointment, veterinary, except that:

b. In § 146a.26 by revising the section heading, the first and second sentences of paragraph (a) and by revising paragraph (b), the introductory text of paragraph (c) (1), paragraph (c) (1) (i), and (2) and paragraph (d) (1) to read as follows:

§ 146a.26 **Penicillin ointment, veterinary.**

(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment, veterinary, is calcium penicillin, crystalline penicillin, procaine penicillin, or l-phenamine penicillin G in a suitable and harmless ointment base, with or without a suitable anesthetic. If it is intended solely for topical veterinary use and not for udder instillation in dairy animals and is conspicuously so labeled, it may contain nitrofurazone. * * *

(b) *Packaging.* Penicillin ointment, veterinary, shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U.S.P. and shall not be larger than the 1/8-ounce size if such ointment is represented for ophthalmic use and in no case larger than the 2-ounce size. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* (1) In addition to the labeling requirements prescribed by § 1.106(c) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) An expiration date that conforms to the requirements prescribed by § 148.3(a) (3) of this chapter.

(2) In lieu of the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(d) *Request for certification; samples.*

(1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a

batch of penicillin ointment, veterinary, shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

§§ 146a.29, 146a.33, 146a.35, 146a.36, 146a.59, 146a.76, 146a.81 [Revoked]

c. By revoking the following sections: § 146a.29 *Penicillin with aluminum hydroxide gel*; § 146a.33 *Penicillin for surface application*; § 146a.35 *Penicillin sulfonamide powder (calcium penicillin sulfonamide powder; crystalline penicillin sulfonamide powder*; § 146a.36 *Penicillin vaginal suppositories*; § 146a.59 *Penicillin tooth powder (tooth powder with penicillin)*; § 146a.76 *Penicillin-streptomycin implantation pellets*; § 146a.81 *Penicillin-streptomycin vaginal suppositories*; penicillin-dihydrostreptomycin vaginal suppositories.

d. In § 146a.40 by revising the section heading, the first sentence of paragraph (a), the first sentence of paragraph (b), and the introductory text of paragraph (c) to read as follows:

§ 146a.40 **Penicillin bougies, veterinary (sodium penicillin bougies, calcium penicillin bougies, potassium penicillin bougies, procaine penicillin bougies, penicillin bougies sodium salt, penicillin bougies calcium salt, penicillin bougies potassium salt, penicillin bougies procaine salt).**

(a) *Standards of identity, strength, quality, and purity.* Penicillin bougies, veterinary, are bougies composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin in an excipient of polyethylene glycol or of one or more other suitable and harmless diluents, binders, and lubricants. * * *

(b) *Packaging.* Unless each penicillin bougie, veterinary, is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provisions that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. * * *

(c) *Labeling.* Each package of penicillin bougies, veterinary, shall bear, on its label or labeling as hereinafter indicated, the following:

e. In § 146a.54 by revising the section heading, the introductory text to paragraph (a), subparagraphs (2) and (3) of paragraph (a) and paragraph (b) as follows:

§ 146a.54 **Penicillin-streptomycin ointment, veterinary (penicillin-streptomycin mineral oil suspension, veterinary); penicillin dihydrostreptomycin ointment, veterinary (penicillin-dihydrostreptomycin mineral oil suspension, veterinary).**

(a) Penicillin-streptomycin ointment, veterinary, and penicillin-dihydrostreptomycin ointment, veterinary, conform to all requirements prescribed by § 146a.26 for penicillin ointment, veterinary, except paragraph (c) (1) (ii) of that section, and are subject to all procedures prescribed by § 146a.26 for penicillin ointment, veterinary, except that:

(2) The streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114(a) of this chapter.

(3) It may contain cortisone or a suitable derivative of cortisone, a suitable and harmless salt of cobalt, one or more sulfonamides, and one or more suitable and harmless preservatives; and if it is packaged and labeled solely for use as an aid in the treatment of *Vibrio fetus* in carrier bulls, or for intrauterine infusion in cows, it may contain 20 milligrams of diethylstilbestrol per dose as recommended in its labeling.

(b) If it contains diethylstilbestrol, the labeling of each package shall conform to the requirements of § 1.106(c) of this chapter and to requirements of § 146a.26(c) (1) (i).

f. In § 146a.55 by revising the section heading and by amending paragraph (a) to read as follows:

§ 146a.55 **Penicillin-streptomycin bougies, veterinary; penicillin-dihydrostreptomycin bougies, veterinary.**

(a) Penicillin-streptomycin bougies, veterinary, and penicillin-dihydrostreptomycin bougies, veterinary, conform to all requirements prescribed by § 146a.40 for penicillin bougies, veterinary, except paragraph (c) (1) (iv) of that section, and are subject to all procedures prescribed by § 146a.40 for penicillin bougies, veterinary, except that:

(2) In lieu of the directions prescribed for penicillin bougies veterinary, by § 146a.40(c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each bougie.

(3) In addition to complying with the requirements of § 146a.40(d), a person who requests certification of a batch of penicillin-streptomycin bougies, veterinary, or penicillin-dihydrostreptomycin bougies, veterinary, shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, moisture, pH, and its streptomycin content if it is dihydrostreptomycin; the number of

units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each bougie of the batch. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of six packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101(b) of this chapter.

g. In § 146a.89 by revising the section heading, preamble and paragraphs (a) and (b) to read as follows:

§ 146a.89 Penicillin-streptomycin-neomycin in oil, veterinary; penicillin-dihydrostreptomycin-neomycin in oil, veterinary; penicillin-streptomycin-neomycin ointment, veterinary; penicillin-dihydrostreptomycin-neomycin ointment, veterinary.

Penicillin-streptomycin-neomycin in oil, veterinary, and penicillin-dihydrostreptomycin-neomycin in oil, veterinary, conform to all requirements and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil, veterinary and procaine penicillin and dihydrostreptomycin in oil, veterinary. Penicillin-streptomycin-neomycin ointment, veterinary, conform to all requirements and are subject to all procedures prescribed by § 146a.54 for penicillin-streptomycin ointment, veterinary, and penicillin-dihydrostreptomycin ointment, veterinary, except that:

(a) (1) It contains not less than 1.78 milligrams of neomycin per milliliter. The neomycin used conforms to the standards prescribed for neomycin by § 146a.410(a)(2) of this chapter, except the standard for toxicity (unless it is intended for use by subcutaneous injection in fowl).

(2) It may contain polyvinylpyrrolidone.

(3) If it is intended solely for use in the eyes and ears of animals and is conspicuously so labeled, it may contain chlorhexidine dihydrochloride-(bis (p-chlorophenyl-diguanido) hexane dihydrochloride).

(4) It is packaged and labeled either for subcutaneous injection in fowl or for use in the eyes and ears of animals.

(b) (1) Its expiration date shall conform to the requirements prescribed by § 148.3(a)(3) of this chapter.

(2) On the label and labeling, if it contains polyvinylpyrrolidone or chlorhexidine, after the name "penicillin-streptomycin-neomycin in oil, veterinary," "penicillin-dihydrostreptomycin-neomycin in oil, veterinary," "penicillin-streptomycin-neomycin ointment, veterinary," or "penicillin-dihydrostreptomycin-neomycin ointment, veterinary," wherever such name appears, the words "with polyvinylpyrrolidone," or "with chlorhexidine dihydrochloride," in juxtaposition with such name.

h. In § 146a.111 by revising the section heading and the first two sentences of paragraph (a) and by amending paragraph (b) as follows:

§ 146a.111 Procaine penicillin-neomycin-polymyxin in oil, veterinary; procaine penicillin-neomycin-polymyxin ointment, veterinary.

(a) *Standards of identity, strength, quality and purity.* Procaine penicillin-neomycin-polymyxin in oil, veterinary, is a suspension of procaine penicillin, neomycin, and polymyxin in refined peanut oil or sesame oil, with or without the addition of one or more suitable and harmless dispersing and suspending agents. Procaine penicillin-neomycin-polymyxin ointment, veterinary, is procaine penicillin, neomycin, and polymyxin in a suitable and harmless ointment base. * * *

(b) *Packaging; labeling; request for certification, samples.* Each drug conforms to all requirements and procedures prescribed for penicillin ointment, veterinary, by § 146a.26 (b) (except that procaine penicillin-neomycin-polymyxin in oil, veterinary, may be packaged in plastic tubes), (c), and (d), except that:

(1) In addition to the labeling prescribed for penicillin ointment, veterinary, by § 146a.26(c), if they contain one or more of the active ingredients specified in paragraph (a) of this section, each package shall bear on the outside wrapper or container and the immediate container, after the name "procaine penicillin-neomycin-polymyxin in oil, veterinary" or "procaine penicillin-neomycin-polymyxin ointment, veterinary," wherever it appears, the words "with _____" the blank being filled in with the established name of each such other ingredient, in juxtaposition with such name.

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

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

If a hearing is requested and justified by the objections, the issues will be de-

fined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

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

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

Dated: January 3, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-470 Filed 1-11-72; 8:50 am]

PART 146—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline Hydrochloride Powder Topical, Veterinary; Revocations

A notice was published in the FEDERAL REGISTER of August 3, 1971 (36 F.R. 14270), proposing that the antibiotic drug regulations be amended to revoke provisions for certification of Aureomycin Powder 2 Percent, a drug for veterinary use that contains chlortetracycline hydrochloride and benzocaine and that is marketed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540. The notice also proposed to revoke certification provisions for a similar drug which is no longer marketed. The proposal was based on a notice (DESI 0054 NV) published in the FEDERAL REGISTER of August 5, 1970 (35 F.R. 12492).

In the notice of proposed rulemaking, the Commissioner concluded (1) that substantial evidence is lacking that the subject drug is effective under the conditions of use prescribed, recommended, or suggested in its labeling and (2) that the antibiotic drug regulation covering this drug should therefore be amended by deleting provisions for its certification. No comments were received in response to the notice of proposed rulemaking.

Accordingly, the Commissioner of Food and Drugs concludes that the regulations for the certification of antibiotic drugs

should be amended as follows to revoke provisions for certification for the above-mentioned drugs.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 512, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146c is amended by revoking § 146c.230 *Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical for human use*, and § 146c.242 *Tetracycline-neomycin complex powder topical; tetracycline hydrochloride-neomycin sulfate powder topical*.

Any person who will be adversely affected by the removal of any such drug from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the National Academy of Sciences-National Research Council evaluation and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the drugs would have the effectiveness claimed for their intended uses.

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 512, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 357, 360b)

Dated: December 30, 1971.

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

[FR Doc.72-469 Filed 1-11-72;8:50 am]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 225—DISPOSAL OF GOVERNMENT ROYALTY OIL

Notices of Delivery

On February 26, 1971, a notice of rule making was published in the FEDERAL REGISTER (36 F.R. 3527) which proposed a revision of 30 CFR 225.8. The notice invited interested parties to submit written comments, suggestions, or objections, with respect to the proposed revision, to the Director, Geological Survey, within

30 days of the date of publication. All such comments, suggestions, and objections received have been carefully considered and certain changes have been made.

Section 225.8 of Title 30, Code of Federal Regulations, is revised to read as stated below, effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER (1-12-72).

§ 225.8 Notices.

Prior to any requirement that royalty oil be delivered in kind, the Supervisor shall notify each lessee or operator under the Federal oil and gas leases involved of the requirement at least 30 days in advance of the effective date of that requirement; where it is determined to terminate the delivery of royalty oil in kind, the Supervisor shall, if practicable in his opinion, give any affected lessee or operator notice of the change in requirements at least 30 days in advance.

Dated: January 5, 1972.

W. T. PECORA,
Acting Secretary of the Interior.

[FR Doc.72-420 Filed 1-11-72;8:46 am]

PART 225a—DISPOSAL OF OUTER CONTINENTAL SHELF ROYALTY OIL

On June 25, 1971, a notice of rule making was published in the FEDERAL REGISTER (36 F.R. 12108-12109) which proposed new regulations in 30 CFR Part 225a. The notice invited interested parties to submit written comments, suggestions, or objections, with respect to the proposed regulations, to the Director, Geological Survey, within 30 days of the date of publication. All such comments, suggestions, and objections received have been carefully considered and certain changes have been made.

Part 225a of Chapter II of Title 30 of the Code of Federal Regulations is issued as follows, effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER (1-12-72).

Sec.

- 225a.1 Statutory authority.
- 225a.2 Definitions.
- 225a.3 Policy.
- 225a.4 Reimbursement to lessee for transportation.
- 225a.5 Exchange agreements.
- 225a.6 Application; contents.
- 225a.7 Action by the Supervisor.
- 225a.8 Action by the Secretary.
- 225a.9 Notices.

AUTHORITY: The provisions of this Part 225a issued under sec. 5, 67 Stat. 464, 43 U.S.C. 1334.

§ 225a.1 Statutory authority.

(a) Section 5 of the Outer Continental Shelf Lands Act of August 7, 1953 (43 U.S.C. section 1334), authorizes the Secretary of the Interior to sell royalty oil accruing or reserved to the United States under oil and gas leases issued pursuant to that Act.

(b) Section 2 of the Small Business Act (15 U.S.C. section 631) declares that it is the policy of Congress that Government should aid, counsel, assist, and

protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise and to insure that a fair proportion of the total sales of Government property be made to such enterprises.

(c) Section 8 of the Small Business Act (15 U.S.C. section 637) provides that the Small Business Administration shall consult and cooperate with officers of the Government having property disposal powers in order to utilize the potential productive capacity of plants operated by small business concerns. That section also provides that the Small Business Administration shall determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of that Act. That section also provides that the Small Business Administration shall consult and cooperate with all Government agencies for the purpose of insuring that small business concerns shall receive fair and reasonable treatment from such agencies.

§ 225a.2 Definitions.

The following definitions shall be applicable to the regulations in this part:

(a) "Small refiner" means an owner of an existing refinery or refineries (including refineries not in operation) who qualifies as a small-business concern under the rules of the Small Business Administration and who is unable to purchase in the open market an adequate supply of crude oil to meet the needs of their existing refinery capacities.

(b) "Secretary" means the Secretary of the Interior.

(c) "Director" means the Director, Geological Survey.

(d) "Supervisor" means the Regional Oil and Gas Supervisor of the Geological Survey authorized and empowered to regulate oil and gas operations and to perform other duties prescribed in the regulations under Part 250 of this chapter.

(e) "Region" means the area over which a Supervisor is authorized to exercise supervisory jurisdiction.

(f) "Section 6 lease" means an oil and gas lease originally issued by any State and currently maintained in effect pursuant to section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. section 1335).

(g) "Section 8 lease" means an oil and gas lease issued by the United States pursuant to section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. section 1337).

(h) "OCS royalty oil" means the Government's royalty portion of oil produced under section 6 or section 8 leases when royalty on oil is paid in kind or taken in kind or is being considered for such payment or taking.

(i) "Market price" means (1) the highest price per barrel regularly posted, published, or generally paid, or offered, by any principal purchaser of crude oil of like quality in the field or area where produced, or (2) if there are no postings

in the field or area, the highest price posted in the nearest field or area where crude oil of comparable quality is produced and sold, or (3) the true value as determined by the Supervisor when in his judgment such highest price regularly posted, published, or generally paid or offered in the same field or area or the nearest field or area is found by him to be less than the true value of the royalty oil. In no event shall the "market price" be less than the estimated reasonable value which the Supervisor would determine as the value of production, pursuant to § 250.64 of this chapter, if royalties on the production in question were being paid in money by the lessee rather than being paid or taken in kind.

(j) "Point of delivery" means the point at which the OCS royalty oil, or the quantity thereof in a commingled stream, is delivered by the lessee to the Government and ownership of the OCS royalty oil is transferred simultaneously from the Government to the purchaser. (1) With respect to all leases issued after October 1969, the point of delivery will be a point designated by or acceptable to the Supervisor. The deliveries normally shall be made immediately after the point of measurement of such oil or the commingled stream containing such oil, after separation and treating processes; *Provided, however*, That if such measurement is at an offshore location and such oil is commingled after such measurement with other untreated oil and is transported to a treating facility for treating and final measurement, the point of delivery may be immediately downstream of the place of final measurement. The point of delivery may be otherwise, and the Supervisor shall determine that any proposed point of delivery is practical for both the lessee and the purchaser, with proper safeguards for the environment. (2) With respect to section 8 leases issued prior to October 1969, the point of delivery will be a point designated by the lessee.

§ 225a.3 Policy.

Except when special circumstances warrant other action, as determined by the Secretary, OCS royalty oil available for disposal may be sold in accordance with the regulations in this part and only to small refiners for use in their refineries and not for resale in kind. All such sales will be made at the market price without premium or bonus; however, a charge for cost of administration of an amount equal to one-half percent of the market price will be made for each barrel of OCS royalty oil sold. When applications are filed by two or more small refiners for the same oil, the oil will be allocated among such applicants by a drawing or on an equitable prorated basis as determined by the Supervisor prior to execution of contracts for sale of such oil. OCS royalty oil produced under a section 6 lease may be made available for disposal only when the lessee or operator under the lease involved elects to pay royalty in kind to the Secretary. OCS royalty oil produced from areas for which ownership is in dispute between the Federal Government and a State may

be made available for disposal only with the concurrence of that State, with evidence of such concurrence to be furnished by the applicant. The sum of the volumes of OCS royalty oil purchased pursuant to the regulations in this part and Government royalty oil purchased pursuant to Part 225 of this chapter by any one small refiner shall not exceed 60 percent of the combined refinery capacity of that small refiner at the time when application is made for the oil.

§ 225a.4 Reimbursement to lessee for transportation.

When the point of delivery for OCS royalty oil produced under a section 8 lease is to be other than on or immediately adjacent to the leased area, the purchaser shall promptly reimburse the lessee or operator for the cost of transporting the oil to the point of delivery. Such reimbursement shall be monthly or at such other interval as may be designated by the Supervisor. Cost of transportation must be approved by the Supervisor and may be deducted from the value of the oil at the point of delivery in calculating payments to be made to the Government. The Government guarantees payment to the lessee or operator for such cost of transportation.

§ 225a.5 Exchange agreements.

Agreements providing for the exchange of OCS royalty oil purchased under these regulations for other crude oil on an equivalent value basis will not be construed as constituting a resale in kind prohibited by § 225a.3. Where an exchange agreement is contemplated with regard to OCS royalty oil available for disposal, full information relative thereto must be furnished at the time of filing application to purchase the OCS royalty oil unless a later date is specified by the Supervisor. Where an exchange agreement has been entered into, it must be filed for approval by the Supervisor and the agreement will become effective only upon his approval.

§ 225a.6 Application; contents.

A small refiner may file an application with the Supervisor of the Region in which the oil is produced. Such application shall be filed in triplicate and must be accompanied by a detailed statement containing the following information:

(a) The full name and address of the applicant; the location of his refinery or refineries; a complete disclosure of applicant's affiliation or association with any other refiner of oil if such relationship exists; and reasons for believing that applicant qualifies as a small refiner, including a full showing of efforts made to purchase the needed oil in the open market.

(b) The capacity of the refinery to be supplied and the amount, source, and grade of all crude oil currently available to the applicant refiner from his own production or by purchase.

(c) The minimum amount and grade of additional crude oil needed to meet existing refinery commitments or existing refinery capacity and the field or fields which the refiner believes offer a potential source of OCS royalty oil supply.

(d) The available transportation facilities which the applicant proposes to utilize. For OCS royalty oil produced under Sec. 8 leases issued prior to October 1969, this should include the proposed point of delivery as obtained from the lessee or operator.

(e) The amount of any cost to be paid by the applicant for transporting OCS royalty oil to the point of delivery.

(f) A tabulation for the last 12 months of operation of the amount and grade of crude oil refined each month, and the kind and amount of the principal finished products.

§ 225a.7 Action by the Supervisor.

The Supervisor shall examine each application filed pursuant to this part and where he finds that the showing submitted is inadequate or unsatisfactory, such additional showing shall be required as may be deemed necessary. He shall notify the lessees or operators of the OCS oil and gas leases involved and, at his discretion, the then purchaser or purchasers of the oil, of his receipt of the application and allow them not more than 30 days within which to submit comments. When OCS royalty oil is available for disposal in his Region, the Supervisor, at his discretion, also may notify the public (including various refining associations) of his receipt of the application and may make inquiries of other small refiners as to their interest in filing applications to purchase OCS royalty oil when he has reason to believe they may be interested in filing applications to purchase such oil. Thereafter, he shall make appropriate recommendations for consideration by the Director and the Secretary.

§ 225a.8 Action by the Secretary.

When the Secretary makes a decision to sell OCS royalty oil from any given Region, he shall specify or approve the manner in which the sale is to be effected, including the form of contract to be used. At such time, he may authorize the Supervisor or another official of the Geological Survey to execute the contract, or contracts, of sale on behalf of the United States and to determine the amount and type of bond or other security to be required from the purchaser under such contract or contracts.

§ 225a.9 Notices.

Prior to any requirement that OCS royalty oil be delivered in kind under section 8 leases, the Supervisor shall notify each lessee or operator under the OCS oil and gas leases involved of the requirement at least 30 days in advance of the effective date of that requirement; where it is determined to terminate the delivery of OCS royalty oil in kind, the Supervisor shall, if practicable in his opinion, give any affected lessee or operator notice of the change in requirements at least 30 days in advance.

Dated: January 5, 1972.

W. T. PECORA,
Acting Secretary of the Interior.

[FR Doc. 72-421 Filed 1-11-72; 8:46 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

SUBCHAPTER M—POSTAL SERVICE DEBT OBLIGATIONS

PART 760—APPLICABILITY OF TREASURY DEPARTMENT REGULATIONS

PART 761—BOOK-ENTRY PROCEDURES

Authority Implementation of Postal Service to Borrow Money by Selling Securities

Correction

In F.R. Doc. 72-296 appearing at page 211 in the issue of Friday, January 7, 1972, the phrase "any extent regulation on book-entry" in the last two lines of the first paragraph should read "any extant regulation on book-entry".

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Calcium and Sodium Salts of Certain Sulfonated Petroleum Fractions (Mahogany Soaps)

A petition (PP 0F0924) was filed by American Oil Co., 910 South Michigan Avenue, Chicago, IL 60680, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing exemptions from the requirement of tolerances for residues of the calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps) when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops or to animals.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which exemption is being established.

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 exemption 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), § 180.1001 is amended as follows:

1. By alphabetically inserting a new item in the table in paragraph (d) and by revising the item "Chlorobenzene" immediately thereafter, and by adding a new paragraph (e) to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(d) * * *		
Inert Ingredients	Limits	Uses
* * *	* * *	* * *
Calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps); calcium salt molecular weight 790-1,020, sodium salt molecular weight 400-500.		Surfactants, related adjuvants of surfactants.
Chlorobenzene.....	Contains not more than 1% impurities. Not for use after edible parts of plant begin to form. Do not graze livestock in treated areas within 48 hours after application.	Solvent, cosolvent.
* * *	* * *	* * *

(e) The following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to animals.

Inert ingredients	Limits	Uses
Calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps); calcium salt molecular weight 790-1,020, sodium salt molecular weight 400-500.		Surfactants, related adjuvants of surfactants.

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 20250, 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 ac-

companied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-12-72). (Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2))

Dated: December 21, 1971.

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

[FR Doc.72-339 Filed 1-11-72;8:45 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Time Limitations for Federal Financial Participation in Medical Assistance Payments

Part 249 is amended by adding a new provision to § 249.81 which concerns time limits for Federal financial participation in medical assistance payments under title XIX of the Social Security Act. The amendment permits an exception to the time limitations in certain cases where claims have been filed under the medicare program. Notice of proposed rule making has been dispensed with, since the new provision is in the interest of State agencies administering the medical assistance program and the regulations are urgently needed to resolve pending audit problems.

Accordingly, § 249.81(c) is revised to read as follows:

§ 249.81 Time limitations for Federal financial participation in medical assistance payments.

(c) Not more than 24 months have elapsed since the month of the latest services for which the particular payment is being made with respect to the individual, except that:

(1) This time limitation does not apply with respect to retroactive adjustment payments where services are reimbursed on the same basis as under title XVIII;

(2) Where a claim for payment for services has been filed timely for title XVIII purposes with the Social Security Administration, an intermediary or a carrier, Federal financial participation is available in payments for such services made by the title XIX agency after the 24-month period provided they are made within 6 months after the month in which the title XIX agency or the vendor receives notice regarding the claim.

(Section 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER (1-12-72)

and shall apply to all claims in open audit.

Dated: November 22, 1971.

JOHN D. TWINAME,
Administrator, Social and
Rehabilitation Service.

Approved: December 22, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc. 72-448 Filed 1-11-72; 8:48 am]

Chapter X—Office of Economic Opportunity

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

OEO Income Poverty Guidelines

The subpart containing §§ 1060.2-1 through 1060.2-4 of Part 1060 of Chapter X of Title 45 of the Code of Federal Regulations is revised to read as follows:

Subpart—OEO Income Poverty Guidelines

Sec.
1060.2-1 Applicability of this subpart.
1060.2-2 Background.
1060.2-3 Policy.
Appendix A.

AUTHORITY: The provisions of this subpart authorized under sec. 602(n), 81 Stat. 714, 42 U.S.C. 2942.

§ 1060.2-1 Applicability of this subpart.

This subpart applies to all programs financially assisted under title II or III-B of the Economic Opportunity Act if such assistance is administered by the Office of Economic Opportunity.

§ 1060.2-2 Background.

In August 1967, OEO issued uniform income guidelines for all programs it funds which use income to determine program eligibility. These guidelines were based on poverty thresholds derived from a definition of poverty developed for statistical purposes by the Social Security Administration in 1964. In September 1968, in January 1970, and in December 1970, OEO issued new guidelines which reflected increases in consumer prices.

§ 1060.2-3 Policy.

(a) In order that the level of poverty which is used to determine program eligibility does not change as a result of substantial increases in the cost of living as measured by the Consumer Price Index, OEO revises, from time to time, its income guidelines in order to reflect such increases. The latest revised income guidelines are set forth as Appendix A to this part.

(b) These new income guidelines are to be used for all those OEO-funded programs, whether administered by a grantee or a delegate agency, which use OEO poverty income guidelines as admission standards. This revision of the income guidelines does not require current programs which have full enrollments to consider additional applicants. Agencies shall reflect the new income guidelines in reports required by OEO submitted after January 1971. The new

income guidelines do not supersede alternative standards of eligibility approved by OEO, such as State Title XIX standards used in programs funded by the Office of Health Affairs.

(c) These guidelines are also to be used in certain other instances where required by OEO as a definition of poverty, e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

WESLEY L. HJORNEVIK,
Deputy Director.

APPENDIX A

OEO POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII

Family size	Nonfarm family	Farm family
1.....	\$2,000	\$1,700
2.....	2,600	2,100
3.....	3,300	2,800
4.....	4,000	3,400
5.....	4,700	4,000
6.....	5,300	4,600
7.....	5,900	5,000

For families with more than seven members, add \$500 for each additional member in a farm family and \$600 for each additional member in a nonfarm family.

OEO POVERTY GUIDELINES FOR ALASKA

Family size	Nonfarm family	Farm family
1.....	\$2,500	\$2,125
2.....	3,250	2,775
3.....	4,150	3,575
4.....	5,000	4,250
5.....	5,900	5,000
6.....	6,650	5,650
7.....	7,400	6,300

For families with more than seven members, add \$750 for each additional member in a nonfarm family and \$650 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR HAWAII

Family size	Nonfarm family	Farm family
1.....	\$2,300	\$1,975
2.....	3,000	2,550
3.....	3,650	3,100
4.....	4,400	3,750
5.....	5,200	4,425
6.....	5,850	4,975
7.....	6,500	5,525

For families with more than seven members, add \$650 for each additional member in a nonfarm family and \$550 for each additional member in a farm family.

[FR Doc. 72-353 Filed 1-11-72; 8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-87, Amdt. 178-23]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Cargo Tank Attachments MC 306, MC 307, and MC 312

The purpose of this amendment to the Hazardous Materials Regulations of the shell or head to which it is attached. A

Department of Transportation is to clarify and to amend the requirements for accessory attachments to specification MC 306, MC 307, and MC 312 cargo tanks.

On June 15, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-87; Notice No. 71-18 (36 FR. 11525), which proposed this amendment. Three commenters suggested changes to the proposal.

All the commenters objected to the proposal to permit the direct attachment of a side cabinet to a cargo tank. The commenters explained how cabinets could be subjected to heavy duty use and thereby might seriously impair the integrity of the cargo tank if they were attached without the benefit of pads.

Other comments were directed mainly to the proposed requirement for welding all attachments by continuous weld. The Board acknowledges that lightweight devices otherwise may be satisfactorily attached and has provided for equivalent methods of attachment. Also, the Board recognizes that a continuous weld is not necessary if the fabricator can otherwise comply with the stated intent of the rule.

Several comments were directed to editorially improving the proposed text and the Board adopted most of these suggestions.

One commenter requested a meeting with the Board. However, in reply to a request by the Board, this commenter did not supply sufficient reasons for holding this meeting. The petition for a meeting is therefore denied.

In consideration of the foregoing, 49 CFR Part 178 is amended as follows:

In § 178.340-8, paragraph (a) is amended to read as follows:

§ 178.340 General design and construction requirements applicable to specification MC 306 (§ 178.341), MC 307 (§ 178.342), and MC 312 (§ 178.343) cargo tanks.

§ 178.340-8 Accident damage protection.

(a) Appurtenances: The term "appurtenance" means any cargo tank accessory attachment that has no liquid product retention or other liquid containment function, and provides no structural support to the tank.

(1) The design, construction, and installation of any appurtenance to the shell or head of the cargo tank must be such as to minimize the possibility of appurtenance damage or failure adversely affecting the product retention integrity of the tank.

(2) Structural members, such as the suspension subframe, overturn protection and external rings, when practicable, should be utilized as sites for attachment of appurtenances and any other accessories to a cargo tank.

(3) Except as prescribed in subparagraph (5) of this paragraph, the welding of any appurtenance to a shell or head must be made by attachment to a mounting pad. The thickness of a mounting pad must not be less than that of the shell or head to which it is attached. A

pad must extend at least 2 inches in each direction from any point of attachment of an appurtenance. Pads must have rounded corners or otherwise be shaped in a manner to preclude stress concentrations on the shell or head. The mounting pad must be attached by a continuous weld around the pad.

(4) The appurtenance must be attached to the mounting pad so there will be no adverse affect upon the product-retention integrity of the tank if any force is applied to the appurtenance, in any direction, except normal to the tank, or within 45° of normal.

(5) Skirting structures, conduit clips, brakeline clips, and similar lightweight attachments, which are of a metal thickness, construction, or material, appreciably less strong but not more than 72 percent of the thickness of the tank shell or head to which such a device is attached, may be secured directly to the tank shell or head if each device is so designed and installed that damage to it will not affect the product retention integrity of the tank. These lightweight attachments must be secured to the tank shell by continuous weld or in such manner as to preclude formation of pockets, which may become sites for incipient corrosion.

This amendment is effective March 31, 1972, however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835 of Title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on January 6, 1972.

W. F. REA III,
Rear Admiral, Board Member
for the United States Coast
Guard.

ROBERT A. KAYE,
Board Member for the
Federal Highway Administration.

[FR Doc.72-428 Filed 1-11-72; 8:46 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-18; Notice 7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

The purpose of this notice is to specify a permissible method of certifying replacement lighting equipment for vehicles manufactured on or after January 1, 1972, to conform to Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*.

Section 114 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1403) requires every manufacturer or distributor of motor vehicle equipment to furnish to the distributor or dealer at

the time of delivery of such * * * equipment by such manufacturer or distributor the certification that each such * * * item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards * * * [Such certification may be in the form of a label or tag on such item or on the outside of a container in which such item is delivered.] Thus, manufacturers of equipment to which a safety standard applies generally certify the equipment by labeling either the equipment or its container. In the case of Standard No. 109, *New Pneumatic Tires*, certification labeling on the items themselves is required by the standard.

Normally, the certification responsibility of a distributor is met by the distributor's delivery of the manufacturer's certification statement to the dealers to whom he sells. Although no separate statement is necessary, the delivery of the manufacturer's certification is considered a legal act by which the distributor makes the certification required by the statute.

With the extension of Standard No. 108 to items of replacement equipment, some difficulties in this scheme may arise where small items are not individually packaged. Automotive parts distributors commonly sell single items of equipment "over the counter" to local garage-men, who are dealers within the meaning of the Act. If these items are not separately packaged and not marked with a certification, the distributor must, under the Act, certify the items to the dealer. Although there is a variety of ways in which the distributor can do this, it is probably unrealistic to expect a separate certification to be properly and consistently made at this level. Manufacturers of lighting equipment have recognized the problem, and have suggested that they be permitted to certify their equipment by affixing the symbol DOT to each item of equipment.

This request has been found to have merit, and S4.7 of Standard No. 108, 49 CFR 571.108, is hereby amended to permit manufacturers to certify lighting equipment items by placing the symbol "DOT" directly on the item, if they choose to do so.

In consideration of the foregoing, S4.7 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, is amended to read as follows:

S4.7 Replacement Equipment.

S4.7.1 Each lamp, reflective device, or item of associated equipment manufactured to replace any lamp, reflective device, or item of associated equipment on any vehicle to which this standard applies, shall be designed to conform with this standard.

S4.7.2 Each lamp, reflective device, or item of associated equipment to which section S4.7.1 applies may be labeled with the symbol DOT, which shall constitute a certification that it conforms to applicable Federal motor vehicle safety standards.

Effective date: January 12, 1972. Because the amendment creates no addi-

tional burden or obligation and permits an optional method of compliance with an existing requirement, the Administrator has found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 112, 114, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1401, 1407; delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on January 6, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-443 Filed 1-11-72; 8:50 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-12-72).

§ 28.7 Operation of vehicles.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Snowmobiles may be operated on Erie National Wildlife Refuge in the area designated by posting.

The operation of snowmobiles shall be subject to the following special conditions:

(1) Use restricted to the period January 1, 1972, through March 15, 1972, between the hours of sunrise and 10 p.m. e.s.t., and only when there is at least four inches of snow cover on the area set aside for snowmobile use.

(2) All snowmobiles using the designated refuge area shall be equipped with noise control devices which have a manufacturer's rating of not more than 70 decibels on the A scale, as measured at 50 feet on a snow-packed course with the vehicle operating at a speed of at least 10 miles an hour.

(3) Operated only in such manner and at such a speed that no persons or property will be endangered.

(4) Parking will be limited to areas designated by signs for this purpose.

(5) Snowmobiles will not be left on the refuge overnight.

(6) All persons must be in a snowmobile or in a trail vehicle that is fixed to the snowmobile by a rigid tongue.

(7) No firearms or archery equipment are to be carried on snowmobiles.

The use of snowmobiles will be discontinued on termination of this authorization in accordance with Title 50, Code of Federal Regulations, Part 28, paragraph 29.3

RULES AND REGULATIONS

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

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in

Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

ROGER STEELMAN,

Refuge Manager,

Erie National Wildlife Refuge.

DECEMBER 17, 1971.

[FR Doc.72-418 Filed 1-11-72;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 28]

BACK BAY NATIONAL WILDLIFE REFUGE BEACH, VA.

Limitation on Use of Motor Vehicle

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended, and certain acts related to Fish and Wildlife Service:

45 Stat. 1222, as amended, 16 U.S.C. 715 et seq.

80 Stat. 966, as amended, 16 U.S.C. 668 dd.

80 Stat. 379, as amended, 5 U.S.C. 301.

48 Stat. 451, as amended, 16 U.S.C. 718 d(b).

45 Stat. 1224, as amended, 16 U.S.C. 715 I.

It is proposed to issue special regulations under provision of 50 CFR 28.28 to prohibit continued public use of Back Bay National Wildlife Refuge Beach in Virginia by unauthorized motorized vehicles.

It has been determined that the continued unregulated use of the refuge's Atlantic Ocean Beach by motorized vehicles is seriously damaging the dunes and is detrimental to the primary objectives for which the refuge was established. It has further been determined that use of the beach by motorized vehicles should be permitted to persons who now reside at False Cape south of the Back Bay Refuge in the State of Virginia. Access across refuge land shall be provided by permit issued by the Refuge Manager for those False Cape, Virginia landowners who depend upon travel along the refuge beach for necessary egress and ingress to their property including ingress and egress for service vehicles and personal friends of the residents. Any other uses involving motor vehicles may be permitted under permits issued by the Refuge Manager. These uses will be permitted only so long as they are not found to be detrimental to the purposes for which the Back Bay National Wildlife Refuge was established.

It is the policy of the Department of the Interior, wherever practical, to afford the public an opportunity to participate in the rule making process. Accordingly, a public hearing having already been held on this matter, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment to the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323, within 30 days of the date of publication of this notice in the FEDERAL REGISTER. All written comments

received will be carefully considered and thereafter final regulations will be issued effective as of the date of their publication in the FEDERAL REGISTER.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1971.

[FR Doc. 72-419 Filed 1-11-72; 8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1103, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138]

[Docket No. AO-14-A150 etc.]

MILK IN BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional	AO-14-A50.
1002	New York-New Jersey	AO-71-A63.
1004	Middle Atlantic	AO-160-A48.
1006	Upper Florida	AO-356-A9.
1007	Georgia	AO-366-A9.
1011	Appalachian	AO-251-A14.
1012	Tampa Bay	AO-347-A13.
1013	Southeastern Florida	AO-286-A21.
1015	Connecticut	AO-305-A29.
1030	Chicago Regional	AO-361-A6.
1032	Southern Illinois	AO-313-A22.
1033	Ohio Valley	AO-166-A42.
1036	Eastern Ohio-Western Pennsylvania	AO-179-A35.
1040	Southern Michigan	AO-225-A24.
1043	Upstate Michigan	AO-247-A17.
1044	Michigan Upper Peninsula	AO-299-A19.
1046	Louisville-Lexington-Evansville	AO-123-A39.
1049	Indiana	AO-319-A19.
1050	Central Illinois	AO-355-A11.
1060	Minnesota-North Dakota	AO-390-A7.
1061	Southeast Minnesota-Northern Iowa (Dairyland)	AO-367-A6.
1062	St. Louis-Ozarks	AO-10-A44.
1063	Quad Cities-Dubuque	AO-106-A36.
1064	Greater Kansas City	AO-23-A43.
1065	Nebraska-Western Iowa	AO-86-A26.
1068	Minneapolis-St. Paul	AO-178-A29.
1069	Duluth-Superior	AO-153-A20.
1070	Cedar Rapids-Iowa City	AO-229-A27.
1071	Neosho Valley	AO-227-A27.
1073	Wichita, Kans.	AO-173-A27.

7 CFR Part	Marketing area	Docket No.
1075	Black Hills, S. Dak.	AO-248-A14.
1076	Eastern South Dakota	AO-260-A18.
1078	North Central Iowa	AO-272-A21.
1079	Des Moines, Iowa	AO-235-A25.
1090	Chattanooga, Tenn.	AO-296-A16.
1094	New Orleans, La.	AO-103-A34.
1096	Northern Louisiana	AO-257-A21.
1097	Memphis, Tenn.	AO-219-A26.
1098	Nashville, Tenn.	AO-184-A32.
1099	Paducah, Ky.	AO-183-A27.
1101	Knoxville, Tenn.	AO-195-A21.
1102	Fort Smith, Ark.	AO-237-A21.
1103	Mississippi	AO-346-A15.
1104	Red River Valley	AO-298-A29.
1106	Oklahoma Metropolitan	AO-210-A32.
1108	Central Ark.	AO-243-A23.
1121	Lubbock Plainview, Tex.	AO-328-A14.
1121	South Texas	AO-304-A5.
1124	Oregon-Washington	AO-308-A5.
1125	Puget Sound, Wash.	AO-238-A24.
1126	North Texas	AO-231-A38.
1127	San Antonio, Tex.	AO-232-A24.
1128	Central West Texas	AO-238-A27.
1129	Austin-Waco, Tex.	AO-256-A20.
1130	Corpus Christi, Tex.	AO-259-A24.
1131	Central Arizona	AO-271-A16.
1132	Texas Panhandle	AO-262-A23.
1133	Inland Empire	AO-275-A23.
1134	Western Colorado	AO-301-A13.
1136	Great Basin	AO-309-A18.
1137	Eastern Colorado	AO-326-A17.
1138	Rio Grande Valley	AO-335-A19.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. Thirty-four copies of exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Washington, D.C., on December 13, 1971, pursuant to notice thereof which was issued December 3, 1971 (36 F.R. 23222).

The material issues on the record of the hearing relate to:

1. Advancing the date for announcing the Class I price.

2. Taking emergency action with regard to issue 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Advance pricing.* The Class I price for the month under each of the 62 orders, except South Texas, should be announced by the fifth day of the preceding month instead of in the current month, as now provided in the orders. Also, the Minnesota-Wisconsin price for the second preceding month (instead of for the immediately preceding month, as now provided in the orders) should be used in computing the Class I price.

The Milk Industry Foundation (MIF), whose membership includes handlers under the 62 orders, proposed the earlier determination and announcement of Class I prices adopted herein. MIF claims that because handlers are unable to adjust their resale prices at the same time as, or within a reasonable period of, the change in their raw material cost, they are forced to absorb Class I price increases for extended periods before they can make necessary adjustments in their resale prices. The need for advance pricing is particularly urgent now, according to MIF, because of the requirements to which handlers are subject under the Economic Stabilization Act. Proponents claim handlers would be required to substantiate resale price increases resulting from Class I price changes in accordance with steps prescribed pursuant to that Act. This procedure, it is argued, will extend even further the period of time between a Class I price change and the corresponding adjustment in resale prices.

A handler who operates regulated plants under a number of orders testified in support of the MIF proposal. The witness emphasized particularly that advance pricing is needed by handlers to enable them to change resale prices at the same time the Class I price increases. He stated that handlers are now at a disadvantage in not knowing the Class I price for the month before the fifth of the month and, therefore, are unable to institute resale price changes before the greater part of the month to which the Class I price applies is over.

National Milk Producers Federation (NMPF), which represents producer associations under the 62 orders, supported the MIF proposal. A number of producer association members of NMPF maintain milk processing and distribution operations. According to the NMPF witness, such associations have the same interest in advance Class I pricing as do proprietary handlers. The witness further stated that its other producer association members, however, fully support the proposal. He took the position that using the Minnesota-Wisconsin price for a month earlier than at present (in computing the Class I price) would not result in producers receiving any less money for their milk than they do now. He reasoned that the increases and decreases from month to month in the Class I price (due to changes in the

Minnesota-Wisconsin price) would be fully reflected in returns to producers as they now are, except for a delay of one month.

The spokesman for a cooperative representing producers under five orders in the northeast stated that the cooperative had not had sufficient time to study the proposal and its effect on its members, and therefore, urged that no action be taken on it. He questioned particularly whether the principal basis of proponents for requesting advance pricing is a valid one. In this connection, he cited an earlier decision of the Secretary in which it was found that there is no basis for assuming that there is a direct relationship between changes in Class I prices and changes in prices charged to stores and to consumers.

The rapidly changing structure of the milk distribution industry throughout the United States makes it desirable that handlers be notified at a reasonable period in advance of changes in the price they must pay for Class I milk. An increasing proportion of the milk distribution throughout the country is by large firms, including cooperative associations as well as proprietary handlers. The centralized control of these large distributors requires a longer period of time between the date a Class I price change is announced and the time when the change may be made in their resale prices.

According to an industry witness, it is mechanically impossible to place in effect a price increase in less than 2 to 4 weeks after learning of Class I price changes. This problem is compounded by the adoption of machine accounting by both handlers and retailers. Computer programs must be changed by both parties, a new price list developed and circulated by handlers, and new pricing schedules issued to retailers by both chain and cooperative buying groups.

The major portion of the distribution of the principal handlers in the order markets is to large volume buyers, such as supermarket chains and institutions (e.g. hospitals, schools). The prices at which sales are made to these are primarily on a contractual basis, many by advance bidding. Announcing Class I prices before the month to which they apply will facilitate the resale pricing of milk sold to large volume outlets.

Replacing the Minnesota-Wisconsin price for the month immediately preceding with that for the second preceding month for computing Class I prices need not have, as testified by producers, any significant effect on producer returns since the proposed change only involves advance setting of price and not a change in the basis of pricing Class I milk.

To follow strictly the proposal made by the industry, advance pricing could not be incorporated in the orders to affect Class I prices prior to March 1972. That is, if the orders were amended (as a result of this decision) to be effective February 1, 1972, the Class I price for March would be announced on February 5 and would be based on the Minne-

sota-Wisconsin price for January (instead of February as now provided).

Although the Minnesota-Wisconsin price and other quotations necessary for announcing the Class I price and Class I butterfat differential (and all other class prices and butterfat differentials) are available by the fifth of the month, the date by which they are required to be announced varies among the orders. In 38 of the 62 orders they must be announced by the fifth of the month, in 19 by the sixth, in one by the eighth, in two by the 10th, and in two by the 12th. For classes other than Class I, the prices and butterfat differentials announced by these dates are those for the preceding month.

Since the information necessary for these determinations is available by the fifth of the month, the orders should provide explicitly and uniformly that the market administrator publicly announce all class prices by that date. For Class I, the price announced would be that for the following month and the butterfat differential that for the current month. For classes other than Class I, the prices and butterfat differentials announced would be those for the preceding month.

The date by which the uniform price(s) in each order must be announced was not considered at the hearing and is unchanged by this decision.

Providing the same uniform language in all orders regarding the announcement of class prices, butterfat differentials and uniform prices will not change a market administrator's obligation to mail copies of all price announcements to handlers and other interested parties. Neither will it diminish the obligation of the market administrator under any order from that required of him at present with regard to issuing price announcements. On the other hand, it will contribute towards obtaining uniformity in the order provisions and thus provide price information to all parties at the same time.

The Minnesota-Wisconsin price (adjusted to a 3.5 percent butterfat basis) should be designated as the basic formula price in all orders and should be set forth in the same language in all orders as "the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33."

No purpose is served by the variations in the language now used in the orders to define the basic formula price. Accordingly, provision is made in this decision to institute precisely the same language, as cited above, in all orders in

referring to the Minnesota-Wisconsin price, as adjusted to a 3.5 percent butterfat basis. Likewise, a basic formula price definition as set forth above should be instituted in the several orders in which reference is now made to the Minnesota-Wisconsin price, but in which it is not indicated as the basic formula price. The uniformity thus achieved will facilitate cross references sometimes appropriate between the orders.

In all orders the Class I price is determined, directly or indirectly, by adding a differential to the basic formula price. In most orders the Class I differential is a stated amount "plus 20 cents." The "plus 20 cents," which was instituted in these orders by amendment for specified periods prior to January 1, 1969, has been effective without a termination date since then. There is, therefore, no apparent need to continue listing the "plus 20 cents" separately from the stated Class I differential. In the amended order language here adopted, the Class I differential for each order is stated as one amount, which includes the plus 20 cents heretofore listed separately.

No change should be made in computing the Class I butterfat differential. Except for the three Florida orders (which specify that the Class I butterfat differential shall be 7.5 cents each month) Class I butterfat differentials are based on the average of the wholesale selling prices of 92-score butter at Chicago for the preceding month.

Proponents advocating the use of the Minnesota-Wisconsin price for the second preceding month in computing the Class I price proposed at the hearing that the Class I butterfat differential be announced by the fifth day of the preceding month and be based on the Chicago butter price for the second preceding month. The hearing notice contained no proposal, however, for advancing the Class I butterfat differential announcements. Those proposing it urged its adoption as an appropriate corollary change.

The Class I butterfat differential changes infrequently. This is because the Chicago butter price quotations, which are strongly influenced by the prices paid for butter by the Government under the price support program, do not vary significantly from month to month. Consequently, there is no compelling need to advance the Class I butterfat differential announcement in connection with the adoption of advance Class I pricing. Moreover, proposals to revise the butterfat differential provisions in 40 of the 62 orders were considered at hearings which began in Clayton, Mo., July 14, 1970 (35 F.R. 10694) for seven orders and in Atlanta, Ga., on October 18, 1971 (36 F.R. 19604) for 33 orders. Action on the record of these hearings has not been completed. It would be inappropriate, therefore, to amend any butterfat differential provision in these orders without full consideration of the evidence on the still open records of the hearings previously held.

No change in the South Texas order should be made now on the basis of this record. An order issued by the Secre-

tary on July 16, 1971, terminated the South Texas order effective August 1, 1971. However, an injunction issued by the U.S. District Court for the District of Columbia deferred the termination date pending a further hearing by the court into the authority of the Secretary to terminate the order. The hearing on this matter has not yet been held. In this circumstance, no action to amend the South Texas order is taken at this time.

2. *Emergency action.* The request by proponents for emergency action (that no recommended decision be issued and that the final decision be issued in sufficient time to amend the orders January 1, 1972) is denied.

A primary reason advanced by proponents for emergency action is the time-consuming procedures required for making price changes under the Economic Stabilization Program (Phase II). This is not a problem distinguishable on the record from the problems faced by participants in many other industries with respect to the pricing of their goods. Also, there is uncertainty at present of the extent to which the various categories of milk handlers are affected by that program. It cannot be concluded therefore, that the requirements of the Economic Stabilization Act per se warrant the emergency action requested.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, in-

sure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENTS AND ORDERS AMENDING THE ORDERS

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following orders amending the orders, as amended, regulating the handling of milk in the Boston Regional and certain other marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1001—MILK IN BOSTON REGIONAL MARKETING AREA

1. In § 1001.32, paragraph (j) is revised as follows:

§ 1001.32 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class II price for the preceding month; and
 - (iii) The butterfat differential for the preceding month;
 - (2) The 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by zone differentials contained in § 1001.62(d); and
 - (3) Whenever required for the purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. The Class I price provisions of § 1001.60 are revised and redesignated. A new § 1001.60 is added as follows:

§ 1001.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12

times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. Section 1001.61 is revised as follows:

§ 1001.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month, at plants located in zone 21, shall be computed as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.58.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price for the month computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+\$0.03
February	+.02
March	-.05
April	-.09
May	-.12
June	-.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in § 1001.60;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1001.62 [Amended]

4. In § 1001.62 the reference "§ 1001.60," and the comma following the reference to § 1001.61 are deleted.

§ 1001.56 [Amended]

5. In § 1001.56, the reference to "§ 1001.32(j) (4)" in subparagraph (1) of paragraph (b) is changed to "§ 1001.32(j) (3)".

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised as follows:

§ 1002.22 Additional duties of the market administrator.

(m) Publicly announce the following:

(1) The fifth day of each month;

(i) The Class I price for the following month applicable at the 201-210-mile zone and at the 1-10-mile zone;

(ii) The Class II price for the preceding month applicable at the 201-210-mile zone and at the 1-10-mile zone; and

(iii) The butterfat differential for the preceding month;

2. The class prices provisions of § 1002.50 are revised and redesignated. A new § 1002.50 is added as follows:

§ 1002.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. A new § 1002.50a is added as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.81. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler but which does not operate the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.81, and 1002.82(b) applicable at the location where the milk is received from producers. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler and which operates the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such cooperative association in full for such milk at not less than the minimum class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.52, 1002.81, and 1002.82(b) applicable at the plant at which the milk is first received.

(a) For Class I-A milk the price shall be the basic formula price for the second preceding month plus \$2.40.

(b) For Class I-B milk the price shall be the price for Class I-A milk.

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed

pursuant to subparagraphs (1) through (3) of this paragraph:

Month	Amount
January	+\$0.03
February	+.02
March	-.05
April	-.09
May	-.12
June	-.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent.

§ 1002.51 [Amended]

4. In § 1002.51 the reference "§ 1002.50" is changed to "§ 1002.50a".

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.22, paragraph (j) is revised as follows:

§ 1004.22 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class II price for the preceding month; and

(iii) The producer butterfat differential for the preceding month.

(2) The 13th day of each month, the uniform price(s) pursuant to §§ 1004.71 and 1004.72 for the preceding month.

2. The class price provisions of § 1004.50 are revised and redesignated. A new § 1004.50 is added as follows:

§ 1004.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. A new § 1004.50a is added as follows:

§ 1004.50a Class prices.

Subject to the provisions of § 1004.51 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+\$0.05
February	+.04
March	-.03
April	-.07
May	-.10
June	-.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.03
December	+.03

(1) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. In § 1006.22, paragraph (j) is revised as follows:

§ 1006.22 Additional duties of the market administrator.

(j) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1006.50 is revised as follows:

§ 1006.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the

Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1006.51, paragraph (a) is revised as follows:

§ 1006.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.85.

PART 1007—MILK IN GEORGIA MARKETING AREA

1. In § 1007.27, paragraph (j) is revised as follows:

§ 1007.27 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price(s) pursuant to §§ 1007.61 and 1007.61a and the producer butterfat differential, all for the preceding month;

2. Section 1007.50 is revised as follows:

§ 1007.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1007.51, paragraph (a) is revised as follows:

§ 1007.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.30.

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. In § 1011.22, paragraph (k) is revised as follows:

§ 1011.22 Additional duties of the market administrator.

(k) Publicly announce on or before:
(1) The fifth day of each month;

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1011.50 is revised as follows:

§ 1011.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1011.51, paragraph (a) is revised as follows:

§ 1011.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.13.

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. In § 1012.22, paragraph (j) is revised as follows:

§ 1012.22 Additional duties of the market administrator.

(j) Publicly announce on or before:
(1) The fifth day of each month;

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and the Class II butterfat differential, both for the preceding month;

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1012.50 is revised as follows:

§ 1012.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1012.51, paragraph (a) is revised as follows:

§ 1012.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.95.

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.27, paragraph (j) is revised as follows:

§ 1013.27 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1013.50 is revised as follows:

§ 1013.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. Section 1013.51(a) is revised as follows:

§ 1013.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$3.15.

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised as follows:

§ 1015.32 Additional duties of the market administrator.

- (g) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class II price for the preceding month; and
 - (iii) The butterfat differential for the preceding month;
- (2) The 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and
- (3) Whenever required for the purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

2. The Class I price provisions of § 1015.60 are revised and redesignated. A new § 1015.60 is added as follows:

§ 1015.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. Section 1015.61 is revised as follows:

§ 1015.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month at plants located in the nearby plant zone shall be as follows:

- (a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.98.
- (b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall

be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+\$0.088
February	+.078
March	+.008
April	-.032
May	-.062
June	-.052
July	+.088
August	+.158
September	+.118
October	+.118
November	+.118
December	+.118

(1) Multiply by 4.2 the Chicago butter price specified in § 1015.60;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for non-fat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1015.62 [Amended]

4. In § 1015.62 the reference "§ 1015.60," is deleted.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. In § 1030.22, paragraph (j) is revised as follows:

§ 1030.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1030.50 is revised as follows:

§ 1030.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the

Class I price, the resulting price shall be not less than \$4.33.

3. In § 1030.51, paragraph (a) is revised as follows:

§ 1030.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.26.

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.22, paragraph (h) is revised as follows:

§ 1032.22 Additional duties of the market administrator.

(h) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1032.50 is revised as follows:

§ 1032.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. In § 1033.27, paragraph (k) is revised as follows:

§ 1033.27 Additional duties of the market administrator.

(k) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butter-

fat differential, both for the preceding month;

2. Section 1033.50 is revised as follows:

§ 1033.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1033.51, paragraph (a) is revised as follows:

§ 1033.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.70.

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.27, paragraph (j) is revised as follows:

§ 1036.27 Additional duties of the market administrator.

(j) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1036.50 is revised as follows:

§ 1036.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade

A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1036.51, paragraph (a) is revised as follows:

§ 1036.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.87 for plants in the Cleveland-Erie district and \$1.97 for plants in the Pittsburgh district. At a plant outside the marketing area, add to the basic formula price for the second preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant (by the shortest hard-surfaced highway distance as determined by the market administrator): Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pa.; and Clarksburg, W. Va.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.27, paragraph (k) is revised as follows:

§ 1040.27 Additional duties of the market administrator.

(k) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices, the corresponding butterfat differentials and the producer butterfat differential, all for the preceding month; and
(2) The 11th day of each month, the uniform prices pursuant to §§ 1040.62, 1040.63, and 1040.65, and the excess milk price, all for the preceding month;

2. Section 1040.50 is revised as follows:

§ 1040.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1040.51, paragraph (a) is revised as follows:

§ 1040.51 Class I milk price.

(a) To the basic formula price for the second preceding month add \$1.60.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.22, paragraph (1) is revised as follows:

§ 1043.22 Additional duties of the market administrator.

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1043.50 is revised as follows:

§ 1043.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1043.51, the text preceding paragraph (b) is revised as follows:

§ 1043.51 Class prices.

Subject to the provisions of §§ 1043.52 and 1043.53, the prices per hundredweight to be paid by each handler, f.o.b. his pool plant for milk received from producers or from cooperative associations during the month, shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus \$1.49.

§ 1043.62 [Amended]

4. In § 1043.62, the reference to "§ 1043.51(b) (2) (i)" is changed to "§ 1043.50."

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. In § 1044.22, paragraph (1) is revised as follows:

§ 1044.22 Additional duties of the market administrator.

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1044.50 is revised as follows:

§ 1044.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1044.51, paragraph (a) is revised as follows:

§ 1044.51 Class prices.

(a) *Class I price.* The Class I price for plants located in Zone 1 shall be the basic formula price for the second preceding month plus \$1.15. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.22, paragraph (k) is revised as follows:

§ 1046.22 Additional duties of the market administrator.

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butter-

fat differential, both for the preceding month;

2. Section 1046.50 is revised as follows:

§ 1046.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1046.51, paragraph (a) is revised as follows:

§ 1046.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.49.

PART 1049—MILK IN INDIANA MARKETING AREA

1. In § 1049.27, paragraph (j) is revised as follows:

§ 1049.27 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1049.50 is revised as follows:

§ 1049.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing

the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1049.51, paragraph (a) is revised as follows:

§ 1049.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.47.

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.22, paragraph (h) is revised as follows:

§ 1050.22 Additional duties of the market administrator.

- (h) Publicly announce on or before:
- (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
 - (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1050.50 is revised as follows:

§ 1050.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1050.51, paragraph (a) is revised as follows:

§ 1050.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.39.

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.32, paragraph (j) is revised as follows:

§ 1060.32 Additional duties of the market administrator.

- (j) Publicly announce on or before:
- (1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1060.50 is revised as follows:

§ 1060.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1060.51, paragraph (a) is revised as follows:

§ 1060.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.30.

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.22, paragraphs (h) and (i) are revised as follows:

§ 1061.22 Additional duties of the market administrator.

- (h) Publicly announce on or before:
- (1) The fifth day of each month:
 - (i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

(i) On or before the 12th day of each month, notify each handler of his obligation to the producer-settlement fund for the preceding month;

2. Section 1061.50 is revised as follows:

§ 1061.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for

manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1061.51, paragraph (a) is revised as follows:

§ 1061.51 Class prices.

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.06.

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

1. In § 1062.22, paragraph (i) is revised as follows:

§ 1062.22 Additional duties of the market administrator.

- (i) Publicly announce on or before:
- (1) The fifth day of each month:
 - (i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1062.50 is revised as follows:

§ 1062.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1062.51, paragraph (a) is revised as follows:

§ 1062.51 Class prices.

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the second preceding month plus \$1.60.

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.22, paragraph (j) is revised as follows:

§ 1063.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1063.50 is revised as follows:

§ 1063.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.33.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. In § 1064.22, paragraph (j) is revised as follows:

§ 1064.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price(s) pursuant to §§ 1064.71 and 1064.72 and the producer butterfat differential, all for the preceding month;

2. Section 1064.50 is revised as follows:

§ 1064.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1064.51, paragraph (a) is revised as follows:

§ 1064.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus \$1.74.

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.22, paragraph (k) is revised as follows:

§ 1065.22 Additional duties of the market administrator.

- (k) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
 - (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1065.50 is revised as follows:

§ 1065.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12

times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1065.51, paragraph (a) is revised as follows:

§ 1065.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus \$1.60 for pool plants located in Zone 1, plus \$1.50 in Zone 2 and plus \$1.75 in Zone 3.

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

1. In § 1068.22, paragraph (h) is deleted, and paragraph (g) is revised as follows:

§ 1068.22 Additional duties of the market administrator.

- (g) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
 - (2) The 15th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;
- (h) [Reserved]

2. Section 1068.51 is revised as follows:

§ 1068.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. Section 1068.53 is revised as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a), the price per hundredweight for Class I milk shall be the basic formula price for the second preceding month plus \$1.06.

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.22, paragraph (i) is revised as follows:

§ 1069.22 Additional duties of the market administrator.

- (i) Publicly announce on or before:
 - (1) the fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1069.50 is revised as follows:

§ 1069.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1069.51, paragraph (a) is revised as follows:

§ 1069.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.10.

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.22, paragraph (j) is revised as follows:

§ 1070.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1070.50 is revised as follows:

§ 1070.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.33.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

1. In § 1071.22, paragraph (j) is revised as follows:

§ 1071.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1071.50 is revised as follows:

§ 1071.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1071.51, that portion of paragraph (a) which precedes subparagraph (1) thereof is revised as follows:

§ 1071.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.54: *Provided*, That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. In § 1073.22, paragraph (i) is revised as follows:

§ 1073.22 Additional duties of the market administrator.

- (i) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
- (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1073.50 is revised as follows:

§ 1073.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1073.51, paragraph (a) is revised as follows:

§ 1073.51 Class prices.

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the second preceding month plus \$1.80. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents.

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

1. In § 1075.27, paragraph (j) is revised as follows:

§ 1075.27 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
 - (2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1075.50 is revised as follows:

§ 1075.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1075.51, paragraph (a) is revised as follows:

§ 1075.51 Class prices.

- (a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.95.

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.27, paragraph (j) is revised as follows:

§ 1076.27 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
 - (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1076.50 is revised as follows:

§ 1076.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1076.51, paragraph (a) is revised as follows:

§ 1076.51 Class prices.

- (a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.50.

PART 1078—MILK IN THE NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.22, paragraph (j) is revised as follows:

§ 1078.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
 - (2) The 10th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

2. Section 1078.50 is revised as follows:

§ 1078.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

- (a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For

the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

- (b) *Class I price.* The Class I price at plants in Zone 1 shall be the basic formula price for the second preceding month plus \$1.25. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

- (c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. In § 1079.27, paragraph (j) is revised as follows:

§ 1079.27 Additional duties of the market administrator

- (j) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
 - (2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1079.50 is revised as follows:

§ 1079.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

- (a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

- (b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.40.

- (c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1090—MILK IN CHATTA-NOOGA, TENN., MARKETING AREA

1. In § 1090.27, paragraph (k) is revised as follows:

§ 1090.27 Additional duties of the market administrator.

- (k) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 10th day of each month, the uniform price(s) pursuant to §§ 1090.71 and 1090.72 and the producer butterfat differential, all for the preceding month;

2. Section 1090.50 is revised as follows:

§ 1090.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1090.51, paragraph (a) is revised as follows:

§ 1090.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.15.

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. In § 1094.22, paragraph (k) is revised as follows:

§ 1094.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1094.50 is revised as follows:

§ 1094.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for

manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1094.51, paragraph (a) is revised as follows:

§ 1094.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.85.

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.27, paragraph (j) is revised as follows:

§ 1096.27 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1096.50 is revised as follows:

§ 1096.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1096.51, paragraph (a) is revised as follows:

§ 1096.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.47.

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. In § 1097.22, paragraph (i) is revised as follows:

§ 1097.22 Additional duties of the market administrator.

- (i) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 13th day of each month, the uniform price(s) for each handler pursuant to §§ 1097.71 and 1097.72, the location differential for each handler and the producer butterfat differential, all for the preceding month;

2. Section 1097.50 is revised as follows:

§ 1097.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1097.51, paragraph (a) is revised as follows:

§ 1097.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.94.

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

1. In § 1098.22, paragraph (j) is revised as follows:

§ 1098.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month:
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price(s) pursuant to §§ 1098.71 and 1098.72 and the producer butterfat differential, all for the preceding month;

2. Section 1098.50 is revised as follows:

§ 1098.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1098.51, paragraph (a) is revised as follows:

§ 1098.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.58.

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

1. In § 1099.22, paragraph (k) is revised as follows:

§ 1099.22 Additional duties of the market administrator.

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1099.50 is revised as follows:

§ 1099.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling

prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. In § 1101.22, paragraph (j) is revised as follows:

§ 1101.22 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1101.50 is revised as follows:

§ 1101.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1101.51, paragraph (a) is revised as follows:

§ 1101.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.70.

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. In § 1102.22, paragraph (j) is revised as follows:

§ 1102.22 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price(s) pursuant to §§ 1102.71 and 1102.72 and the producer butterfat differential, all for the preceding month;

2. Section 1102.50 is revised as follows:

§ 1102.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1102.51, paragraph (a) is revised as follows:

§ 1102.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.95.

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. In § 1103.22, paragraph (i) is revised as follows:

§ 1103.22 Additional duties of the market administrator.

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1103.50 is revised as follows:

§ 1103.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth

percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1103.51, paragraph (a) is revised as follows:

§ 1103.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.47.

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

In § 1104.27, paragraph (k) is revised as follows:

§ 1104.27 Additional duties of the market administrator.

- (k) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.22, paragraph (j) is revised as follows:

§ 1106.22 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1106.50 is revised as follows:

§ 1106.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis

and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1106.51, paragraph (a) is revised as follows:

§ 1106.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.98.

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.27, paragraph (k) is revised as follows:

§ 1108.27 Additional duties of the market administrator.

- (k) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1108.50 is revised as follows:

§ 1108.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1108.51, paragraph (a) is revised as follows:

§ 1108.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.94.

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. In § 1120.27, paragraph (j) is revised as follows:

§ 1120.27 Additional duties of the market administrator.

- (j) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. In § 1120.50, paragraph (a) is revised and a new paragraph (c) is added as follows:

§ 1120.50 Basic formula and class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.42.

(c) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

1. In § 1124.22, paragraph (i) is revised as follows:

§ 1124.22 Additional duties of the market administrator.

- (i) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (i) The Class I price for the following month;
 - (ii) The Class I butterfat differential for the current month; and
 - (iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
- (2) The 14th day of each month, the uniform prices and the producer butterfat differential, both for the preceding month;

2. Section 1124.50 is revised as follows:

§ 1124.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1124.51, paragraph (a) is revised as follows:

§ 1124.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus \$1.95.

PART 1125—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

1. In § 1125.22, paragraph (k) is revised as follows:

§ 1125.22 Additional duties of the market administrator.

(k) Publicly announce on or before:
(1) The fifth day of each month;

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 13th day of each month, the weighted average and the uniform price(s) pursuant to §§ 1125.71 and 1125.72, the location adjustments for excess milk pursuant to § 1125.81(a)(2) and the producer butterfat differential, all for the preceding month;

2. Section 1125.50 is revised as follows:

§ 1125.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the

Class I price, the resulting price shall be not less than \$4.33.

3. In § 1125.51, paragraph (a) is revised as follows:

§ 1125.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus \$1.85.

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. In § 1126.27, paragraph (j) is revised as follows:

§ 1126.27 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month;

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1126.50 is revised as follows:

§ 1126.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1126.51, paragraph (a) is revised as follows:

§ 1126.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.32.

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. In § 1127.22, paragraph (j) is revised as follows:

§ 1127.22 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month;

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class II-A prices and the corresponding butterfat differentials all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. In § 1127.50, paragraph (b) is revised as follows:

§ 1127.50 Minimum prices and basic formula price.

(b) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. Section 1127.51 is revised as follows:

§ 1127.51 Class I price.

The Class I price shall be the basic formula price for the second preceding month plus \$2.74.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.22, paragraph (j) is revised as follows:

§ 1128.22 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month;

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class II-A prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1128.50 is revised as follows:

§ 1128.50 Basic formula and Class I price.

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin,

as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

(b) *Class I price.* Subject to the provisions of §§ 1128.52 and 1128.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus \$2.57.

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. In § 1129.27, paragraph (i) is revised as follows:

§ 1129.27 Additional duties of the market administrator.

(i) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

2. Section 1129.50 is revised as follows:

§ 1129.50 Basic formula and Class I price.

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

(b) *Class I price.* Subject to the provisions of §§ 1129.52 and 1129.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus \$2.70.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. In § 1130.22, paragraph (i) is revised as follows:

§ 1130.22 Additional duties of the market administrator.

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1130.50 is revised as follows:

§ 1130.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1130.51, paragraph (a) is revised as follows:

§ 1130.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$3.07.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. In § 1131.22, paragraph (k) is revised as follows:

§ 1131.22 Additional duties of the market administrator.

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1131.50 is revised as follows:

§ 1131.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for

manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1131.51, the part of paragraph (a) that precedes subparagraph (1) is revised as follows:

§ 1131.51 Class prices.

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.52, and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. In § 1132.27, paragraph (j) is revised as follows:

§ 1132.27 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1132.50 is revised as follows:

§ 1132.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1132.51, paragraph (a) is revised as follows:

§ 1132.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$2.25.

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. In § 1133.22, paragraph (k) is revised as follows:

§ 1133.22 Additional duties of the market administrator.

(k) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. In § 1133.50, the first paragraph of the text preceding paragraph (a), and paragraph (a) are revised as follows:

§ 1133.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the second preceding month plus \$1.95.

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

1. In § 1134.22, paragraph (i) is revised as follows:

§ 1134.22 Additional duties of the market administrator.

(i) Publicly announce on or before:
(1) The 5th day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding months; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1134.50 is revised as follows:

§ 1134.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus \$2.

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

(k) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. In § 1136.50, paragraph (a) is revised as follows:

§ 1136.50 Class prices.

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.90.

3. Section 1136.51 is revised as follows:

§ 1136.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for

manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. In § 1137.22, paragraph (i) is revised as follows:

§ 1137.22 Additional duties of the market administrator.

(i) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1137.50 is revised as follows:

§ 1137.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1137.51, paragraph (a) is revised as follows:

§ 1137.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus \$2.30.

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.22, paragraph (i) is revised as follows:

§ 1138.22 Additional duties of the market administrator.

- (i) Publicly announce on or before:
 - (1) The fifth day of each month;
 - (2) The Class I price for the following month;
 - (iii) The Class I butterfat differential for the current month; and
 - (iv) The Class II price and Class II butterfat differential, both for the preceding month; and
- (2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

2. Section 1138.50 is revised as follows:

§ 1138.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than \$4.33.

3. In § 1138.51, paragraph (a) is revised as follows:

§ 1138.51 Class prices.

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the second preceding month plus \$2.35.

Signed at Washington, D.C., on January 5, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc. 72-366 Filed 1-11-72; 8:45 am]

[7 CFR Part 1036]

[Docket No. AO-179-A36]

MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Port O'Call Motor Inn, 16161 Brookpark Road, Cleveland, OH, beginning at 10 a.m., local time, on January 25, 1972, with respect to proposed amendments to the tentative mar-

keting agreement and to the order, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The hearing shall consider also what milk should be eligible for diversion and the point of receipt of diverted milk for the purpose of applying location differentials. In considering these subjects and the proposals set forth herein, § 1036.16 in its entirety shall be open for modification on the basis of this hearing.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk, Inc.:

Proposal No. 1. Delete §§ 1036.20 and 1036.21 and provide for a new § 1036.20 as follows:

§ 1036.20 Zones.

(a) *Zone 1.* "Zone 1" means all the territory in the marketing area in the Ohio counties of: Lorain, Medina, Ashland, Wayne, Holmes, Geauga, Portage, Summit, Stark, Tuscarawas, Ashtabula, Trumbull, Mahoning, Columbiana, and Carroll; and in the Pennsylvania counties of: Erie, Crawford, Mercer, Venango, Lawrence, and Clarion.

(b) *Zone 2.* "Zone 2" means all the territory in the marketing area in the Ohio counties of: Cuyahoga, Lake, Jefferson, Harrison, Belmont, Guernsey, and Monroe; and in the Pennsylvania counties of: Beaver, Butler, Armstrong, Washington, Greene, Fayette, and Westmoreland; and in the State of West Virginia.

(c) *Zone 3.* "Zone 3" means all the territory in the marketing area in the Pennsylvania county of Allegheny.

Proposal No. 2. Amend § 1036.53 by deleting the present paragraph (a) and replacing it as follows:

§ 1036.53 Location adjustments to handlers.

(a) For producer milk at a plant located outside Zone 1 that is classified as Class I milk, subject to the limitation set forth in paragraph (b) of this section, and for other source milk to which a location adjustment applies, the Class I price specified in § 1036.51(a) shall be adjusted as follows:

1. At a plant in Zone 2, the Class I price shall be increased 8 cents.

2. At a plant in Zone 3, the Class I price shall be increased 13 cents.

3. At a plant outside the marketing area, the Class I price shall be the Class I price applicable at the location of the nearest city hall of the cities listed below,

less 3 cents and less an additional 1.5 cents for each 10 miles or fraction thereof that such plant is located from such nearest city hall.

Canton, Ohio.	Erie, Pa.
Cleveland, Ohio.	Pittsburgh, Pa.
Clarksburg, W. Va.	Uniontown, Pa.

For the purpose of this paragraph, distances shall be measured by the shortest hard-surfaced highway distance, as determined by the market administrator.

Proposal No. 3. Amend § 1036.72 by deleting the present paragraph (a) and replacing it as follows:

§ 1036.72 Location differentials to producers and on non-pool milk.

(a) The uniform price for producer milk at a plant outside Zone 1 shall be the Zone 1 uniform price adjusted accordingly to the location of the plant at the rates set forth in § 1036.53(a); and

Proposal No. 4. Amend § 1036.51 by deleting the present paragraph (a) and replacing it as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus \$1.88.

Proposal No. 5. Amend § 1036.52 by having it read as follows:

§ 1036.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1036.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent, at a rate determined by multiplying the Chicago butter price for the month by 0.115, and rounding to the nearest one-tenth cent.

Proposal No. 6. Amend § 1036.71 by having it read as follows:

§ 1036.71 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of the producer's milk is above or below 3.5 percent, respectively, at the rate set forth in § 1036.52.

Proposal No. 7. Amend §§ 1036.41(c) (6) (iv), (vii), and 1036.42(b) (1) by deleting the phrase "and bulk cream" from each of these sections.

Proposal No. 8. Amend § 1036.11 by adding paragraph (d).

(d) A processing plant(s) that is not a distributing plant, that is approved by a duly constituted health authority to handle milk for fluid consumption and is operated by a cooperative association, if during the months of September through April more than 70 percent, and for the months of May through August 50 percent, of the producer milk of members of such cooperative association is delivered directly from their farms or transferred from such plant(s) to plants of other handlers qualified under paragraph (a) of this section. In addition, such plant(s) must have greater receipts from, or transfers to, distributing plants

regulated by this order than from other order plants during the month.

Proposal No. 9. Amend § 1036.42(b) (2) to read "Other source milk in bulk fluid form exclusive of that specified in § 1036.41(c) (6)".

Proposal No. 10. Amend § 1036.43 *In-terplant movements.*

Add in § 1036.43(c) (3) (i), (ii), and (iii), the words "of bottling grade milk" after the phrase "constitute regular sources of supply".

Proposed by Borden, Inc.:

Proposal No. 11. Add to § 1036.45 a provision to read as follows:

Subtract from the remaining pounds of skim milk in Class II, the pounds of skim milk in other source milk (except that received in the form of a fluid milk product) that is added to, or used to produce, any product specified in § 1036.41 (b).

Proposed by Town and Country Dairy, Garvins Dairy, Sweet Home Dairy, and Halms Modern Dairy:

Proposal No. 12. Amend order No. 36 to provide that the following counties in the State of Ohio: Belmont, Jefferson, Harrison, Monroe, and part of Guernsey now in the marketing area; plus the West Virginia counties of Hancock, Brooke, Ohio, and Marshall be included in Zone 1 as defined by the proposal of Milk, Inc. (Proposal No. 1); or alternatively that the above dairies are to be put in the present Cleveland-Erie District rather than the Pittsburgh District.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 13. Revise § 1036.11(a) (1) to read as follows:

§ 1036.11 Pool plant.

(a) A distributing plant that has:

(1) Route disposition except filled milk, during the month of not less than 50 percent (40 percent for each month of April through August) of the total receipts of fluid milk products, except filled milk, that are approved by a duly constituted health authority for fluid consumption and that are physically received at such plant or diverted as producer milk pursuant to § 1036.16 to a supply plant qualified under paragraph (b) or (c) of this section or a nonpool plant; and

Proposal No. 14. Review the provisions of § 1036.11(c) to determine whether they should apply only to plants primarily engaged in the transfer of milk to distributing plants qualified under paragraph (a) of this section.

Proposal No. 15. Revise § 1036.30(a) (2) to read as follows:

§ 1036.30 Report of receipts and utilization.

(a) . . .

(2) Inventories at the beginning and end of the month of the following products:

(i) Fluid milk products; and
(ii) Products listed in § 1036.41(b) (1), except those received in packaged form from another plant, showing separately such inventories in bulk form and in packaged form;

Proposal No. 16. Revise § 1036.41(c) (6) (vii) to read as follows:

§ 1036.41 Classes of utilization.

(c) . . .

(6) . . .

(vii) Less 1.5 percent of the quantity of bulk fluid milk products and bulk cream transferred to other plants which does not exceed such quantity to which percentages are applied in subdivisions (i), (ii), (iv), (v) and (vi) of this subparagraph;

Proposal No. 17. Make whatever changes are necessary in the order to eliminate the possibility of a handler being charged under the order at the Class I price for milk that already has been classified and priced as Class I milk under a Federal order.

Proposal No. 18. Reposition, for clarification of the order, the provisions which establish that the Class I price for other source milk when adjusted for location of the shipping plant, shall not be less than the Class III price.

Proposal No. 19. Make whatever changes are necessary in the order to provide for a uniform "equivalent price" section to read as follows:

§ 1036.54 Equivalent price.

If for any reason a price or pricing component required for this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price or pricing component determined by the Secretary to be equivalent to the price or pricing component that is required.

Proposal No. 20. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 7503 Brookpark Road, Cleveland, OH 44129 or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc. 72-468 Filed 1-11-72; 8:49 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR EXPOSURE TO ASBESTOS DUST

Notice of Proposed Rule Making

Section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) provides that upon the publication of an emergency temporary standard in the FEDERAL REGISTER the Secretary of Labor shall commence a rule making proceeding in accordance with section 6(b) of the Act, and that the emergency standard as published shall also serve as a proposed rule for the proceeding. An emergency temporary standard concerning exposure to asbestos dust was published in the FEDERAL REGISTER on December 7, 1971 (36 F.R. 23207). Accordingly, pursuant to section 6 (b) and (c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596; 29 U.S.C. 655), 29 CFR 1910.4, and Secretary of Labor's Order No. 12-71 (36 F.R. 8754), it is hereby proposed to amend 29 CFR Part 1910 as set forth below. The proposals include the emergency temporary standard and additional proposed rules on subsidiary issues.

Interested persons are invited to submit, both orally and in writing, data, views, and arguments concerning these proposals.

Written data, views, and arguments may be mailed to the Office of Safety and Health Standards, Room 305, 400 First Street NW., Washington, DC 20210, within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at the Office of Safety and Health Standards, except as to matters the disclosure of which is prohibited by law.

Oral data, views, and arguments will be received by Hearing Examiner Arthur Goldberg, at a hearing beginning at 10 a.m. on March 14, 1972, in Conference Room B, Departmental Auditorium, 14th Street and Constitution Avenue NW., Washington, DC. Persons desiring to appear at the hearing must file with the Office of Safety and Health Standards a notice of intention to appear, no later than March 3, 1972. The notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to the proposed rules.

The oral proceedings shall be reported verbatim, and transcripts shall be available for inspection to any interested person on such conditions as the presiding

hearing examiner may prescribe. The hearing examiner shall regulate the course of the oral proceedings, dispose of procedural requests, objections, and similar matters, regulate the conduct of those present at the hearing by appropriate means, and shall exclude to the extent practicable irrelevant, immaterial, and unduly repetitious data or arguments. The hearing examiner shall have discretion to keep the record of the hearing open for a reasonable, stated time to receive written recommendations, and additional data, views, and arguments from any person who has participated in the oral proceeding. Upon completion of the oral proceedings, the transcript thereof, together with written submissions on the proposed rules, exhibits filed during the hearing, and any posthearing data, views, arguments, and recommendations shall be certified by the hearing examiner to the Assistant Secretary of Labor for Occupational Safety and Health for his decision. The Assistant Secretary may adopt the proposals with or without changes, or determine not to issue a rule.

Under the authority of section 6(b) (1) and section 7(b) of the Act, the Assistant Secretary of Labor for Occupational Safety and Health will request the recommendations of an advisory committee with regard to the proposed rules. The committee will be provided with copies of these proposals, together with all pertinent factual information which is, or may become, available to the Assistant Secretary, including any information submitted by the National Institute for Occupational Safety and Health. The advisory committee will be asked to submit to the Assistant Secretary written recommendations regarding these proposed rules within 45 days after the publication of this notice. The recommendations will be available for public inspection and copying. No other advisory committee will be consulted with regard to these proposed rules.

Part 1910 of Title 29 of the Code of Federal Regulations is proposed to be amended as follows:

§ 1910.93 [Amended]

1. Table G-3 in § 1910.93 (36 F.R. 15104, August 13, 1971) is proposed to be amended by deleting the following:

Asbestos—12 fibers per milliliter greater than 5 microns in length or * * * 2 Mppcf.
Tremolite * * * 5 Mppcf. 20 mg./M³
%SiO₂

If so amended, Table G-3 would read as follows:

TABLE G-3—MINERAL DUSTS

Substance	Mppcf	Mg/M ³
Silica:		
Crystalline:		
Quartz (respirable).....	250 ¹	10mg/M ³ =
	%SiO ₂ +5	%SiO ₂ +2
Quartz (total dust).....		30mg/M ³
	%SiO ₂ +2	

Cristobalite: Use $\frac{1}{2}$ the value calculated from the count or mass formulae for quartz.
Tridymite: Use $\frac{1}{2}$ the value calculated from the formulae for quartz.

Substance	Mppcf	Mg/M ³
Amorphous, including natural diatomaceous earth.....	20	80mg/M ³ %SiO ₂
Silicates (less than 1% crystalline silica):		
Mica.....	20	
Soapstone.....	20	
Talc.....	20	
Portland cement.....	50	
Graphite (natural).....	15	
Coat dust (respirable fraction less than 5% SiO ₂).....		2.4mg/M ³ or 10mg/M ³
For more than 5% SiO ₂		%SiO ₂ +2
Inert or Nuisance Dust:		
Respirable fraction.....	15	5mg/M ³
Total dust.....	50	15mg/M ³

NOTE: Conversion factors—
mppcfX35.3=million particles per cubic meter
=particles per c.c.

¹ Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

² The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

³ As determined by the membrane filter method at 430 X phase contrast magnification.

⁴ Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an ABC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of 2.4 Mg/M³ in the table for coal dust is 4.5 Mg/M³.

2. A new § 1910.93a is proposed to be added to Part 1910, reading as follows:

§ 1910.93a Asbestos dust.

(a) *8-hour time-weighted average.* The 8-hour time-weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers longer than 5 microns per milliliter, as determined by the membrane filter method at 400-450 X (magnification) (4 millimeter objective) phase contrast illumination. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour, but for not more than 5 hours in an 8-hour day.

(b) *Methods of compliance.* (1) *Engineering methods.* Engineering methods, such as, but not limited to, enclosure, vacuum sweeping, and local exhaust ventilation, shall be used to meet the exposure limits prescribed in paragraph (a) of this section. Where such engineering methods are not feasible, or do not reduce the concentrations below the limits prescribed in paragraph (a) of this section, respiratory protective devices shall be provided and used in accordance with subparagraph (2) of this paragraph.

(2) *Other methods.* (i) When the limits of exposure to asbestos dust prescribed in paragraph (a) of this section are exceeded, and engineering controls required by subparagraph (1) of this

paragraph are not feasible or do not reduce the concentration of asbestos dust below the limits prescribed in paragraph (a) of this section, the employer shall require the use of respiratory protective devices. The selection of respiratory protective devices shall be limited to those specified in paragraph (c) of this section.

(ii) The employer shall require that each employee test his respiratory protective device before each use in order to insure a proper fit according to the manufacturer's instructions. The employer shall further provide for effective training or supervision of employees in the testing of respiratory protective devices for fit before their use.

(c) *Allowable respirators.* (1) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 5 fibers longer than 5 microns per milliliter, but not to exceed 25 such fibers, and when a concentration over a period of 15 minutes exceeds 10 fibers longer than 5 microns per milliliter, but does not exceed 50 such fibers, a reusable or single use filter type respirator, operating with negative pressure during the inhalation phase of breathing, approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 21B), shall be used.

(2) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 25 fibers longer than 5 microns per milliliter but not to exceed 250 such fibers, and when a concentration over a period of 15 minutes exceeds 50 fibers longer than 5 microns per milliliter but does not exceed 500 such fibers, a powered filter positive pressure respirator approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 21B) shall be used.

(3) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 250 fibers longer than 5 microns per milliliter a type "C" positive pressure supplied-air respirator approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 12 (Bureau of Mines Schedule 19B) shall be used.

(4) The employer shall establish a respirator program in accordance with the requirements of American National Standard Practice for Respiratory Protection Z88.2—1969.

(5) The respirators provided each employee shall be properly inspected, cleaned, repaired, and stored.

(d) *Particular operations and products.* (1) When an employer has employees who are exposed to asbestos dust resulting from the operations or the use of tools described in the remaining subparagraphs of this paragraph (d), the employer shall comply with the requirements of this paragraph. The requirements of this paragraph shall apply at all times, and, in addition, the requirements of paragraph (b) of this section may also apply, according to the terms thereof.

(2) All hand- or power-operated tools which produce asbestos dust such as, but not limited to, saws, scorers, abrasive

wheels, and drills, shall be provided with local exhaust ventilation and dust collectors in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems; ANSI Z9.2-1971.

(3) Employees exposed to the spraying of asbestos, to the demolition of pipes, structures, or equipment covered or insulated with asbestos, or to the demolition of insulating strippings, shall be provided with respiratory protective devices in accordance with paragraph (c) (3) of this section.

(4) Asbestos cement, mortar, coatings, grout, and plaster shall be mixed in closed bags or other closed containers.

(5) Asbestos waste and scrap shall be collected and disposed of in sealed bags or other closed containers.

(6) Accumulation of asbestos dust shall be removed, as soon as practicable, and only by vacuum cleaners.

(e) **Warning signs**—(1) **Posting.** Warning signs shall be provided and displayed at each location where asbestos dust hazards are present. Signs shall be posted at least 50 feet in each direction from the location where the hazard is present, and at intervals of not more than 100 feet along each edge of the area where the hazard is present.

(2) **Sign specifications.** The warning signs shall conform to the requirements for 20" x 14" vertical format signs specified in § 1910.145(d) (2), and to this paragraph. The signs shall display the following legend in the white panel, with letter sizes and styles of a visibility at least equal to that specified in the notation in the following column to the right:

Legend:	Notation
Asbestos	1" Sans Serif Gothic or Block.
Dust Hazard	¾" Sans Serif Gothic or Block.
Follow these	¼" Gothic.
Safety and Health Rules.	¾" Sans Serif Gothic or Block.
1. Avoid breathing dust.	¼" Gothic.
2. Wear your respirator.	¼" Gothic.
3. Do not remain in area unless your work requires it.	¼" Gothic.
Asbestos dust may cause asbestosis, a severe lung disease, and is implicated in the development of certain cancers. Control of exposure to asbestos dust helps protect against these hazards.	14 point Gothic.

(3) **Spacing.** Spacing between lines shall be at least equal to the height of the upper of any two lines, except that the spacing between "Following these" and "Safety and Health Rules" shall be at least ¾".

(f) **Monitoring**—(1) **Personal.** Employees engaged in the particular operations or using the particular tools specified in paragraph (d) of this section, or exposed to concentrations of asbestos

dust in excess of the limits specified in paragraph (c) (3) of this section shall be monitored in accordance with this paragraph.

(i) **Method.** Dust samples shall be collected from within the normal breathing zone of the employees in their normal working posture. Employees wearing respiratory protective devices shall have the sample taken from a point located on the exterior of the respirator facepiece.

(ii) **Procedure.** The sampling procedure shall be such as to permit the determinations required by paragraph (a) of this section.

(iii) **Sampling duration.** The sampling duration shall be for a period of not less than 15 consecutive minutes.

(iv) **Sampling frequency.** Sampling periods shall be of such number and pattern as to represent accurately the exposure of the employees over their working period.

(2) **Environmental.** Environmental monitoring shall be conducted in all areas in which employees are exposed to concentrations of asbestos dust in excess of the limits specified in paragraph (a) of this section.

(i) **Method.** Asbestos dust samples shall be collected from areas which are representative of the concentration of airborne asbestos dust which may reach the breathing zone of exposed employees.

(ii) **Procedure.** Sampling procedure shall be such as to permit the determinations required by paragraph (a) of this section.

(iii) **Sampling duration.** Sampling duration shall be for a period of not less than 15 consecutive minutes.

(iv) **Sampling frequency.** Sampling periods shall be of such number and pattern as to represent accurately the exposure of the employees over their working period.

(g) **Medical examinations.** The employer shall provide, or make available at his cost, appropriate medical examinations on a periodic basis to any employee who is exposed to asbestos dust in excess of the limits specified in paragraph (a) of this section.

(h) **Records.** (1) Every employer shall maintain records of the personal and environmental monitoring, and of the medical examinations, required by paragraphs (f) and (g) of this section. Such records shall be maintained for at least 20 years.

(2) The records of monitoring shall be made available for inspection and copying to the Secretary of Labor and to his designated representatives.

(3) The records of medical examinations shall be made available only to the Secretary of Labor, to the Secretary of Health, Education and Welfare, to designated representatives of either of them, and, at the request of the employee or former employee examined, to his physician.

3. A new § 1910.19 is proposed to be added to Subpart B, reading as follows:
§ 1910.19 Asbestos dust.

Section 1910.93a shall apply to the exposure of every employee to asbestos dust

in every employment and place of employment covered by § 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16 of this Subpart B, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

(Sec. 6, 84 Stat. 1593; 29 U.S.C. 655, 29 CFR 1910.4; Secretary of Labor's Order No. 12-71, 36 F.R. 8754)

Signed at Washington, D.C., this 6th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc. 72-402 Filed 1-11-72; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CERTAIN CHEESES

Proposed Identity Standards Regarding Labeling Requirements

Notice is given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606, proposing that identity standards for certain specified cheeses be amended to require that (1) the full name of the food appear on the principal display panel of the label in type of uniform size, style, and color; (2) wherever any word or statement emphasizing the name of any ingredient appears on the label (other than in circumstances described below) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food immediately and conspicuously precedes or follows such word or statement in type of at least the same size as the type of such word or statement; and (3) optional ingredients be listed conspicuously, either on the principal display panel of the label or on a single appropriate information panel, in accordance with specifications that are consistent with similar specifications for many other food products.

Accordingly, it is proposed that Part 19 be amended:

1. In § 19.750(f) by revising subparagraph (6) and adding subparagraphs (7) and (8), as follows:

§ 19.750 Pasteurized process cheese: identity; label statement of optional ingredients.

(f) * * *

(6) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(7) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (8) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall

immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(8) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate informational panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

2. In § 19.765 by revising paragraph (g), as follows:

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

(g) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate informational panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

3. In § 19.775 by revising paragraph (h), as follows:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

(h) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing

predominance shall be present either on the principal display panel of the label or on a single appropriate informational panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

4. In § 19.782 by revising paragraph (f), as follows:

§ 19.782 Cream cheese with other foods; identity; label statement of optional ingredients.

(f) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate informational panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

5. In § 19.783 by revising paragraph (f), as follows:

§ 19.783 Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.

(f) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate informational panel in type of adequate and uniform size and color. These words and state-

ments shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

6. In § 19.785 by revising paragraph (f), as follows:

§ 19.785 Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.

(f) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate informational panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

7. In § 19.787 by revising paragraph (g), as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

(g) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate informational panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

8. In § 19.790 by revising paragraph (e), as follows:

§ 19.790 Grated American cheese food; identity; label statement of optional ingredients.

(e) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during business hours, Monday through Friday.

Dated: December 22, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-472 Filed 1-11-72; 8:50 am]

[21 CFR Part 27]

CANNED FIGS IDENTITY STANDARD

Proposed Listing of Slightly Sweetened Water as Optional Packing Medium

Notice is given that a petition has been filed by the California Cannery and Growers, 3100 Ferry Building, San Francisco, Calif. 94106, proposing that the standard of identity for canned figs (CFR 27.70) be amended to permit the use of slightly sweetened water as an optional packing medium. The packing

media presently permitted in this food are water, light sirup, heavy sirup, and extra heavy sirup.

Grounds given in support of the proposal are:

(1) Nine of the 12 canned fruits for which standards of identity have been promulgated provide for the use of slightly sweetened water as an optional packing medium.

(2) Consumers will have a greater choice between totally unsweetened to very sweet packing media.

(3) A canned fruit which has less sweetener added than the sirup sweetened product, but which is nonetheless sweeter than water pack, will be available.

Accordingly, it is proposed that § 27.70 be amended by revising paragraph (c) to read as follows:

§ 27.70 Canned figs; identity; label statement of optional ingredients.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

- (i) Water.
- (ii) Slightly sweetened water.
- (iii) Light sirup.
- (iv) Heavy sirup.
- (v) Extra heavy sirup.

(2) Each of the packing media in subparagraph (1) (ii) through (v) of this paragraph, inclusive, is prepared with water and a saccharine ingredient. The saccharine ingredient from which packing media in subparagraph (1) (ii) through (v) of this paragraph, inclusive, are prepared is one of the following: Sugar; invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar or invert sugar sirup used.

(3) The respective densities of packing media in subparagraph (1) (ii) to (v), of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the figs are canned, are within the range prescribed for each in the following list:

Name of packing medium:	Brix measurement
Slightly sweetened water.....	11° or more but less than 16°.
Light sirup.....	16° or more but less than 21°.
Heavy sirup.....	21° or more but less than 26°.
Extra heavy sirup.....	26° or more but less than 35°.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 27, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-471 Filed 1-11-72; 8:50 am]

Office of Education

[45 CFR Part 130]

LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, AND INTERLIBRARY COOPERATION

Proposed Procedures for Financial Assistance

Notice is hereby given that the Commissioner of Education with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations as set forth below prescribing certain policies and procedures with respect to Federal financial assistance to States under the Library Services and Construction Act, as amended (84 Stat. 1660, 20 U.S.C. 351 et seq.).

These regulations would constitute a complete revision of those now published in 45 CFR Part 130, and are intended primarily to implement the amendments to this Act made by section 2 of the Library Services and Construction Amendments of 1970 (Public Law 91-600, Dec. 30, 1970).

Interested persons who wish to submit comments, suggestions, or objections pertaining to these proposed regulations may present their views in writing to the U.S. Commissioner of Education, Department of Health, Education, and Welfare, 400 Maryland Avenue SW., Washington, DC 20202, within a period of 30 days from the date of publication in the FEDERAL REGISTER. Comments received in response to this notice will be available for public inspection at the office of the Director of the Division of Library Programs, Room 5680, GSA Regional Office Building No. 3, Seventh and D Streets SW., Washington, DC 20202, on Monday through Friday between 8 a.m. and 4:30 p.m.

The final regulations will be codified in Part 130 of Title 45 of the Code of Federal Regulations as follows:

Subpart A—General

- Sec.
130.1 Purpose and scope.
130.2 Applicability of civil rights regulation.
130.3 Definitions.
130.4 Library services.
130.5 Public library construction.
130.6 Interlibrary cooperation.
130.7 Activities of State library administrative agency.
130.8 State advisory council on libraries.

Subpart B—State Plan Provisions

- 130.15 State plan—General.
130.16 Basic State plan.
130.17 Criteria for determining adequacy of public library services.
130.18 Urban and rural areas with high concentrations of low-income families.
130.19 Long-range program.
130.20 Annual program.
130.21 Notifications of construction projects.
130.22 Amendment of State plan.

Subpart C—Federal Financial Participation

- 130.30 Application of Federal requirements.
130.31 Custody of Federal funds.
130.32 Effective date of allowable expenditures.
130.33 Availability of funds.
130.34 Application of State rules.
130.35 Payments by State.
130.36 Proration of costs.
130.37 Adjustments.
130.38 Audits.
130.39 Retention of records.
130.40 Disposition of facilities and equipment.
130.41 Inventories.
130.42 Federal and State shares of eligible expenditures.
130.43 Eligible costs.
130.44 Computation of allowable expenditures.

Subpart D—Payments and Reports

- 130.50 Conditions for payments to States.
130.51 Withholding of payments.
130.52 Method of payment.
130.53 Effect of Federal payments.
130.54 Reallotment.
130.55 Disposition of unexpended Federal funds.
130.56 Reports.

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

Subpart A—General

§ 130.1 Purpose and scope.

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

§ 130.2 Applicability of civil rights regulation.

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

§ 130.3 Definitions.

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

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

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

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

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

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

facility as a facility for the provision of library services.

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

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

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

(j) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and making the materials and information of a library available to the public or a special clientele.

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

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

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

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

(o) "State institutional library services" means the providing of books and other library materials, and of library

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

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

§ 130.4 Library services.

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

(a) Planning for, and taking other steps leading to the development of, programs and projects as provided in paragraph (b) of this section;

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

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

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

(ii) Library services to the physically handicapped, and

(iii) State institutional library services.

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

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

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

§ 130.5 Public library construction.

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

(b) Terms and conditions with respect to construction. The State agency shall assure that the following terms and conditions will be complied with on all construction projects approved by the State

agency for assistance under title II of the Act:

(1) *Labor standards.* All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the Act will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5) and 29 CFR Part 1 (29 F.R. 95), and shall receive overtime compensation in accordance with, and otherwise comply with, the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327-333); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (42 U.S.C. 2000e note); and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c) (29 F.R. 100, 101, 13463).

(2) *Equal employment opportunity.* All construction contracts exceeding \$10,000 shall include the employment nondiscrimination clause prescribed by section 203 of Executive Order No. 11246 of September 24, 1965 (42 U.S.C. 2000e note), and the State or local agency shall otherwise comply with the requirements of section 301 of said Executive order.

(3) *Avoidance of flood hazards.* In the planning of the construction of library facilities under the Act, the State or local agency shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (33 U.S.C. 701 note), and such rules and regulations as may be issued by the Department to carry out those provisions, evaluate flood hazards in connection with such library facilities, and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

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

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

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

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

(8) *Compliance with National Environmental Policy Act of 1969.* The State or local agency shall comply with whatever procedures may be established by the Department to implement section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and Executive Order No. 11514 (42 U.S.C. 4321 note). The State or local Agency shall also comply with whatever policies and procedures are established by the Department to implement Executive Order No. 11507 (42 U.S.C. 4331 note) with regard to the prevention of air and water pollution.

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

(10) *Final drawings and specifications.* The final working drawings and specifications will be submitted to the State agency for final approval before the project is placed on the market for bidding.

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

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

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

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

(15) *Interest in completed facilities.* Upon completion of the construction, title to the facilities will be in and retained by a public State or local agency. (20 U.S.C. 355a, 355b, 1232b; 33 U.S.C. 446 note, 701 note; 40 U.S.C. 327-333; 42 U.S.C. 2000e note, 4151-4156, 4321-4347)

§ 130.6 Interlibrary cooperation.

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

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

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

§ 130.7 Activities of State library administrative agency.

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

(a) Administration of the State plan submitted and approved under the Act pursuant to Subpart B of this part (including obtaining the services of consultants);

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

(c) Dissemination of information concerning library services;

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

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

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

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

§ 130.8 State advisory council on libraries.

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

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

- (1) Public libraries;
- (2) School libraries;
- (3) Academic libraries;
- (4) Special libraries, such as law or medical libraries;

(5) Institutional libraries, such as reformatory or hospital libraries;

(6) Libraries serving the handicapped in the State; and

(7) Users of such libraries, who shall comprise at least one-third of the council membership, and of whom at least one shall be representative of disadvantaged persons.

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

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

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

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

Subpart B—State Plan Provisions

§ 130.15 State plan—General.

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

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

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

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

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

§ 130.16 Basic State plan.

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

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

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

(b) *Approval.* Of the three parts of the State plan referred to in § 130.15(b), only the basic State plan shall require the approval of the Commissioner. The Commissioner will approve the basic State plan for fiscal year 1972, and for each

fiscal year thereafter, only upon his determination that

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

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

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

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

§ 130.17 Criteria for determining adequacy of public library services.

In developing the criteria in the basic State plan for determining the adequacy of public library services to geographic areas and groups of persons in the State pursuant to section 2 of the State-Federal Agreement (See appendix), special consideration shall be given to the library needs of the following, among other factors deemed pertinent by the State agency:

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

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

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

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

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

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

by reference in section 2 of the State-Federal Agreement (see appendix) shall indicate—

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

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

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

§ 130.19 Long-range program.

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

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

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

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

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

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

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

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

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

(v) Criteria, policies, and procedures for the approval of applications for the construction of public library facilities

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

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

§ 130.20 Annual program.

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

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

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

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

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

§ 130.21 Notification of construction project approval and completion.

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

§ 130.22 Amendment of State plan.

(a) *Basic State plan.* The basic State plan shall be amended to reflect any changes in pertinent State law, or any changes in the designation or organiza-

tion of operations, policies, and methods of administration to be followed by the State. Amendments will be submitted and certified in the same manner as the basic State plan.

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

(1) Estimates of present and projected program needs;

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

(3) Policies, criteria, priorities and procedures.

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

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

Subpart C—Federal Participation

§ 130.30 Application of Federal requirements.

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

§ 130.31 Custody of Federal funds.

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

§ 130.32 Effective date of allowable expenditures.

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

§ 130.33 Availability of funds.

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

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

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

§ 130.34 Application of State rules.

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

§ 130.35 Payments by State.

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

§ 130.36 Proration of costs.

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

§ 130.37 Adjustments.

The State agency shall adjust its accounts, records, and reports to reflect re-

funds, credits, underpayments, or overpayments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's annual reports filed with the Commissioner. (20 U.S.C. 1232d)

§ 130.38 Audits.

(a) *Federal audits.* Audit agencies representing the Department will audit the State agency's program records available at the State agency to determine whether the program funds have been properly accounted for and administered. Audit reports of local library agencies and other participating agencies and the State review and other control procedures will be evaluated to determine the adequacy of information upon which to base the audit findings. Only where the available information is deemed to be inadequate will the auditor arrange, through the State agency, to audit the records of the participating agencies.

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

§ 130.39 Retention of records.

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

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

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

§ 130.40 Disposition of facilities and equipment.

Whenever public library facilities or items of equipment, in which cost the Federal Government has participated, are no longer used for a purpose permitted under the Act, or are sold and the proceeds from such sale are not used for such a purpose, the Federal Government shall be credited with its proportionate share of the value of such facilities or equipment at the time of such diversion or sale, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than library purposes. (20 U.S.C. 1232e)

§ 130.41 Inventories.

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

§ 130.42 Federal and State shares of eligible expenditures.

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

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

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

§ 130.43 Eligible costs.

(a) *Title I.* Funds under title I of the Act may, at the discretion of the State

agency, be applied to expenditures in categories such as the following which are attributable to the activities specified in §§ 130.4 and 130.7:

(1) Salaries, wages, fees, and other personnel service costs of permanent and temporary staff employees, members of advisory groups, and consultants for the performance of services reasonably related to programs, services, and activities under the State plan, including (i) the costs of regular contributions of employers and employees to retirement, workmen's compensation, and other welfare funds, and (ii) payments for leave earned with respect to such services, including educational leave: *Provided*, That such leave is approved in advance by the State agency and is in conformity with the policy of the State. The fact that funds are used for the salary of an employee on such leave does not preclude Federal financial participation in the salary of the person employed to replace him, as long as the replacement is otherwise eligible;

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

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

(4) Communications costs;

(5) Supplies, printing, and printed materials;

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

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

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

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

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

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

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

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

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

(b) *Title II—Construction projects.* The following costs attributable to a public library construction project approved pursuant to § 130.5 are eligible at the discretion of the State agency if

incurred after the date of project approval or after such other date as is indicated in subparagraphs (3) and (5) of this paragraph:

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

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

(3) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings which are incurred within three fiscal years preceding the fiscal year in which the project was approved by the State agency, if such expenses constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions pursuant to § 130.34;

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

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

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

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

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

§ 130.44 Computation of allowable expenditures.

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

Subpart D—Payments and Reports

§ 130.50 Conditions for payments to States.

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

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

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

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

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

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

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

§ 130.51 Withholding of payments.

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

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

§ 130.52 Method of payment.

(a) For title I and title III payment of Federal funds to States having approved State plans will be accomplished through the DHEW-OE letter-of-credit procedures. (See "Instructions to Recipient Organizations for Use of Letter-of-Credit," issued by the Department of Health, Education, and Welfare; "Letter-of-Credit," Supplement No. 1, Revised August 30, 1968, issued by the Office of Education, DHEW, plus supplemental special memos concerning the payment system.) Payment vouchers may be issued by the States as often as necessary

to procure cash to meet current disbursement needs only and under no circumstances in such amounts that will result in the accumulation of large cash balances at either the State or local agency levels. Title II payments will be made by Treasury checks.

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

§ 130.53 Effect of Federal payments.

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

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

§ 130.54 Reallotment.

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

§ 130.55 Disposition of unexpended Federal funds.

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

§ 130.56 Reports.

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

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

Dated: November 26, 1971.

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

Approved: January 5, 1972.

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

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE, OFFICE OF EDUCATION
BASIC STATE PLAN

(State-Federal Agreement)

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

The _____
(Officially Designated State Library
Administrative Agency)

of the State of _____, hereinafter called the State Agency, hereby agrees and assures that this Basic State Plan which serves as an agreement between State and Federal Governments under the Library Services and Construction Act, as amended, for which Federal funds are being requested for the fiscal year ending June 30, 1972, will be administered in accordance with the following provisions:

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

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

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

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

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

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

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

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

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

j. Assures that it has available for expenditure under Title I of the Act in this fiscal year (fiscal year 1972-73):

A. From State and local sources:
1. Sums sufficient to earn its basic minimum allotment.
2. Not less than the total amount actually expended, in areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year (fiscal year 1971-72).

B. From State sources:
1. Not less than the total State amount actually expended for such purposes from such sources in the second preceding fiscal year (fiscal year 1971-72).

k. Assures that it will expend in this fiscal year (fiscal year 1972-73) from Federal, State, and local sources, an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971.

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

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

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

5. The State agency assures that it will otherwise comply with the requirements of

the Act and the Regulations of the Commissioner of Education issued thereunder (45 CFR Part 180).

6. Assurance is hereby given that in accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations issued thereunder by the Department of Health, Education, and Welfare (45 CFR Part 80), no individual shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Plan. The State Agency has established and will maintain methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with the preceding paragraph of this statement. The State Agency will amend its methods of administration from time to time as necessary to carry out the purposes for which this statement is given. The State Agency recognizes and agrees that Federal financial assistance will be extended in consideration of, and in reliance on, the representations and agreements made in this statement; and that the United States shall have the right to seek administrative and judicial enforcement thereof.

(State Library Administrative Agency)

(Address)

(Signature of Authorized State Agency Official)

(Title)

CERTIFICATE OF APPROPRIATE STATE LEGAL OFFICER

I hereby certify that

(Name of State Agency)

(Name of State)

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

(Name of authorized State Agency Official)

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

(Title of Officer other than State Treasurer)

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

(Signature, Attorney General or Other State Legal Officer)

(Title)

(Date)

[FR Doc.72-447 Filed 1-11-72; 8:48 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 373, 378, 378a]

[Docket No. 23940]

MODIFICATION OF SURETY BOND REQUIREMENTS

Extension of Time for Filing Comments

JANUARY 10, 1972.

The Board, by circulation of notice of proposed rule making SPDR-26, dated

October 26, 1971, and published at 36 F.R. 20895, gave notice that it had under consideration modification of the surety bond provisions of Parts 373, 378, and 378a of the Board's special regulations and certain miscellaneous amendments to these parts (14 CFR Parts 373, 378, and 378a). Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before December 2, 1971. Subsequently, pursuant to the request of several supplemental air carriers, the undersigned extended the time for filing comments to January 10, 1972 (SPDR-26A, 36 F.R. 22688).

Counsel for seven carriers now requests a further extension of time for filing comments to January 14, 1972. It is asserted that this further extension is necessary for the carriers involved to coordinate their joint comment.

The undersigned finds that good cause has been shown for the extension of time requested.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to January 14, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel
Rules and Rates.

[FR Doc.72-526 Filed 1-11-72; 8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 71-EA-127]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would: (1) Raise the ceiling of R-6611 and R-6613; (2) change the time designation of R-6611, R-6612, and R-6613; and (3) change the Using Agency of R-6611, R-6612, and R-6613.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice

may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Navy has a requirement for a maximum ordinate of 60,000 feet MSL in R-6611 and R-6613 to test aerodynamically improved projectiles. The anticipated use of the 40,000- to 60,000-foot strata is approximately once a month. The Navy indicated it was unable to perform the additional testing requirements at other restricted area locations. Joint-use of the airspace in R-6611 and R-6613 would be extended to 60,000 feet MSL.

If this action is taken, (1) the ceiling of the Dahlgren, Va., Restricted Area R-6611 and R-6613 would be raised from 40,000 to 60,000 feet MSL. The strata below 40,000 feet MSL would be designated Subarea A and the strata from 40,000 to 60,000 feet MSL would be designated Subarea B; (2) the time designation of the Dahlgren Restricted Area R-6611 Subarea A, R-6612, and R-6613 Subarea A would be 0800-1700 local time, Monday through Friday, other times by NOTAM and R-6611 Subarea B and R-6613 Subarea B by NOTAM issued 48 hours in advance; (3) the Using Agency of the Dahlgren, Va., Restricted Area R-6611, R-6612, and R-6613 would be changed to "Commander, Naval Weapons Laboratory, Dahlgren, Va."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (4 U.S.C. 1655(c)).

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

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.72-436 Filed 1-11-72; 8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 115]

STATE CERTIFICATION OF ACTIVITIES REQUIRING FEDERAL LICENSE OR PERMIT

Notice of Withdrawal of Proposed Rule Making

On August 11, 1971, there was published in the FEDERAL REGISTER the text of a proposed rule making with respect to § 615.2(a) of Part 615, Title 18, Chapter V, Code of Federal Regulations. On November 25, 1971 all regulations of the Environmental Protection Agency effective as of November 4, 1971 were reorganized and republished without substantive change as Chapter I of Title 40

of the Code of Federal Regulations. Former Part 615 of Title 18 is now contained in Part 115 of Title 40, CFR.

Part 115 sets forth procedures whereby applicants for Federal licenses or permits may comply with section 21(b) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1171(b). The proposed rule making would have amended § 115.2(a) of the section 21(b) regulations to require as part of the contents of the certification a statement setting forth the water quality standards that the certifying agency considers applicable to the activity being certified.

The proposed amendment has been reconsidered and is hereby withdrawn.

Dated: January 6, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-439 Filed 1-11-72;8:50 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1604, 1606, 1611, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1630, 1631, 1632, 1641, 1643]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1604—SELECTIVE SERVICE OFFICERS

Paragraph (a) of § 1604.6 *National Selective Service Appeal Board* is amended to read as follows:

§ 1604.6 *National Selective Service Appeal Board.*

(a) There is hereby created and established within the Selective Service System a civilian agency of appeal which shall be known as the National Selective Service Appeal Board, hereafter referred to as the National Board. The President shall appoint members of the National Board from among citizens of the United States who are not members of the armed forces, and he shall designate one member as Chairman of the National Board. The National Board may sit en banc or,

upon the request of the Director of Selective Service or as determined by the Chairman of the National Board, in panels, each panel to consist of at least three members. The Chairman of the National Board shall designate the members of each panel, and he shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. Each panel of the National Board shall have full authority to act on all cases assigned to it. The National Board, or a panel thereof, shall hold meetings in Washington, D.C., and, upon request of the Director of Selective Service or as determined by the Chairman of the National Board, at any other place.

Section 1604.41 is amended to read as follows:

§ 1604.41 *Advisors to registrants.*

Advisors to registrants may be appointed by the Director of Selective Service upon recommendations of the State Director of Selective Service to advise and assist registrants in the preparation of questionnaires and other selective service forms and to advise registrants on other matters relating to their rights and liabilities under the selective service law. The names and addresses of advisors to registrants within the local board area shall be conspicuously posted in the local board office.

PART 1606—GENERAL ADMINISTRATION

§ 1606.51 [Revoked]

Section 1606.51 *Forms made part of regulations* is revoked.

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER

Section 1611.1 is amended to read as follows:

§ 1611.1 *Persons required to be registered.*

(a) Except as otherwise provided in this part, it shall be the duty of (1) every male citizen of the United States, and (2) every male alien in a permanent residence status who is in or who hereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall not have attained the 26th anniversary of the day of his birth, to present himself for and submit to registration.

(b) Every person required to register shall present himself for and submit to registration before a duly designated registration official or a local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on any of the days fixed for his registration.

(c) Every person required to register shall do so within the period which begins 30 days prior to the 18th anniversary

of the day of his birth, and which ends 30 days after the 18th anniversary of the day of his birth, except that any alien who incurs liability for registration after attaining the age of 18 shall register within 6 months of the day he incurred such liability to register.

§ 1611.5 [Revoked]

Section 1611.5 *Registration of certain persons entering the United States* is revoked.

PART 1621—PREPARATION FOR CLASSIFICATION

Section 1621.9 is amended to read as follows:

§ 1621.9 *Furnishing Registration Questionnaire (SSS Form 100).*

(a) The local board shall furnish a Registration Questionnaire (SSS Form 100) to each registrant according to the rules prescribed by the Director of Selective Service.

(b) The date upon which the Registration Questionnaire (SSS Form 100) is furnished shall be entered in the Classification Record (SSS Form 102).

Section 1621.10 is amended to read as follows:

§ 1621.10 *Time allowed to return questionnaire.*

(a) Unless the local board grants an extension of time as provided in paragraph (b) of this section, the registrant shall complete and return his Registration Questionnaire (SSS Form 100) within 10 days after the date on which it is mailed to him.

(b) If the registrant has a valid reason, the local board may grant him an extension of time for returning the Registration Questionnaire (SSS Form 100).

Section 1621.11 is amended to read as follows:

§ 1621.11 *Special Form for Conscientious Objector.*

A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on a Special Form for Conscientious Objector (SSS Form 150) which, when filed, shall become a part of his Registration Questionnaire (SSS Form 100). The local board, upon request, shall furnish to any person claiming to be a conscientious objector a copy of such Special Form for Conscientious Objector (SSS Form 150).

Section 1621.12 is amended to read as follows:

§ 1621.12 *Claims for or information relating to deferment or exemption.*

The registrant shall be entitled to present all relevant written information which he believes to be necessary to assist the local board in determining his proper classification. Such information should be included in or attached to the Registration Questionnaire (SSS Form 100) or a Current Information Questionnaire (SSS Form 127) and may include any document, affidavits, or depositions.

The affidavits and depositions shall be as concise and brief as possible.

§ 1621.16 [Revoked]

Section 1621.16 *Permit to depart from the United States* is revoked.

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Section 1622.11 is amended to read as follows:

§ 1622.11 Class 1-A-O: Conscientious Objector Available for Noncombatant Military Service Only.

In Class 1-A-O shall be placed every registrant who would have been classified in Class 1-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to combatant training and service in the armed forces.

Section 1622.14 is amended to read as follows:

§ 1622.14 Class 1-O: Conscientious Objector Available for Alternate Service.

In Class 1-O shall be placed every registrant who would have been classified in Class 1-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces.

Section 1622.18 is amended to read as follows:

§ 1622.18 Class 1-H (Holding Classification): Registrant not subject to processing for induction.

In Class 1-H shall be placed any registrant (a) who is not currently subject to processing for induction according to these regulations and the rules prescribed by the Director of Selective Service, or (b) who is 26 years of age, whose liability for training and service has been extended to age 35, and who is not in a medical, dental or allied specialist category.

Section 1622.27 is amended to read as follows:

§ 1622.27 Class 2-D: Registrant deferred because of study preparing for or relating to the ministry.

In Class 2-D shall be placed any registrant who has requested such deferment and (a) who is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been pre-enrolled or (b) who is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school, or (c) who is a student in a full-time program preparing for the ministry under the direction of a recognized church or religious organization. The registrant's studies must be related to and lead toward entry into service as a regular or duly ordained minister of religion as defined in section 16(g) of the

Military Selective Service Act and appropriate progress in these studies, as required by the school in which the registrant is enrolled, must be maintained for qualification for the deferment.

Paragraph (a) (4) of § 1622.40 Class 4-A: Registrant who has completed service is amended to read as follows:

§ 1622.40 Class 4-A: Registrant who has completed service.

(a) ***

(4) A registrant who has served on active duty subsequent to June 24, 1948, for a period of not less than 12 months in the armed forces of a nation determined by the Department of State to be a nation with which the United States is associated in mutual defense activities and which grants exemption from training and service in its armed forces to citizens of the United States who have served on active duty in the Armed Forces of the United States subsequent to June 24, 1948, for a period of not less than 12 months: *Provided*, That in computing such 12-month period, there shall be credited any active duty performed by the registrant prior to June 24, 1948, in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities: *And provided further*, That all information which is submitted to the local board concerning the registrant's service in the armed forces of a foreign nation shall be written in the English language.

Paragraph (b) of § 1622.42 Class IV-C: Aliens is amended to read as follows:

§ 1622.42 Class IV-C: Aliens.

(b) In Class 4-C shall be placed any registrant who is an alien who establishes that he is exempt from military service under the terms of a treaty or international agreement between the United States and the country of which he is a national, and who has made application to be exempted from liability for training and service in the Armed Forces of the United States.

PART 1623—CLASSIFICATION PROCEDURE

Paragraph (c) of § 1623.4 *Action to be taken when classification determined*, is amended to read as follows:

§ 1623.4 Action to be taken when classification determined.

(c) In the event that the local board classifies the registrant in a class other than that which he requested, it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails to him a notice of his classification.

Section 1623.9 is amended to read as follows:

§ 1623.9 Registrants transferred for classification.

(a) After completing the Registration Questionnaire (SSS Form 100), and before the local board of origin has undertaken the classification of a registrant other than his preliminary classification into Class 1-H, he may be transferred to another local board for classification if he is so far from his local board as to make complying with notices an extreme hardship.

(b) After completing the Registration Questionnaire (SSS Form 100), a registrant may be transferred to another local board for classification at any time (1) when the local board cannot act on his case because of disqualification under provisions of § 1604.52(a) or § 1604.55 of this chapter, or (2) when the State Director of Selective Service deems such transfer to be necessary in order to assure equitable administration of the selective service law.

PART 1624—PERSONAL APPEARANCE BEFORE LOCAL BOARD

Part 1624 is amended to read as follows:

§ 1624.1 Opportunity for personal appearance.

(a) Every registrant after his classification is determined by the local board, except a classification which is determined upon an appearance before the local board under the provisions of this part, shall have an opportunity to appear in person before the local board.

(b) A registrant who has filed a claim for classification in Class 1-O, Class 1-A-O, or Class 3-A, upon his request, shall be afforded an opportunity to appear in person before the local board before his classification is determined by the local board. Should such registrant appear in person before the local board in advance of his classification being determined, the provisions of § 1624.4 shall apply and he shall not be afforded an opportunity to appear concerning such classification after such determination.

§ 1624.2 Request for personal appearance.

A registrant, other than one who has filed a request in accord with § 1624.1(b), who desires a personal appearance before his local board, must file a written request therefor within 15 days after the local board has mailed a Notice of Classification (SSS Form 110) to him. Such 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request a personal appearance within such period was due to some cause beyond his control.

§ 1624.3 Appointment for personal appearance.

The local board, not less than 15 days (unless the registrant requests an earlier appointment) in advance of the meeting at which he may appear, shall inform the registrant of the time and place of such meeting and that he may present evidence, including witnesses, bearing on

his classification. Should the registrant fail to appear at such meeting, except for good cause that he establishes to the satisfaction of the local board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting of the local board. Such period may be extended by the local board when it is satisfied that the registrant's failure to file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days was due to some cause beyond his control.

§ 1624.4 Procedure during personal appearance before local board.

(a) A quorum of the local board shall be present during all personal appearances.

(b) At any such appearance, the registrant may present evidence, including witnesses, may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing, or if oral, shall be summarized in writing by the registrant and, in either event, shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances.

(c) A registrant is entitled to such time for his personal appearance as is reasonably necessary for the fair presentation of his claim. Normally 15 minutes shall be deemed adequate for this purpose, consistent with the informal and expeditious processing required in selective service cases. If it appears to the board that further time is reasonably necessary, the board shall extend the time. During the time available to a registrant, he may present the testimony of not more than three witnesses.

(d) If the registrant does not speak English adequately he may appear with a person to act as interpreter for him. Such interpreter will not be deemed to be a witness unless he testifies in behalf of the registrant.

(e) No registrant may be represented at his personal appearance before the local board by anyone acting as attorney or legal counsel, but a registrant may invite an attorney to appear solely as a witness.

§ 1624.5 Procedure when registrant fails to appear.

(a) Whenever the registrant for whom a personal appearance has been scheduled fails to appear in accord with such terms no explanation for such failure, the any explanation of such failure that has been filed within 5 days (or extension thereof granted by the local board) after

such failure in accordance with § 1624.3. Should the local board determine that the registrant's failure to appear for his personal appearance was without good cause, or if within 5 days (or extension thereof granted by the local board) after such failure to appear the registrant offers no explanation of such failure, the registrant will be deemed to have had his personal appearance and the local board (1) will take such action with respect to the classification of a registrant who has requested a personal appearance following his classification as is appropriate in light of the provisions concerning reopening of classification in § 1625.2 of this chapter, or (2) if such registrant requested a personal appearance in advance of his classification in accordance with § 1624.1(b), the local board shall classify the registrant. The local board will notify the registrant of the action taken by Notice of Classification (SSS Form 110) or letter, as appropriate.

(b) A notation that the registrant has failed to appear before his local board shall be entered on his Registration Questionnaire (SSS Form 100).

§ 1624.6 Procedure of local board following personal appearance.

(a) After the registrant has appeared before the local board, it shall again classify the registrant and, as soon as practicable thereafter, it shall mail notice thereof on Notice of Classification (SSS Form 110) to the registrant. In the event that the local board classifies the registrant in a class other than that which he requested, it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails his Notice of Classification (SSS Form 110).

(b) A notation that the registrant has appeared before his local board shall be entered on his Registration Questionnaire (SSS Form 100).

§ 1624.7 Appearance before local board stays induction or order to report for alternate service.

The local board shall not issue an order for a registrant to report for induction or for alternate service in lieu of induction either during the period afforded the registrant to request a personal appearance before the local board or, if the registrant has requested such appearance, during the period such personal appearance is pending. Any order to report for induction or for alternate service which has been issued during either of such periods shall be ineffective and shall be canceled by the local board.

PART 1625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

Paragraph (c) of § 1625.1 *Classification not permanent* is amended to read as follows:

§ 1625.1 Classification not permanent.

(c) The local board shall keep informed of the status of classified registrants, except those classified in Class

1-H. Registrants may be questioned or physically or mentally reexamined, employers may be requested to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registrants.

Section 1625.2 is amended to read as follows:

§ 1625.2 Reopening of classification.

The local board will reopen and consider anew the classification of a registrant (a) upon the written request of the Director of Selective Service or the State Director of Selective Service and upon receipt of such request shall immediately cancel any order to report for induction or alternate service which may have been issued to the registrant; (b) who is in Class 1-H and becomes subject to processing for induction according to these regulations and the rules prescribed by the Director; (c) in any classification for the purpose of classifying him in Class 1-H according to these regulations and the rules prescribed by the Director; (d) upon the written request of the registrant that is accompanied by written information presenting facts not considered when the registrant was classified or which, in the opinion of the board, justify a change in the registrant's classification; or (e) upon its own motion if such action is based upon facts not considered when the registrant was classified which, in the opinion of the board, would justify a change in the registrant's classification: *Provided*, That in the event of paragraph (d) or (e) of this section the classification of a registrant shall not be reopened after the local board has mailed to such registrant an order for induction or alternate service or, in the event the order to report for induction or alternate service was postponed and a subsequent letter from the local board establishes the date for induction or for reporting for alternate service, unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

§ 1625.3 [Revoked]

Section 1625.3 *When registrant's classification shall be reopened and considered anew* is revoked.

PART 1626—APPEAL TO APPEAL BOARD

Part 1626 is amended to read as follows:

§ 1626.1 Who may appeal.

The Director of Selective Service and the State Director of Selective Service as to the local boards in his State may appeal from any determination of a local board at any time. The registrant may appeal to an appeal board from his classification by the local board except his initial administrative classification into Class 1-H.

§ 1626.2 Time limit within which registrant may appeal.

The registrant must file his appeal and his request for a personal appearance before the appeal board, if such personal appearance is desired, within 15 days after the date the local board mails to the registrant a Notice of Classification (SSS Form 110) or letter pursuant to § 1624.5 of this chapter. At any time prior to the date the local board mails to the registrant an Order to Report for Induction (SSS Form 252) or Order to Report for Alternate Service (SSS Form 153), the local board will permit him to appeal even though the period for taking an appeal has elapsed, if it is satisfied that his failure to appeal within such period was due to some cause beyond his control. If the local board grants an extension of time to appeal to the registrant, he may within such extended period also request a personal appearance before the appeal board.

§ 1626.3 Procedure for taking an appeal.

(a) Any person entitled to do so may appeal to the appeal board by filing with the local board a written notice of appeal. If the Director of Selective Service or the State Director of Selective Service appeals to the appeal board he shall place in the registrant's file a written statement of his reasons for taking such appeal.

(b) Whenever an appeal is taken from a local board's classification by the Director of Selective Service or the State Director of Selective Service, the local board shall notify the registrant in writing of the action, the reasons therefor, and inform him that (1) his appeal will be considered by the appeal board for the area in which his local board is located unless he files, within 15 days from the date on the letter of notification, a written request with the local board that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence and (2) he may request a personal appearance before the appeal board if he files with the local board within 15 days from the date on the letter of notification a written request for such personal appearance. The 15-day period may be extended by the local board when it is satisfied that the registrant's failure to file a written request within such period was due to some cause beyond his control.

(c) If the registrant is taking the appeal, he may also request an opportunity to appear in person before the appeal board and that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence. The notice of appeal need not be in any particular form, but must include the name of the registrant and his request. Any notice shall be liberally construed so as to permit the appeal.

(d) The appeal board for the area in which the registrant's local board is located shall consider the appeal of the

registrant's classification unless the registrant has timely filed with his local board a written request that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence.

(e) The registrant may attach to his appeal a statement specifying the reasons he believes the classification inappropriate, directing attention to any information in his file which he believes received inadequate consideration, and setting out more fully any information which was submitted.

§ 1626.24 Review by appeal board.

(a) The appeal board shall consider appeals in the order of the relative imminence of induction of the registrant, the most imminent being considered first, unless otherwise directed by the Director of Selective Service, in which event, appeals shall be considered in such order as the Director of Selective Service shall prescribe.

(b) Upon receipt of the registrant's file, the appeal board shall ascertain whether the registrant has requested a personal appearance before the appeal board. If no such request had been made, the appeal board may classify the registrant not less than 15 days after the receipt of the registrant's file.

(c) Not less than 15 days (unless the registrant requests an earlier appointment) in advance of the meeting at which his classification will be considered, the local board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail to appear at such meeting, except for good cause he establishes to the satisfaction of the appeal board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting. Such 5-day period may be extended by the appeal board when it is satisfied that the registrant's failure to file such written statement was due to some cause beyond his control.

(d) A registrant is entitled to such time for his personal appearance before an appeal board as the board determines is reasonably necessary for the fair presentation of his claim, consistent with the informal and expeditious processing required in selective service cases, but shall not be entitled to present witnesses. No registrant may be represented at his personal appearance before an appeal board by anyone acting as attorney or legal counsel.

(e) At any such personal appearance, there shall be present a quorum of the members of the board to which the registrant may present evidence, may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct atten-

tion to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the board in determining his proper classification. Such statement shall be summarized in writing by the registrant and shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances.

(f) The appeal board shall classify a registrant who has requested a personal appearance after (1) he has appeared before the board, (2) he withdrew his request to appear, (3) he waived his right to an opportunity to appear, or (4) he failed to appear without establishing to the satisfaction of the appeal board good cause therefor. When a registrant appears before the appeal board, only those members of the appeal board before whom the registrant appeared shall classify him.

(g) In reviewing the appeal and classifying the registrant, the appeal board shall not receive or consider any information other than the following:

(1) Information contained in the record received from the local board;

(2) General information concerning economic, industrial and social conditions; and

(3) Oral statements by the registrant and written evidence submitted by him to the appeal board during his personal appearance.

(h) The appeal board shall classify the registrant, giving consideration to the various classes in the same manner in which the local board gives consideration thereto when it classifies a registrant.

(i) In the event that the appeal board classifies the registrant in a class other than that he requested it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails his Notice of Classification (SSS Form 110).

§ 1626.6 Procedure of local board when advised of decision of appeal board.

When the local board receives notice of the decision of a case by the appeal board, it shall mail a Notice of Classification (SSS Form 110) to the registrant, and enter upon such form the record of the vote of the appeal board as follows: "Vote of appeal board—Yes—No—". At the time of mailing of the Notice of Classification (SSS Form 110), the local board, if the classification by the appeal board was not by unanimous vote, shall notify the registrant in the manner prescribed by the Director of Selective Service of his right to appeal to the National Selective Service Appeal Board.

§ 1626.7 Appeal stays induction or order to report for alternate service.

The local board shall not issue an order for a registrant to report for induction or for alternate service in lieu of induction either during the period afforded the registrant to take an appeal to the appeal board or during the period such an appeal is pending. Any order to report for induction, or for alternate

service in lieu of induction, which has been issued during either of such periods shall be ineffective and shall be canceled by the local board. Whenever an appeal to the appeal board has been taken during the time allowed for taking appeals by a person entitled to do so, any order to report for induction or for alternate service which has been previously issued to the registrant shall be ineffective and shall be canceled by the local board.

PART 1627—APPEAL TO THE PRESIDENT

Paragraph (b) of § 1627.1 *Persons who may appeal to the President* is amended to read as follows:

§ 1627.1 Persons who may appeal to the President.

(b) When a registrant has been classified by the appeal board and one or more members of the appeal board dissented from that classification, he may appeal to the President within 15 days after the mailing by the local board of the Notice of Classification (SSS Form 110) notifying him of his classification by the appeal board. The local board may permit any registrant who is entitled to appeal to the President under this section to do so at any time prior to the date the local board issues to him an order to report for induction or for alternate service, even though the period of taking such an appeal has elapsed, if it is satisfied that his failure to appeal within such period was due to some cause beyond his control.

Paragraph (d) of § 1627.3 *Procedure on appeal to the President* is amended to read as follows:

§ 1627.3 Procedure on appeal to the President.

(d) Whenever the Director or State Director appeals to the President, the registrant shall be notified by his local board in writing of the action and informed that if he desires to appear before the National Board he must, within 15 days from the date on the letter of notification, request such an appearance in writing, addressed to his local board. Such 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request an appearance within such period was due to some cause beyond his control. The local board shall forthwith notify the National Board of the registrant's request to appear before it.

Paragraphs (c), (d), and (g) of § 1627.4 *Procedures of the National Selective Service Appeal Board* are amended to read as follows:

§ 1627.4 Procedures of the National Selective Service Appeal Board.

(c) Not less than 15 days in advance of the meeting at which his classification will be considered, the National Board shall inform any registrant who has re-

quested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail to appear at such meeting, except for good cause he establishes to the satisfaction of the National Board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting. Such 5-day period may be extended by the National Board when it is satisfied that the registrant's failure to file a written statement within such period was due to some cause beyond his control.

(d) The registrant is entitled to fifteen minutes for his personal appearance. The National Board may, in its discretion extend the time of the registrant's personal appearance. No registrant may be represented at his personal appearance before the National Board by anyone acting as attorney or legal counsel. The registrant shall not be entitled to present witnesses.

(g) In reviewing the appeal and classifying the registrant, the National Board shall not receive or consider any information other than the following:

(1) Information contained in the registrant's record received from the local board;

(2) General information concerning economic, industrial, and social conditions; and

(3) Oral statements by the registrant and written evidence submitted by him to the National Board during his personal appearance.

PART 1630—VOLUNTEERS

Section 1630.4 is amended to read as follows:

§ 1630.4 Classification of volunteers.

(a) When a registrant who is not in a deferred class files an Application for Voluntary Induction (SSS Form 254) he shall be processed for induction regardless of the class in which he is classified.

(b) When a registrant in a deferred class other than Class 4-F files an Application for Voluntary Induction (SSS Form 254) he shall be classified in Class 1-A and 1-A-O as soon as possible.

PART 1631—ALLOCATION OF INDUCTIONS

Paragraph (c) (2) (i) of § 1631.6 *Action by local board upon receipt of allocation* is amended to read as follows:

§ 1631.6 Action by local board upon receipt of allocation.

(i) 1970. In the calendar year 1970, nonvolunteers in Class 1-A, 1-A-O, or

1-O born on or after January 1, 1944, and on or before December 31, 1950, who have not attained the 26th anniversary of the dates of their birth.

PART 1632—DELIVERY AND INDUCTION

Section 1632.2 is amended to read as follows:

§ 1632.2 Postponement of induction.

(a) In case of death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other emergency beyond the registrant's control, the local board may, after the Order to Report for Induction (SSS Form 252) has been issued, postpone until a date certain the time when such registrant shall report but such date shall not be later than 60 days from the date of such postponement. In case of imperative necessity, the local board may grant one further postponement to a date certain but such date shall not be later than 60 days from the date of such postponement.

(b) The Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for a good cause, at any time prior to the issuance of an Order to Report for Induction (SSS Form 252), postpone the issuance of such order until such time as he may deem advisable, or the Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for good cause, at any time after the issuance of an Order to Report for Induction (SSS Form 252), postpone the induction of a registrant until such time as he may deem advisable.

(c) The local board shall postpone the induction of a registrant in accord with section 6(i) (1) or section 6(i) (2) of the Military Selective Service Act.

(d) The local board shall issue to each registrant whose induction is postponed a Postponement of Induction (SSS Form 264). A copy of such form shall be mailed to the State Director of Selective Service, and a copy filed in the registrant's Cover Sheet (SSS Form 101). The local board shall note the date of the granting of the postponement and the date of its expiration in the "Remarks" column of the Classification Record (SSS Form 102).

(e) A postponement authorized in paragraph (b) or (c) of this section in excess of 40 days or without limit may be terminated when the issuing authority so directs and upon not less than 30 days nor more than 40 days notice to the registrant. The registrant shall then report for induction at such time and place as may be fixed by the local board.

(f) No registrant whose induction has been postponed shall be inducted into the armed forces during the period of any such postponement. A postponement of induction shall not render invalid the Order to Report for Induction (SSS Form 252) which has been issued to the registrant but shall operate only to postpone

the reporting date and the registrant shall report on the new date without having issued to him a new Order to Report for Induction (SSS Form 252).

PART 1641—NOTICE

Paragraph (a) of § 1641.7 *Reporting by registrants of their current status* is amended to read as follows:

§ 1641.7 *Reporting by registrants of their current status.*

(a) It shall be the duty of every classified registrant, until his liability for training and service has terminated, to keep his local board currently informed of his mailing address, and, in accord with instructions of the Director of Selective Service, facts concerning his status that the local board requests.

PART 1643—PAROLE

Paragraph (c) of § 1643.10 *Parole for assignment to civilian work contributing to the maintenance of the national health, safety, or interest* is amended to read as follows:

§ 1643.10 *Parole for assignment to civilian work contributing to the maintenance of the national health, safety, or interest.*

(c) Upon receipt of a certified copy of an order paroling a registrant for assignment to civilian work contributing to the maintenance of the national health, safety, or interest, the State director shall direct the Executive Secretary or clerk, if so authorized, or a local board member of the registrant's local board to order him to a job which the State director selects as appropriate for him to perform.

CURTIS W. TARR,
Director.

JANUARY 7, 1972.

[FR Doc.72-456 Filed 1-11-72; 8:51 am]

[32 CFR Parts 1606, 1609, 1613]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.), and § 1604.1 of Selective Service regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement

the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1606—GENERAL ADMINISTRATION

Section 1606.58 *Places where information may be obtained*, is amended to read as follows:

§ 1606.58 *Places where information may be obtained.*

(f) Addresses of the offices of the State Directors of Selective Service are as follows:

State	Address
Alabama	Room 818, Aronov Building, 474 South Court Street, Montgomery, AL 36104.
Alaska	Room 248, Federal Building, 619 Fourth Avenue, Anchorage AK 99501.
Arizona	Room 202, Post Office Building, 522 North Central Avenue, Phoenix, AZ 85004.
Arkansas	Federal Office Building, 700 West Capitol, Little Rock, AR 72201.
California	Federal Building, 801 I Street, Sacramento, CA 95814.
Canal Zone	Post Office Box 2014, Balboa Heights, CZ (200-A Administration Building).
Colorado	Building 53, Room B 2906, Denver Federal Center, Post Office Box 25206, Denver, CO 80225.
Connecticut	Post Office Box 1558, Hartford, CT 06101.
Delaware	Prices Corner, 3202 Kirkwood Highway, Wilmington, DE 19808.
District of Columbia	441 G Street NW., Washington, DC 20001.
Florida	19 McMillan Street, Post Office Box 1988, St. Augustine, FL 32084.
Georgia	901 West Peachtree Street NE., Atlanta, GA 30309.
Guam	Post Office Box 3036, Agaña, Guam 96910 (Ricardo Calvo Building, second floor, Hernan Cortes Avenue and Soledad Drive).
Hawaii	Post Office Box 4006, Honolulu, HI 96813 (Hawaiian Life Building, Fifth Floor, 1311 Kapiolani Boulevard, Honolulu, HI 96813).
Idaho	550 West Fort Street, Room 480, Federal Building, Boise, ID 83702.
Illinois	405 East Washington Street, Springfield, IL 62701.
Indiana	Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.
Iowa	Building 68, Fort Des Moines, Des Moines, IA 50315.
Kansas	New England Building, Suite 320, 503 Kansas Avenue, Topeka, KS 66603.
Kentucky	220 Steele Street, Frankfort, KY 40601.
Louisiana	Building 601-5-A, 4400 Dauphine Street, New Orleans, LA 70140.
Maine	Federal Building, 40 Western Avenue, Augusta, ME 04330.
Maryland	31 Hopkins Plaza, Room 1119, Baltimore, MD 21201.
Massachusetts	John Fitzgerald Kennedy Federal Building, Room 2312, Government Center, Boston, Mass. 02203.
Michigan	Post Office Box 626, Lansing, MI 48903 (Arnold Building, 1120 East May Street, Lansing, MI).
Minnesota	Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, MN 55101.
Mississippi	Cameron-Walker Building, 4785 Interstate 55 North, Jackson, MS 39206.
Missouri	411 Madison Street, Jefferson City, MO 65101.
Montana	Post Office Box 1183, Helena, MT 59601 (616 Helena Avenue, Helena, MT).
Nebraska	941 O Street, Lincoln, NE 68508.
Nevada	1511 North Carson Street, Carson City, NV 89701.
New Hampshire	55 Pleasant Street, Room 337, Post Office Box 427, Concord, NH 03301.
New Jersey	402 East State Street, Trenton, NJ 08608.
New Mexico	Post Office Box 5175, Santa Fe, NM 87501 (The New Mexico National Guard Complex, 2600 Cerillos Road).
New York State	Federal Building, 441 Broadway, Albany, NY 12207.

State	Address
New York City	Federal Building, Room 2337, 26 Federal Plaza, New York, NY 10007.
North Carolina	310 New Bern Avenue, Post Office Box 26088, Room 448, Raleigh, NC 29201.
North Dakota	Federal Building, Post Office Box 1417, Bismarck, ND 58501.
Ohio	85 Marconi Boulevard, Columbus, OH 43215.
Oklahoma	417 Post Office Courthouse Building, Oklahoma City, Okla. 73102.
Oregon	355 Belmont Street NE., Salem, OR 97301.
Pennsylvania	Post Office Box 1266, 228 Walnut Street, Harrisburg, PA 17108.
Puerto Rico	398 Fernandez Juncos Avenue, San Juan, PR 00906.
Rhode Island	1 Washington Avenue, Providence, RI 02905.
South Carolina	1801 Assembly Street, Columbia, SC 29201.
South Dakota	Annex Box 3105, Rapid City, SD 57701.
Tennessee	Room 500, 1717 West End Building, Nashville, TN 37203.
Texas	Room G161 Federal Building, 300 East Eighth Street, Austin, TX 78701.
Utah	333 South Second East, Salt Lake City, UT 84111.
Vermont	Federal Building, Post Office Box 308, Montpelier, VT 05602.
Virginia	400 North Eighth Street, Richmond, VA 23240.
Virgin Islands	Post Office Box 360, Charlotte Amalie, St. Thomas, VI 00801.
Washington	Post Office Box 5247, Tacoma, WA 98405 (Washington National Guard Armory, South 10th and Yakima).
West Virginia	Federal Office Building, Charleston, W. Va. 25301.
Wisconsin	Post Office Box 2157, 1220 Capitol Court, Madison, WI 53701.
Wyoming	308 West 21st Street, Cheyenne, WY 82001.

PART 1609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

Section 1609.41 *Travel; authorization*, is amended by adding paragraph (c) which shall read as follows:

§ 1609.41 Travel; authorization.

(c) A local board or a person duly authorized by the Director of Selective Service or the State Director of Selective Service may authorize the transportation of registrants by commercial carrier or privately owned vehicle whichever would be in the better interest of the Government.

PART 1613—REGISTRATION PROCEDURES

Part 1613 is amended to read as follows:

§ 1613.1 Registration procedures.

Persons required by selective service law to register shall be registered in accordance with procedures prescribed by the Director of Selective Service.

§ 1613.2 Local board of jurisdiction.

The local board having jurisdiction over the place of residence entered in item 2 of the Registration Questionnaire (SSS Form 100) at the time of initial registration shall always have jurisdiction over the registrant, unless otherwise directed by the Director of Selective Service.

CURTIS W. TARR,
Director.

JANUARY 7, 1972.

[FR Doc. 72-455 Filed 1-11-72; 8:51 am]

[32 CFR Part 1660]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to sections 6(j) and 13(b) of the Military Selective Service Act, as amended (50 App. U.S.C., sections 451 et seq.), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These regulations implement section 6(j) of the Military Selective Service Act, as amended (50 App. U.S.C., 456(j)).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1660—ALTERNATE SERVICE

Part 1660 *Alternate Service*, added at 36 F.R. 23383, is amended as follows:

Section 1660.1 is amended to read as follows:

§ 1660.1 Responsibility for administration.

(a) The State director, under the supervision of the Director, will assure compliance with the law, the regulations, and Selective Service Policy concerning the program of alternate service for registrants who have been classified in Class 1-O.

(b) The State director of the State in which a registrant is registered will have primary responsibility for the initial placement of the registrant in alternate service. That State director will coordinate any job placement activities in any State outside his own with the State director of that State. In assigning a registrant outside his own State, the assigning State director must have the approval of the "receiving" State director or the Director of Selective Service.

(c) Alternate service to be performed outside the geographical area under the jurisdiction of any State director will be administered by the Director of Selective Service after the assignment to such work has been made by the State director.

Section 1660.2 is amended to read as follows:

§ 1660.2 Examination of registrants.

A registrant classified in Class 1-O shall be ordered to report for armed forces examination in the same manner as any other registrant. If he fails to report for or submit to this examination, or if he is found to be qualified for service, he shall be ordered to the appropriate alternate service job when his Random Sequence Number is reached.

Section 1660.3 is amended to read as follows:

§ 1660.3 Volunteer for alternate service.

Only registrants classified in Class 1-O may volunteer for alternate service in lieu of induction. Any registrant in Class 1-O may submit Application of Volunteer for Alternate Service (SSS Form 151) to his local board. If the volunteer wishes to propose jobs which he feels would be approved for his alternate service he will submit each job on an Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) simultaneously with his completed Application of Volunteer for Alternate Service (SSS Form 151). The State director will approve or disapprove the proposed jobs. If the registrant fails to locate a suitable job or if the jobs submitted on the Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) are not approved, the State director will not request the issuance of the Order to Report for Alternate Service (SSS Form 153) until 60 days after the registrant would have begun processing in accordance with § 1660.4 had he not volunteered. After the 60-day period has ended, the State director may direct the local board to order the registrant to an available job.

Subparagraph (2) of paragraph (a) of § 1660.6 *Eligible jobs for registrants performing alternate service*, is amended to read as follows:

§ 1660.6 Eligible jobs for registrants performing alternate service.

(a) * * *

(2) *Noninterference with the competitive labor market.* The registrant

cannot be assigned to a job for which there are more numerous qualified applicants not in Class 1-O than spaces available. This restriction does not prohibit the approval of special programs such as Peace Corps or VISTA for alternate service by registrants in Class 1-O.

Paragraph (b) of § 1660.7 *Assigning alternate service* is amended and paragraph (g) is added, to read as follows:

§ 1660.7 Assigning alternate service.

(b) The registrant will submit Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) to the state director, who will determine whether the work is acceptable. A letter from an employer may, at any time, substitute for such SSS Form 156. When a job is approved, the state director will direct the Executive Secretary or clerk, if so authorized, or a local board member of a registrant's local board to issue an Order to Report for Alternate Service (SSS Form 153). Any time the state director disapproves a job proposed on Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) submitted by the registrant, he will inform the registrant of his decision within 10 days after the State director receives such form.

(g) A registrant in Class 1-W, working in an approved job, may request the supervising state director to transfer him to a new job. The request must be made while the registrant is working in an approved job, and the registrant must remain on the job until the transfer is accomplished. The registrant must, at the time of the request, offer an alternative job to the State director for approval as alternate service. If the new job is approvable, the State director may direct the registrant's local board to order him to the new job.

Paragraphs (c) and (d) of § 1660.9 *Administration of alternate service* are amended and paragraph (e) is added to read as follows:

§ 1660.9 Administration of alternate service.

(c) If, after completing the investigation in accord with paragraph (b) of this section, the State director finds no failure of the registrant to perform satisfactorily he will order the registrant to another job as quickly as possible. A local board member of the registrant's local board or the Executive Secretary or clerk if so authorized, at the direction of the State director, will issue a new work order when any transfer or reorder is required. If the registrant complies with the order to report to the new job, the intervening time between jobs will not constitute a break in the required period of alternate service.

(d) The State director may direct the Executive Secretary or clerk, if so authorized, or a local board member of the registrant's local board to reassign and

reorder a working registrant at any time that he determines the original job ceases to be acceptable as alternate service as defined in § 1660.6.

(e) The Director of Selective Service or the State Director of Selective Service will issue travel orders, tickets, or transportation requests and meal and lodging requests to the registrant, upon his request, for his travel from the office of the local board or the place of his residence to the place of performance of the alternate service to which he is ordered within the United States, for his return travel from such place to the office of the local board upon his satisfactorily completing his period of work, and for his travel from one place of employment to another when his employment is transferred under the provisions of paragraph (c) or (d) of this section.

CURTIS W. TARR,
Director.

[FR Doc.72-453 Filed 1-11-72; 8:51 am]

[32 CFR Ch. XVI]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making


Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.), and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed Special Form for Conscientious Objector (SSS Form 150).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed form follows:

SELECTIVE SERVICE SYSTEM

INFORMATION FOR
CLAIMING CONSCIENTIOUS OBJECTOR STATUS

		Date _____
<div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto; text-align: center;"> (Local Board Stamp) </div>		<div style="border: 1px solid black; padding: 2px;"> Selective Service Number Assigned </div>
<div style="border: 1px solid black; padding: 2px;"> Last name, First name, Middle Initial </div>		
<div style="border: 1px solid black; padding: 2px;"> Number and Street or RFD route </div>		
<div style="border: 1px solid black; padding: 2px;"> City, State, Zip code or Country </div>		

(The above items should be filled in by the local board before this form is mailed.)

INSTRUCTIONS

The local board will consider your claim for conscientious objector status when it receives a written statement from you which includes answers to the questions on page 2 of this form and when you are in a category vulnerable for induction. Sign paragraph A or B of page 3, fill out the bottom portion of that page and return with your statement requesting conscientious objector status to your local board.

Section 6(j) of the Military Selective Service Act provides: "Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the Director may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title. The Director shall be responsible for finding civilian work for persons exempted from training and service under this subsection and for the placement of such persons in appropriate civilian work contributing to the maintenance of the national health, safety, or interest."

The Supreme Court has interpreted "Religious training and belief" to include moral and ethical beliefs as well as traditional religious beliefs. The court did state that those persons whose beliefs are not deeply and sincerely held and those whose objection to war does not rest at all upon moral, ethical or religious principles but instead rests solely upon considerations of policy, pragmatism or expediency would not qualify.

Before you make your statement, it is recommended that you read the pamphlet "CO", available at your local board's office.

SSS Form 150 (Revised 1-3-72)

Inconsistent with these beliefs. I therefore claim exemption from combatant training and service in the Armed Forces, but I am willing to serve in a noncombatant capacity if called. (Registrants granted this status are classified 1-A-O)

(Date)

B. I am conscientiously opposed to participation in war in any form. I hold moral, ethical, or religious beliefs which prevent my participating in combatant and noncombatant training and service in the Armed Forces. My conscience would not permit any service which is inconsistent with these beliefs. I therefore claim exemption from both combatant and noncombatant training and service in the Armed Forces, but I am willing to perform 2 years' alternate service if called. (Registrants granted this status are classified 1-O)

(Signature)

For Registrant:
Print or type

Name

Address

SS No.

Zip Code

SSS Form 150 (Revised)

You are entitled to one personal appearance before your Selective Service local board. You can exercise this right to a personal appearance before your local board either before or after they act upon your claim of conscientious objection.

When you registered with the Selective Service System and completed the Registration Questionnaire you were asked if you intended to claim a conscientious objector classification. (a) If you checked the appropriate box and you have submitted written statement claiming a conscientious objector classification your local board will contact you by letter or post card at least 40 days prior to the date the board will consider your classification from 1-H (your initial classification).

(b) If you checked the appropriate box but you have not submitted a written claim for conscientious objector classification you will be sent a Current Information Questionnaire.

naire (SSS Form 127) and a Special Form for Conscientious Objector (SSS Form 150) at least 40 days prior to the date the board will consider your classification from 1-H (your initial classification).

Upon receipt of such notice in (a) or (b) above you should be prepared to advise the board within 10 days if you desire a personal appearance before they act upon your claim.

If you did not claim eligibility for a conscientious objector classification at the time of registration, but submit such claim prior to the mailing of an order to report for induction, inform your local board with the submission of your claim whether you desire to appear before the local board acts on your claim.

CURTIS W. TARR,
Director.

[FR Doc. 72-454 Filed 1-11-72; 8:51 am]

Instructions: Print or type your statement claiming exemption from combatant service as a conscientious objector on separate sheets of paper. Include in your statement answers to the following questions in the order given plus any additional information you wish to provide:

1. Briefly describe your beliefs which are the basis for your request for conscientious objector status.

2. If you seek classification in Class 1-O, why will not your beliefs permit you to serve as a noncombatant in the armed forces? If you seek classification in Class 1-A-O, why will your beliefs permit you to serve as a noncombatant in the armed forces?

3. Explain how, when, and from what source you received the religious, moral, or ethical training, or acquired the belief, which is the basis for your claim for classification as a conscientious objector.

Include in your answer a statement of—

(a) When and how you first began to formulate your opposition to participation in war; and

(b) When you decided your beliefs qualified you for classification as a conscientious objector.

4. The Supreme Court has held that for sincere beliefs of conscientious objection to qualify under the law they must be—

"based upon a power or being, or upon a faith (or belief) to which all else is subordinate or upon which all else is ultimately dependent."

Show in the context of the above quotation that your beliefs are deeply and sincerely held by—

(a) Explaining what most clearly demonstrates the consistency and depth of your beliefs; (b) Describing how your beliefs affect the way you live your life, the activities you participate in, your vocational goals; and

(c) Depicting what actions, incidents, or other aspects of your life give evidence of your beliefs.

SELECTIVE SERVICE SYSTEM



(Local Board Stamp)

Instructions: Sign your name to either statement A or B of this section. If you cannot sign either one, indicate why. Return this page with your written claim to your local board at the above address.

A. I am conscientiously opposed to participation in combatant training and service in the Armed Forces. My moral, ethical, or religious beliefs would not permit any service which is

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CONTRACT SERVICES, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended and by Subpart 7-30.4 of the A.I.D. Procurement Regulations, I hereby redelegate, for countries or areas within my area of responsibility, authority to the Director, Office of Contract Services, Bureau for Supporting Assistance, to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D. other than contracts exclusively for the supply of commodities and commodity related services, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Co-operating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than \$25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D.-financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated may be concurrently exercised for all activities enumerated above which relate to Vietnam by the Chief, Vietnam Contract Division. The authorities herein redelegated may also be exercised by a person who is performing the functions of the Director, Office of Contract Services in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator/Coordinator, Bureau for Supporting Assistance to the Director of Procurement Management, Office of Inter-Regional Programs,

Bureau for Supporting Assistance, dated August 11, 1971 (36 F.R. 16596) is hereby revoked.

The Redelegation of Authority from the Assistant Administrator for the Far East to the Chief, Contract Staff for Vietnam, dated March 2, 1967 (32 F.R. 3948) is hereby revoked.

This Redelegation of Authority is effective immediately.

RODERIC L. O'CONNOR,
Assistant Administrator/Coordinator,
Bureau for Supporting Assistance.

DECEMBER 23, 1971.

[FR Doc.72-426 Filed 1-11-72;8:46 am]

DIRECTOR, OFFICE OF CONTRACT SERVICES, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended and by Subpart 7-30.4 of the A.I.D. Procurement Regulations, I hereby redelegate, for countries or areas within my area of responsibility, authority to the Director, Office of Contract Services, Bureau for Supporting Assistance, to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities and commodity related services, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Co-operating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than \$25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D.-financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated shall not be construed to extend to any loan activities previously or hereafter redelegated by me to the Director for Capital Development and Finance, Office of East Asia Development Programs.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director, Office of Contract Services in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from me to the Director of Procurement Management, Office of Inter-Regional Programs, Bureau for Supporting Assistance dated August 10, 1971 (36 F.R. 16596), is hereby superseded.

This Redelegation of Authority is effective immediately.

Dated: December 23, 1971.

WILLARD H. MEINECKE,
Acting Director, Office of East Asia Development Programs.

[FR Doc.72-427 Filed 1-11-72;8:46 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-15]

FOREIGN CURRENCIES

Rates of Exchange

DECEMBER 29, 1971.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the French franc and the Japanese yen.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which vary by 5 per centum or more from the quarterly rate published in Treasury Decision 71-259 for the dates and countries indicated. Therefore, as to entries covering merchandise exported on the dates and from the countries listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

French franc:	
December 21, 1971.....	\$0.191337
December 22, 1971.....	.191300
December 23, 1971.....	.191312
December 24, 1971.....	.191306
Japanese yen:	
December 21, 1971.....	\$0.00317481
December 22, 1971.....	.00317500
December 23, 1971.....	.00317450
December 24, 1971.....	.00317250

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.72-437 Filed 1-11-72;8:47 am]

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

This material adds new functional statements to the statement on organization and functions published at 36 F.R. 849-890. Functional statements beginning at 36 F.R. 874, numbered in the 1113.(10) series, are changed to the 1113.(11) series.

Dated: January 5, 1972.

[SEAL]

WILLIAM H. LOEB,
Acting Commissioner
of Internal Revenue.

functional supervision of nationwide programs of the Service concerning the economic stabilization compliance administration which involve Service actions in response to applications for exceptions and exemptions, and appeals from certain adverse initial determinations on compliance violations and interpretations. The Division assists in issuing interpretation of regulations and rulings, furnishes interpretative support to the other organizational components of the Assistant Commissioner (Stabilization), furnishes assistance to field offices, and conducts a program which ensures uniformity and consistency of decision by field offices on determinations, appeals from adverse determinations of violations and interpretations of regulations and rulings, and in investigations of applications for exceptions and exemptions. The Director is responsible for and supervises the activities of three branches: Exceptions and Exemptions Branch; Interpretations and Review Branch; and Coordination and Appeals Branch.

1113.(10)31 *Exceptions and Exemptions Branch*. In matters involving exceptions or exemptions concerning the economic stabilization compliance administration, this branch: exercises program management responsibility for procedures used by the district offices; provides technical support; reviews files and recommendations received from district offices for transmittal to the Council, Commission, or Board with appropriate comment or for return to district offices for further development or other reasons; where appropriate, prepares reports indicating problem areas of nationwide concern for consideration by the Council, Commission, or Board; and maintains adequate records.

1113.(10)32 *Interpretations and Review Branch*. In matters involving interpretative aspects of the economic stabilization compliance administration, this branch: exercises program management responsibility of procedures used by the field offices; reviews for administrative feasibility and adequacy drafts of regulations prepared by the Council, Commission, and Board; assists in issuing interpretations; provides interpretative assistance to other organizational components of the Assistant Commissioner (Stabilization); assists in the preparation of documents containing interpretative material necessary to ensure internal interpretative consistency; post reviews field decisions to insure uniformity and consistency; writes procedures and instructions for all programs of Division; and maintains adequate records.

1113.(10)33 *Coordination and Appeals Branch*. Exercises program management responsibility for stabilization appeals procedures used by the field offices; evaluates nationwide programs which involve investigations of applications for exceptions and exemptions, and appeals from adverse interpretations of regulations and rulings or from certain adverse initial determinations on compliance violations; conducts a program of visits to field offices to make on-site review of operations, evaluate programs, and render assistance; conducts special studies and projects; and maintains adequate records.

1113.(10)4 *Service and Compliance Division*. Develops and exercises functional supervision of nationwide programs of the Service concerning the economic stabilization compliance and public service administration which involve: responding to inquiries on substantive matters; investigating complaints of violations; conducting compliance monitoring; conducting fact-finding investigations requested by the Council, Commission, and Board; providing for, and supervising, a program to assure quality of operations and consistency in handling inquiries, investigations, and compliance monitoring. The Director is responsible for and supervises the activities of two branches:

Service Programs Branch; and Compliance Programs Branch.

1113.(10)41 *Service Programs Branch*. In matters involving programs of service to the public, this branch: exercises functional responsibility for programs concerning walk-in and telephone requests for service or assistance, written inquiries, and other requests of a service nature performed in the District; renders assistance and guidance to the field in implementing, monitoring, and evaluating the programs, including the establishment of procedures; maintains continuing liaison with the Exceptions, Interpretations and Appeals Division and the Program Resources and Analysis Division and the Communications Division in providing coordinated public service programs; and coordinates activities of the local service and compliance centers with the Taxpayer Service Division of the Office of the Assistant Commissioner (ACTS). This Branch operates the Correspondence Unit which serves as the National Office clearing and routing point for all public correspondence relating to Stabilization matters; answers sensitive correspondence; analyzes on a selected basis the nature of correspondence being received and makes these analyses available to management officials; and maintains adequate records.

1113.(10)42 *Compliance Programs Branch*. In matters involving compliance administration, this branch: formulates programs concerning compliance such as investigation of citizen complaints of noncompliance by firms and individuals, and followup to insure continued compliance; makes random investigations to ascertain compliance; and conducts fact-finding investigations for Council, Commission, and Board. This Branch provides assistance and guidance in implementing, monitoring, and evaluating these programs and prepares necessary procedures; drafts procedures for cases involving enforcement action; coordinates activities with other Stabilization organizational elements and with other Assistant Commissioners; coordinates compliance investigations which are of nationwide significance or involve several districts; provides guidance to certain districts which have operational responsibility for conducting such investigations; and maintains adequate records.

1113.(10)5 *Program Resources and Analysis Division*. Reviews and analyzes the results of all programs pertaining to Internal Revenue Service's responsibilities under the Economic Stabilization Program; furnishes advice, information, and recommendations concerning these programs and program management to the Assistant Commissioner (Stabilization); assists the Operations Division of the Cost of Living Council in planning and conducting on-site review of Service operations within the Council's jurisdiction; develops and administers a program to provide managerial and operating reports which are an integral part of the overall management information and reporting system; and conducts special studies. This division is responsible for the development of a Service-wide Stabilization budget and manpower plan, including Planning-Programming-Budgeting System submissions, and for reviewing the Operating Financial Plan; serves as the focal point for field liaison and coordination on nontechnical matters. The Director is responsible for and supervises the activities of three branches: Program Planning Branch; Field Resources and Evaluation Branch; and Program Information Services Branch.

1113.(10)51 *Program Planning Branch*. In matters involving the analysis and review of all programs pertaining to the economic stabilization service and compliance administration program, this branch: furnishes advice, information and recommendations

concerning these programs to the other Economic Stabilization Program Divisions and to the Assistant Commissioner (Stabilization); in cooperation with other divisions of Stabilization, designs and promulgates to field activities guidelines which will define the parameters within which the economic stabilization program will operate; conducts special studies and engages in special projects, generally interfunctional in scope, at the request of the Assistant Commissioner (Stabilization) or the Stabilization Division Directors; and maintains adequate records.

1113.(10)52 *Field Resources and Evaluation Branch*. In matters involving field resources, this branch: develops and monitors field work planning and control procedures, prepares financial plans for National Office activities of Stabilization, and recommends allocation of field activity budget estimates; develops a costing system that assesses the resource impact of proposed changes to the Stabilization program; prepares and updates the Planning-Programming-Budgeting System submission for Stabilization (including the program planning assumptions, Program and Financial Plan, and the program memorandum); and develops region and district organization and staffing guidelines. This Branch maintains field liaison with activities of the Service's Stabilization program to assure that field problems and concerns receive immediate attention in the National Office. It utilizes statistical indicators and on-site reviews to evaluate the quality, timeliness and economy of the total program. Serves as the focal point for the Assistant Commissioner (Stabilization) in the National Office Review Program; and maintains adequate records.

1113.(10)53 *Program Information Services Branch*. In matters involving reports, data analysis, and information systems, the following services are provided by the branch: designs, develops, installs, monitors, and evaluates reporting systems for internal needs as required by the Assistant Commissioner (Stabilization); consults and participates in the design and development of other Stabilization information systems, e.g., research data systems, rulings retrieval systems, etc.; answers requests for specific data about the Stabilization program; provides statistical and analytical services to all elements of the Stabilization program; prepares one-time and/or sample-based data collections to service needs for data that are not recurring; prepares all reporting procedures; makes systemic changes when necessary because of changing data requirements; coordinates with other Stabilization areas in identifying new data requirements; develops reports formats and specifications; and maintains adequate records.

1113.(10)6 *Communications Division*. The nature of the Economic Stabilization Program requires immediate response to the needs of the public and the Internal Revenue Service for timely, uniform, and coordinated program information. This Division has responsibility in Stabilization for functions related to internal and external communications and public affairs such as: public information; internal training and public education; plain language publications; Part XII of the Manual; Stabilization Program Guidelines (SPG); a research and reference center; a telecommunication center; liaison with business, labor, professional and consumer groups; liaison with Federal, State, and local government bodies; advising the Assistant Commissioner (Stabilization) on matters where public response or interest is involved; ESP coordination with the Public Information Division to acquire and disseminate external information through the press, radio, television, films, and other mass media. The Director is responsible for and

supervises the activities of the: Publications and Guidance Materials Branch; Organization and Government Liaison Branch; and Communications and Reference Center.

• 1113.(10)61 *Publications and Guidance Materials Branch*. This branch serves the needs of the Office of the Assistant Commissioner (Stabilization) to: determine need for content and compile the authoritative Stabilization Program Guidelines (SPG), the cumulative, nationwide ESP technical guidance system, and draft appropriate transmittals and filing instructions; simplify technical material to plain language publications to inform Service employees and the public on substantive and procedural matters relating to the ESP; acquire and disseminate general internal program information to employees and field offices; coordinate the preparation and clearance of material for Part XII of the Internal Revenue Manual; provide information for, and coordinate, internal training material preparation; provide information for, and coordinate, external public education material preparation; and provide editorial support and assistance in planning, reviewing and coordinating public use forms and form letters.

1113.(10)62 *Organization and Government Liaison Branch*. This Branch serves the needs of the Office of the Assistant Commissioner (Stabilization) to: establish cooperative program relations with Federal, State, and local governments and agencies; establish cooperative program relations with business, labor, professional and other groups; promote and conduct institutes and conferences; cooperate with the Public Information Division in assignment of public speakers; serve as point of contact on Congressional office inquiries relating to ESP; and perform other public and liaison activities as required.

1113.(10)63 *Communications and Reference Center*. This Center provides the telecommunications facilities and system for the nationwide transmission and receipt of facsimile messages for the Economic Stabilization Program. It serves as a research and reference center for ESP information and maintains historical information.

1114.(10) *Assistant Regional Commissioner (Stabilization)*. The Assistant Regional Commissioner (Stabilization) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating, and evaluating the stabilization activities under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for developing programs, standards, and other measures necessary to implement most effectively the stabilization program of the Service which includes responding to inquiries, investigating allegations of price-rent-wage-salary violations, conducting monitoring investigations, hearing appeals, processing requests for exceptions and exemptions, and providing information about the Economic Stabilization Program.

1118.31 *Stabilization Staff*. Directs and performs the District stabilization function through a Stabilization Program Manager. This Staff plans, organizes, coordinates, and evaluates district Stabilization activities which include: Providing information to the public; responding to inquiries; investigating complaints of violations; conducting compliance monitoring and fact-finding investigations; receiving, analyzing, investigating and preparing and forwarding recommendations upon applications for exceptions and exemptions; and conducting hearings on appeals.

[FR Doc.72-438 Filed 1-11-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management CALIFORNIA

Order Providing for Opening of Public Lands

JANUARY 4, 1972.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

HUMBOLDT MERIDIAN

SACRAMENTO 076344

T. 4 S., R. 1 E.,
Sec. 6, lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$.

SACRAMENTO 076443

T. 3 S., R. 1 W.,
Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$.

SACRAMENTO 078444

T. 3 S., R. 1 W.,
Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$.

SACRAMENTO 078445

T. 3 S., R. 1 W.,
Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$.

SACRAMENTO 078525

T. 4 S., R. 1 E.,
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 5 S., R. 1 E.,
Sec. 2, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 522.61 acres in Humboldt County.

2. The above-described lands are situated in the King Range area and were acquired for the purpose of consolidating the public lands and providing for proper multiple-use management of all the resources. The lands lie within the boundaries described in section 9 of Public Law 91-476 (84 Stat. 1057), an act which provides for the establishment of the King Range National Conservation Area.

3. The United States does not have jurisdiction of the minerals in the following described lands as the mineral rights were not reconveyed by exchange:

HUMBOLDT MERIDIAN

T. 3 S., R. 1 W.,
Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on February 14, 1972, be open to the operation of the public land laws. All valid applications received at or prior to 10 a.m., February 14, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Except as to the lands described in paragraph 3 above, the lands will be open to location under the U.S. mining laws and to applications and offers under the mineral leasing laws at 10 a.m. on February 14, 1972.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

ELIZABETH H. MIDTBY,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.72-478 Filed 1-11-72;8:50 am]

CHIEF, DIVISION OF MANAGEMENT SERVICES, ET AL., CALIFORNIA

Redelegation of Authority

OCTOBER 18, 1971.

1. Pursuant to the authority contained in section 1.1 of BLM Order No. 701 (29 F.R. 10526, July 29, 1964) as amended, the following authority is hereby delegated to the Division and Branch Chiefs of the Divisions of Management Services and Technical Services, to become effective immediately upon publication in the FEDERAL REGISTER (1-12-72).

(a) Chief, Division of Management Services and Chief, Branch of Records and Data Management authority to take action for the State Director in matters listed in sections 1.2(c), 1.4(a)(4).

(b) Chief, Division of Management Services and Chief, Branch of Administrative Management authority to take action for the State Director in matters listed in sections 1.3(a)(1), 1.3(c).

(c) Chief, Branch of Lands and Minerals Operations in the Division of Technical Services authority to take action for the State Director in matters listed in sections 1.2(b), 1.2(e), 1.2(k), 1.3(a)(1), 1.3(c); subject to receipt of a report from the State Director, the delegatee may take all the listed actions on 1.5(b) and 1.5(c); 1.6 (a) through (l) inclusive; subject to classification action, where necessary, by the State Director or his delegatee, take all actions on 1.9 et seq., as follows: Subject to approval of color-of-title or claim of right by the Regional Solicitor, the delegatee may take all actions on 1.9(c); subject to title approval of offered lands by the Regional Solicitor and subject to section 1.0(b)(4) where the selected lands' appraisal value exceeds \$250,000 the delegatee may take all actions on 1.9(d); 1.9(e); 1.9(f); 1.9(h) through 1.9(n), inclusive; 1.9(p) through 1.9(s) inclusive; 1.9(x) and 1.9(y).

2. The authority delegated in paragraph 1 above may not be redelegated but may be exercised by any person authorized as an "acting" Division or Branch Chief.

3. This redelegation of authority supersedes the redelegation of September 18, 1971 (36 F.R. 18679).

ROLANDA RUSH,
Acting State Director.

Approved: January 6, 1972.

GEORGE L. TURCOTT,
Acting Director.

[FR Doc.72-476 Filed 1-11-72;8:49 am]

CHIEF, DIVISION OF RESOURCES ET AL., CALIFORNIA

Redelegation of Authority

OCTOBER 18, 1971.

1. Pursuant to section 1.1, Bureau Order No. 701 of July 23, 1964, as amended, the following authority is hereby delegated to the Chief, Division of Resources, Chief, Division of Technical Services, and Chief, Branch of Cadastral Survey, State Office, California, and to each California District Manager, within his area of jurisdiction in the State of California, to become effective immediately upon publication in the FEDERAL REGISTER (1-12-72).

(a) Chief, Division of Resources, authority to take action for the State Director in matters listed in sections 1.5, 1.7, and 1.8 of Part I of Bureau Order No. 701, supra.

(b) Chief, Division of Technical Services, and Chief, Branch of Cadastral Survey, authority to take action for the State Director in matters listed in sections 1.4(a)(1) through 1.4(a)(3), inclusive, of Part I of Bureau Order No. 701, supra.

(c) Each California District Manager authority to take action for the State Director in matters listed in section 1.5(a) of Part I of Bureau Order No. 701, supra.

2. The authority delegated in Paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes the redelegation of September 18, 1971 (36 F.R. 18679).

ROLANDA RUSH,
Acting State Director.

Approved: January 6, 1972.

GEORGE L. TURCOTT,
Director.

[FR Doc.72-477 Filed 1-11-72;8:50 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-569]

JACK A. AND JACQUELINE M. THOMPSON

Notice of Loan Application

JANUARY 5, 1972.

Jack A. Thompson and Jacqueline M. Thompson, 3334 Oas Drive West, Tacoma, WA 98466, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 34 feet in length, to engage in the fishery for salmon and albacore off the coasts of Washington and Oregon.

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, Na-

tional 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.72-415 Filed 1-11-72;8:45 am]

Office of Import Programs

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER (34 F.R. 15787), prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00011-01-77030. Applicant: University of California Purchasing Department, Carriage House, Santa Cruz, Calif. 95060. Article: NMR spectrometers, Model PS-100. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in a variety of experiments in many areas of biological, inorganic, organic, and physical chemistry. Specific areas of application include (a) proton magnetic resonance, (b) carbon magnetic resonance, (c) fluorine magnetic resonance and phosphorous magnetic resonance. Application received by

Commissioner of Customs: July 7, 1971.

Docket No. 72-00188-75-46040. Applicant: WADCO Corp., Subsidiary of Westinghouse Electric Corp., Post Office Box 1970, Richland, WA 99352. Article: Electron microscope, Model JEM 200A. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended Use of Article: The article will be used in research and development in nuclear technology for the analysis of materials behavior under fast breeder operating conditions and in the development of improved materials for future fast breeder reactors. Specific applications of the article include the following: (1) Post-irradiation characterization of the microstructure of irradiated stainless steel specimens; (2) analysis of the structure of boron carbide before and after irradiation; and (3) evaluation of the irradiation stability of candidate reflector and structural materials such as nickel-base alloys. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72-00222-33-43780. Applicant: Mary Hitchcock Memorial Hospital, Regional Cancer Research Center, 2 Maynard Street, Hanover, NH 03755. Article: 45 MeV betatron. Manufacturer: Brown Boveri, Switzerland. Intended use of article: The article is intended to be used for clinical electron beam research. Initial projects for investigation with the new betatron are as follows: (1) Determination of the physical characteristics of such a high energy electron beam; (2) Investigation of modifications of the beam cause by inhomogeneity interfaces in the body; (3) Development of computer programs for use in radiation dosimetry of electron beam; (4) Studies into variations of relative biological effectiveness in depth in a high energy electron beam; and (5) Randomized clinical trials testing the effectiveness of electrons as compared with X-rays in the treatment of cancer patients. The article will also be used for teaching the principles of electron beam therapy to both undergraduates and graduate students. Application received by Commissioner of Customs: November 4, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-480 Filed 1-11-72; 8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-389; NADA No. 6-993V]

GREEVER'S, INC.

Greever's Phenothiazine and Lead Arsenate Drench Powder; Notice of Withdrawal of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of NADA (new animal drug application) No. 6-993V for the drug Greever's Phenothiazine and Lead Arsenate Drench Powder

was published in the FEDERAL REGISTER of November 4, 1971 (36 F.R. 21219). Greever's Inc., Chilhowie, Va. 24319, holder of said NADA, did not file a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 6-993V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: December 30, 1971.

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

[FR Doc.72-473 Filed 1-11-72; 8:50 am]

[DESI 552]

SODIUM HEPARIN

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice [DESI 552] published in the FEDERAL REGISTER of October 24, 1970 (35 F.R. 16608), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the NAS/NRC Drug Efficacy Study Group on the following drugs containing sodium heparin:

1. Sodium Heparin Injection, marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 5-521).

2. Sodium Heparin Sterile Solution; marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 4-570).

3. Panheprin, marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 50064 (NDA 5-264).

4. Sodium Heparin Injection, marketed by Lederle Laboratories Division American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 3-895).

5a. Liqueamin Sodium Aqueous Solution, and

b. Liqueamin Sodium "200" in Gelatin Menstruum, both marketed by Organon, Inc., 357 Mount Pleasant Avenue, West Orange, N.J. 07052 (NDA 0-552).

The notice stated that the drugs were regarded as effective, probably effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications.

Based upon further review and evaluation of additional studies, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of October 24, 1970 by:

1. Changing the effectiveness classification of the probably effective indications to effective.

2. Changing the effectiveness classification of the following possibly effective indications to effective: as an anticoagulant in extracorporeal circulation and dialysis procedures.

3. Reclassifying the remaining possibly effective indications as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the October 24, 1970 announcement, i.e., prevention and treatment of coronary artery thrombosis and cerebral artery thrombosis; retinal and cerebral venous thrombosis; thrombosis of retinal arteries; thrombosis of arteriosclerosis obliterans and thromboangiitis obliterans; arterial occlusion due to thrombosis; prophylaxis against thrombosis after trauma to blood vessels; prophylaxis and treatment of gangrene of the extremities secondary to trauma, frostbite, arteriosclerosis, or diabetes; management of atherosclerosis, diabetes, and other conditions associated with hyperlipemia; and for use as a blood anti-sludging agent.

4. Rewording the Indications section to read as follows:

INDICATIONS

Sodium heparin injection is indicated for anticoagulant therapy in prophylaxis and treatment of venous thrombosis and its extension; for prophylaxis and treatment of pulmonary embolism; in atrial fibrillation with embolism; for diagnosis and treatment of chronic consumptive coagulopathies (coagulation consumptive coagulopathy); for prevention of clotting in arterial and cardiac surgery; and for the prevention of cerebral thrombosis in the evolving stroke.

Sodium heparin is indicated as an adjunct in treatment of coronary occlusion with acute myocardial infarction and as an adjunct in the prophylaxis and treatment of peripheral arterial embolism.

Sodium heparin may also be employed as an anticoagulant in blood transfusions, extracorporeal circulation, dialysis procedures, and in blood samples for laboratory purposes.

The new-drug applications held by Eli Lilly and Co. (NDA 5-521), the Upjohn Co. (NDA 4-570), and Abbott Laboratories (NDA 5-264) have been satisfactorily supplemented to delete those claims for which substantial evidence of effectiveness is lacking and to be in accord with the indications section above.

Other holders of applications approved for sodium heparin should submit, within 60 days following publication of this amended announcement in the FEDERAL REGISTER, supplements to their new-drug applications to provide for revised labeling in accord with the indications section above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time.

Any such preparation, for human use, introduced into interstate commerce after 60 days following publication of this notice in the FEDERAL REGISTER with labeling bearing indications that lack substantial evidence of effectiveness may be subject to regulatory proceedings.

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

Dated: January 3, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-474 Filed 1-11-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Reconstitution of Board

Mr. Edward Diamond was Chairman of the Board established to consider the above application. He has advised that he is unable to continue in his duties as a member of the Atomic Safety and Licensing Board Panel and has regretfully resigned. Therefore, he is unable to continue to serve as Chairman of this proceeding.

Accordingly, Mr. Robert M. Lazo, a member qualified in the conduct of administrative proceedings, has been constituted Chairman of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721(b) of the rules of practice.

Dated at Washington, D.C., this 6th day of January 1972.

JAMES R. YORE,
Executive Secretary, Atomic
Safety and Licensing Board
Panel.

[FR Doc.72-442 Filed 1-11-72;8:47 am]

REACTOR TESTING DURING FY 72 AT NUCLEAR ROCKET DEVELOPMENT STATION, NEVADA

Notice of Availability of Final Environmental Statement

Notice is hereby given that a document entitled "Final Environmental Statement—Reactor Testing During FY 72 at the Nuclear Rocket Development Station, Nevada," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Nevada Operations Office, Post Office Box 14100, Las Vegas, NV 89114; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. The statement is issued jointly by the U.S. Atomic Energy Commission and the National Aeronautics and Space Administration in support of proposed administrative action to continue nuclear rocket ground

development testing during fiscal year 1972. Included with the statement are the comments received from Federal and State agencies on the draft statement of which notice of availability was published in the FEDERAL REGISTER, Volume 36, No. 135, dated July 14, 1971, and the AEC's response to these comments.

The Environmental Statement, including the comments and AEC's responses, will be furnished upon request addressed

to the Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C., this 6th day of January 1972.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-475 Filed 1-11-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

JANUARY 5, 1972.

Pursuant to Docket No. HM-1, rulemaking procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during December 1971:

Special Permit No.	Issued to—Subject	Mode or modes of transportation
6511	FMC Corporation, New York, N.Y., to ship parathion mixture, liquid in 24 gauge, DOT-37P drums.	Highway, Rail.
6522	Callery Chemical Company, Callery, Pa., to ship diborane in non-DOT specification insulated spherical pressure vessel having 500 psig design pressure.	Highway.
6561	Olin Corporation, Stamford, Conn., to ship hydrazine solutions in DOT-2E polyethylene bottles overpacked in DOT-12B fiberboard boxes.	Highway, Rail.
6563	Mada Medical Products, Incorporated, Garfield, N.J., to ship medical oxygen in non-DOT specification steel cylinders complying with Specification 3E with certain exceptions.	Highway, Rail, Passenger-carrying aircraft, Cargo-only aircraft.
6564	Castle & Cooke, Incorporated, San Francisco, Calif., and Mobil Chemical Company to ship liquid lacquer compounds in a non-DOT specification, compartmented portable tank.	Highway, Water.
6566	White Chemical Corporation, Bayonne, N.J., to ship acetyl chloride in DOT-103ANW tank cars.	Rail.
6567	Ronson Corporation, Woodbridge, N.J., and its agents, customers or distributors to ship isobutane in inside metal containers complying with DOT Specification 2P with certain exceptions.	Highway, Rail.
6568	Shippers registered with this Board to ship large quantities of non-fissile radioactive material, n.o.s., in Ator Model LL-60-150 Shipping Cask System.	Highway.
6570	Mass Oxygen Equipment Company, Westboro, Mass., to ship pressurized liquid oxygen, nitrogen or argon in 1700 gallon non-DOT specification stainless steel cargo tank.	Highway.
6571	American LNG, Oak Brook, Ill., to ship liquefied natural gas, ethylene or ethane in non-DOT specification aluminum cargo tank.	Highway.
6574	Shippers registered with this Board to ship large quantities of non-fissile radioactive material, n.o.s., in cask identified as Model HN-200 shipping container system.	Highway.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-362 Filed 1-11-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 72-1-17]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the seventh day of January 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted at meetings held in Geneva in December of 1971.

The agreement embraces two new resolutions establishing "winter" group inclusive tour fares generally to be applicable to groups of 10 or more passengers traveling via the North Atlantic to/from Europe and Africa during the period January 15, 1972, through March 31, 1972. With respect to travel between the United States and Europe, the following round-trip fare levels are typical of those that would be available for a 7/8-day period of travel: \$200, New York-London; \$210, New York-Paris; \$215, New York-Frankfurt; and \$250, New York-Rome. These fares require a minimum land package of \$70 and weekend surcharges do not apply, nor are free stopovers permitted, although one stopover is allowable at a \$10 surcharge. Fares to and from Africa are established only between New York and Dakar (\$300 round trip) and New York and Abidjan (\$365), with one stopover permitted at Dakar in conjunction with the Abidjan fare at an additional \$10. These fares are

available for a 9/16-day period of travel with ground accommodations established at \$10 per day.

Trans World Airlines, Inc., has filed economic justification in support of these fares, stating that while the overall fares package was developed for April 1, 1972, implementation, these particular fares are planned for January 15, 1972, effectiveness. As a consequence, TWA requests early Board action on the winter group inclusive tour fares, which the carrier contends are being introduced to develop a recognized potential market of budget-minded passengers who wish to take short-duration winter vacations comparable to opportunities available within the United States and to the Caribbean. TWA believes that the winter group inclusive tour fares will prove generative and profitable to the carriers and will serve to produce a more satisfactory utilization of off-peak scheduled capacity without incurring significant added costs to accommodate the traffic.

Pan American World Airways (PAA) submits that these fares are to be placed into effect only for a 2½-month period, that they represent substantial fare reductions to the traveling public and that they will attract some newly generated traffic. PAA estimates that more than 50 percent of the winter GIT traffic will be newly generated.

In light of the limited 2½-month duration of the agreement and since these new fares should generate new transatlantic passengers 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-131 and R-132 is approved subject to the following conditions:

(a) Those passengers who have been replaced may obtain full refund of individual fares and not be subject to a cancellation charge.

(b) 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 costs.

(c) 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.

(d) 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.

(e) 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. 72-451 Filed 1-11-72; 8:48 am]

[Docket No. 24072; Order 72-1-10]

PAN AMERICAN WORLD AIRWAYS, INC.

Proposed Expanded Application of Category Z Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 6th day of January 1972.

By tariff revision¹ marked to become effective January 8, 1972, Pan American World Airways, Inc. (Pan American) proposes to permit employees of the Army and Air Force Exchange System (AAFES) to travel on official business at Category Z fares when requests for the transportation are made using AAFES Form 1500-22 in lieu of government transportation requests (GTR's), the use of which has been prohibited to exchange personnel. At present, Category Z fares apply to military personnel on active duty and civilian employees of the Department of Defense, and their dependents upon change of station from the continental United States to Hawaii, Alaska, and from the United States to all other points. AAFES employees presently traveling on scheduled flights must use normal coach or economy fares and pay the applicable transportation taxes.

Trans World Airlines, Inc. (TWA) has complained against the proposal requesting rejection or, alternatively, prompt investigation contending that the proposal would be unduly preferential, unjustly discriminatory, and uneconomic. TWA alleges that the Board has previously determined that there is no provision in the Act which authorized the granting of reduced rate transportation to government employees, as such; that the Comptroller General in March 1970 unqualifiedly determined that civilian employees of the exchanges are different from the military personnel associated with the exchanges and specifically held the use of Government transportation requests by such civilian employees to be in "conflict with our decisions and applicable laws and regulations"; and that the proposal results in circumvention of the Board's precedent and the intent of the Comptroller General's opinion. TWA further alleges that the real question proposed by the Pan American filing is whether or not civilian employees of the government should be eligible for Category Z fares; and that in this regard discounts for government employees, as such, have been held unlawfully dis-

criminatory except where a strong overriding national interest consideration is shown, and that Pan American has not so demonstrated with regard to its filing.

Pan American has answered the complaint alleging that its tariff is properly filed in accordance with all applicable regulations and that the Board has no authority to reject the tariff. Pan American further alleges that contrary to TWA's allegation, its proposal is not a circumvention of established Board precedent; that there is no sound reason to investigate the tariff; that historically the passengers involved have traveled at Category Z fares as a part of the military establishment; and that this practice was discontinued after the determination of the Comptroller General referred to in TWA's complaint. Pan American alleges that instead of using commercial service at normal fares, virtually all of this traffic is now accommodated by MAC Category B charters or other military transportation and that should this traffic again use Category Z rates on scheduled service, Pan American estimates it would be worth \$500,000 a year.

Upon consideration of the tariff filing, the complaint, and answer thereto, the Board finds that the proposed tariff may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or otherwise unlawful and should be investigated. The Board further concludes that pending investigation the proposal should be suspended insofar as it applies to domestic and overseas transportation. The proposal is a significant departure from the present policy, and Pan American has advanced no argument which provides a sufficient basis upon which to justify the discrimination inherent in the proposal.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the Application of Tariff on 14th Revised Page 4-A of International Air Traffic Tariffs Corp., Agent's CAB No. 374, and rules, regulations or practices affecting such 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 provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the Application of Tariff (so far as it applies to interstate and overseas air transportation) on 14th Revised Page 4-A of International Air Traffic Tariffs Corp., Agent's CAB No. 374 is suspended and its use deferred to and including April 6, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

¹ Revision to International Air Traffic Tariffs Corp. Agent, Tariff CAB No. 374.

4. Except to the extent granted herein, the complaint in Docket 24072 is dismissed; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Trans World Airlines, Inc., and Pan American World Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-452 Filed 1-11-72;8:48 am]

COMMISSION ON HIGHWAY BEAUTIFICATION HIGHWAY BEAUTIFICATION

Notice of Initial Public Hearing

Notice is hereby given that the Commission on Highway Beautification will have its first public hearing in Atlanta on January 31.

Atlanta was chosen as a hearing site in order to give interested parties in the Southeast an opportunity to present their views to the members of the Commission on the important issues of highways and their relationship to the environment. Other hearings will be held in Los Angeles, Washington and as yet undetermined cities in the Northeast and Midwest.

The Commission was established by the Federal-Aid Highway Act of 1970 (Public Law-605). It has 11 members—four from the Senate, four from the House of Representatives, and three appointed by the President. Congressman Jim Wright (D), Texas is the Chairman. The four commissioners from the Senate are Birch Bayh (D), Indiana; Mike Gravel (D), Alaska; James Buckley (R), New York; and Lowell Weicker (R), Connecticut. The House members are Chairman Wright; Ed Edmondson (D), Oklahoma; Fred Schwengel (R), Iowa; and Don Clausen (R), California. The public members are Alfred Bloomingdale, Chairman of the Board, A. B. Enterprises, Los Angeles, Calif.; Mrs. Marion Fuller Brown, member of the Maine Legislature, York, Maine; and Michael Rapuano, landscape architect, Newton, Pa., and New York City.

The Act directs the Commission to:

(1) Study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system;

(2) Review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards;

(3) Compile data necessary to understand and determine the requirements for such control which may now exist or

are likely to exist within the foreseeable future;

(4) Study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public;

(5) Study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and

(6) Recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

A report of the Commission's findings will be submitted to the President and the Congress no later than August of this year.

This hearing is the first in a series of five to be held in different sections throughout the country during 1972. It is scheduled for 10:30 a.m. at the Regency Hyatt House Hotel, 265 Peachtree Street NW.

This is an open hearing and the public is invited both to attend and to participate. Since the hearing will only be one day in length, those interested in testifying should contact the Commission at 1121 Vermont Avenue NW., Washington, D.C. 20005, no later than January 24, in order to insure that they will have an adequate opportunity to make their views known. It also is requested that anyone interested in participating submit to the Commission a brief summary or a copy of their testimony by that date.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.72-449 Filed 1-11-72;8:48 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Joint Public Hearing

JANUARY 4, 1972.

Notice is hereby given that the Delaware River Basin Commission and the Pennsylvania Department of Environmental Resources will hold a joint public hearing on Friday, February 4, 1972, in the South Auditorium of the ASTM Building, 1916 Race Street, Philadelphia, PA, on proposals for a regional wastewater management plan and program for Delaware County, Pa. The purpose of the hearing is to gather expressions and opinions of concerned parties regarding the proposed plan and program, its inclusion in the Delaware River Basin Commission's Comprehensive Plan, and its certification (under 18 CFR Part 601) to the U.S. Environmental Protection Agency by the Department of Environmental Resources and the Delaware River Basin Commission as the official

interim pollution abatement plan for the area. The hearing will commence at 9:30 a.m.

Background. The firm of Albright and Friel, a division of Betz Environmental Engineers, Inc., has completed a preliminary report entitled Delaware County Regional Sewerage Project, dated October 28, 1971. The report has been prepared for the Delaware County Board of Commissioners and was jointly financed by the U.S. Department of Housing and Urban Development, and Delaware County. The report contains the results of engineering investigations of various alternative plans for the solution of wastewater problems within Delaware County and southeastern portions of Chester County on a regional basis. The 246 square-mile study area encompasses the watersheds of Darby Creek, Crum Creek, Ridley Creek, Chester Creek and Naaman's Creek and Marcus Hook Creek. It sets forth preliminary design and total cost estimates of all necessary conveyance systems and treatment facilities to serve the study area during the period 1973 to 2020. Recommendations of the report are divided into two sections that apply respectively to the western and eastern portions of the study area.

The western portion of the study area includes the Chester Creek Watershed, the Ridley Creek Watershed and the Upper Crum Creek Watershed above Geist Reservoir. For this area a plan and program is recommended whereby all wastewater would eventually be conveyed to and treated at a new Delaware County Regional Water Quality Control Authority treatment plant that would be located at the site of the existing city of Chester sewage treatment plant. Existing treatment plants in this area would be phased out as implementation of the plan progresses.

The eastern section of the study area includes the Darby Creek Watershed and the Lower Crum Creek Watershed below Geist Reservoir. For this area the report recommends that wastewater from the Central Delaware County Authority, Muckinipates Authority, Tinicum Authority, Darby Creek Joint Authority, and Radnor-Harverford-Marple Authority service areas be conveyed to and treated at the city of Philadelphia Southwest treatment plant. Existing treatment plants in this area would be phased out as implementation of the plan progresses. The principal features of the recommendations for the eastern section of the study area were the subject of a previous hearing by the Delaware River Basin Commission (August 25, 1971) on the Darby Creek Watershed, and were incorporated into its Comprehensive Plan a month later (Resolution No. 71-8).

Proposed actions—1. Regional Sewerage Plan—Western Delaware County. It is proposed that the recommendation for collecting wastewater from within the western section of the study area, as delineated above and set forth in the county report, and for conveying it to a new Delaware County Regional Water Quality Control Authority treatment

plant to be located in the city of Chester, be approved by the Pennsylvania Environmental Quality Board's rules and regulations and certified to the U.S. Environmental Protection Agency as the official interim pollution abatement plan (under 18 CFR 601). It is further proposed that the Delaware River Basin Commission's Comprehensive Plan be amended to incorporate the plan, along with the implementation timetable set forth in Chapter VII of the preliminary report Delaware County Regional Sewerage Project.

2. *Regional Sewerage Plan—Eastern Delaware County.* It is proposed that the recommendation for collecting wastewater from within the eastern portion of the study area, as delineated above and set forth in the county report, and for conveying it to the city of Philadelphia Southwest treatment plant for treatment, be approved by the Department of Environmental Resources under section 91.31 of the Pennsylvania Environmental Quality Board's rules and regulations and certified to the U.S. Environmental Protection Agency as the official interim pollution abatement plan (under 18 CFR 601). It is further proposed that the Delaware River Basin Commission's Comprehensive Plan (Resolution No. 71-8) be amended so as to fully conform to and incorporate the plan, along with an implementation timetable, as follows:

A. Retitle and amend Resolution No. 71-8 so that it conforms to the subject amendment to the Comprehensive Plan.

B. Add a new section to Resolution No. 71-8 entitled "Implementation Timetable" to consist of the schedules set forth in Chapter VII of the preliminary report Delaware County Regional Sewerage Project.

Abatement schedules. It is further proposed that all industrial and municipal abatement schedules, sewerage permits or orders heretofore approved by the Pennsylvania Department of Environmental Resources and/or the Delaware River Basin Commission for surface water discharges within the study area be modified as necessary to require compliance with and participation in the proposed regional plan and program herein described. Facilities necessary to effectuate participation by each waste discharger in the proposed regional plan and program shall be consistent with the requirements of the proposed regional plan and program. Such interconnections as are required by the proposed regional plan and program shall be completed no later than the date that the regional facility is scheduled to be ready to receive the waste.

The document entitled Delaware County Regional Sewerage Project may be examined at the following locations:

Library of Delaware River Basin Commission, 25 State Police Drive, West Trenton, NJ.

Delaware County Planning Commission, Thomas Curran Building, Second and Orange Streets, Media, PA.

Delaware Valley Regional Planning Commission, 1317 Filbert Street, Philadelphia, PA (library, ninth floor).

Regional Office, Pennsylvania Department of Environmental Resources, 1875 New Hope Street, Norristown, PA.

Betz Environmental Engineers, Inc. (Albright & Friel) One Plymouth Meeting Mall, Plymouth Meeting, PA.

All persons wishing to testify are requested to register with the Secretary to the Delaware River Basin Commission no later than 5 p.m. on Wednesday, February 2, Post Office Box 360, Trenton, NJ, phone 609-883-9500. Written statements will be received and made a part of the record if submitted prior to 10 days following the hearing.

W. BRINTON WHITALL,
Secretary, Delaware River Basin Commission, Post Office Box 360, Trenton, NJ.

[FR Doc.72-416 Filed 1-11-72; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19089 etc.; FCC 72-3]

A. V. BAMFORD ET AL.

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

In regard applications of A. V. Bamford, Corpus Christi, Tex., Docket No. 19089, File No. BPH-7006; Claud M. Pettit and Margaret E. Pettit doing business as Pettit Broadcasting Co., Brush, Colo., Docket No. 19157, File No. BP-18125; A. V. Bamford, Colorado Springs, Colo., Docket No. 19158, File No. BP-18467; Enid C. Pepperd and Dona B. West, doing business as Brocade Broadcasting Co., Boulder, Colo., Docket No. 19159, File No. BP-18470; for construction permits.

1. This matter is before the Commission pursuant to the Review Board's Memorandum Opinion and Order, FCC 71R-286, 31 FCC 2d 701, released September 20, 1971, in which the Board, on its own motion certified the question of consolidation of the proceedings involving A. V. Bamford's applications for construction permit for new broadcast stations at Corpus Christi, Tex., and Colorado Springs, Colo., for the purpose of receiving evidence on basic character qualification issues. In the Colorado Springs proceeding the Board had previously specified misrepresentation—lack of candor and \$ 1.65 issues against Bamford. In its certification order the Board states, at paragraph 4, that its decision to specify qualification issues against Bamford was based on its consideration of allegations relating to both of Bamford's pending proposals. Since the Board deemed consolidation to be the most efficient and effective method to resolve these issues and since it lacks authority to consolidate pending hearing cases under Rule 1.227, the Board certified this matter to us for our consideration.

¹ 30 FCC 2d 810, released June 23, 1971.

2. In "Vinita Broadcasting Co., Inc." 30 FCC 2d 458, released June 21, 1971, we considered a comparable situation. In that case the principal stockholder of one applicant was charged with numerous violations of the Commission's rules that questioned his basic character qualifications to be a Commission licensee. The applicant had pending applications for the renewal of a standard broadcast station and for a construction permit for a new FM station. Also involved were numerous allegations of misconduct by this principal at a third broadcast station. We said, at p. 460, " * * * The conduct of [the principal] is a relevant and critical consideration in the disposition of all three applications and consolidation in order to avoid a multiplicity of hearings where substantially the same evidence would be adduced. The applicants were not prejudiced by this procedure which, under the circumstances, was proper * * *." We reaffirm the rationale enunciated in Vinita as sound policy. We are not aware of anything peculiar to this case which would dictate a different course.

3. Accordingly, it is ordered, That the proceeding involving the application for construction permit by A. V. Bamford, Corpus Christi, Tex., Docket No. 19089, File No. BPH-7006 is consolidated with the proceeding involving A. V. Bamford's application for a construction permit for a new standard broadcast station at Colorado Springs, Colo. (File No. BP-18467), in Dockets Nos. 19157-19159, for a hearing before Examiner Lenore G. Ehrig for the purpose of receiving evidence and the issuance of an Initial Decision regarding the issues specified by the Board in its Memorandum Opinion and Order, 30 FCC 2d 810, released June 23, 1971.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-445 Filed 1-11-72; 8:48 am]

[Docket No. 19087 etc.; FCC 72-4]

ALVIN L. KORNGOLD ET AL.

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

In regard applications of Alvin L. Korngold, Sun City, Ariz., Docket No. 19087, File No. BPH-6755; Sun City Broadcasting Corp., Sun City, Ariz., Docket No. 19088, File No. BPH-6808; Zia Tele-Communications, Inc., Albuquerque, N. Mex., Docket No. 19178, File No. BPH-6887; Alvin L. Korngold, Albuquerque, N. Mex., Docket No. 19179, File No. BPH-6952; for construction permits.

1. This matter is before the Commission pursuant to the Review Board's

² Commissioner H. Rex Lee absent.

Memorandum Opinion and Order, FCC 71R-301, 32 FCC 2d 87, released October 8, 1971, in which the Board, on its own motion, certified the question of consolidating the proceedings involving Alvin L. Korngold's application for a construction permit for new FM broadcast stations at Albuquerque, N. Mex., and Sun City, Ariz. In support of its suggestion that the Commission consolidate these two proceedings for the limited purpose of receiving evidence on the character qualification issue previously specified against Korngold in the Sun City proceeding, the Board notes that Korngold's reliance on funds on hand as a source of additional financing for the Albuquerque application was insufficient because these funds appeared to be the same as those relied upon in connection with other broadcast proposals he had filed. Based upon this evidence, on August 9, 1971, the Review Board enlarged the issues in the Sun City proceeding to add a financial issue and a § 1.65 issue against Korngold, 31 FCC 2d 39. The § 1.65 issue was added because of Korngold's alleged failure to notify the Commission of the filing of his Albuquerque application. Since the Board deemed consolidation to be the most efficient and effective method to resolve this issue and since it lacks authority to consolidate pending hearing cases under § 1.227, the Board certified this matter to us for our consideration.

2. We are in agreement with the Board that a limited evidentiary hearing resolving the § 1.65 issue prior to separate consideration of Korngold's applications herein involved, will avoid a multiplicity of hearings where substantially the same evidence would be adduced. For this reason and those set forth in A. V. Bamford, FCC 72-3 FCC 2d also adopted today, these two proceedings shall be consolidated for the limited purpose of adjudicating the § 1.65 issue.

3. Accordingly, it is ordered, That the proceeding involving the applications of Zia Tele-Communications, Inc. (Docket No. 19178, File No. BPH-6887), and Alvin L. Korngold (Docket No. 19179, File No. BPH-6952) is consolidated with the proceeding involving the applications of Alvin L. Korngold (Docket No. 19087, File No. BPH-6755) and Sun City Broadcasting Corp. (Docket No. 19083, File No. BPH-6808) for a hearing before Examiner James F. Tierney for the purpose of receiving evidence and the issuance of an initial decision regarding the § 1.65 issue specified by the Review Board in its Memorandum Opinion and Order, 31 FCC 2d 39, released August 10, 1971.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-446 Filed 1-11-72; 8:48 am]

¹ Chairman Burch not participating; Commissioner H. Rex Lee absent.

[FCC 72-9]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JANUARY 6, 1972.

The following application was tendered December 7, 1971, seeking the identical facilities of former station KVLB, Cleveland, Tex. The application (BR-2929) of Harvard C. Bailes for renewal of license of station KVLB was dismissed November 24, 1971, and the call letters were deleted December 6, 1971. Accordingly, we have waived the provisions of note 2 to § 1.571 of the Commission's rules and accepted this application for filing. Similarly, we will accept any other application for consolidation which proposes essentially the same facilities.

BP-19126 New, Cleveland, Tex.
Billy D. Pirtle.
Req: 1410 kc., 500 w., DA-2, U.

Pursuant to the provisions of §§ 1.227 (b) (1), 1.591 (b), and note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than February 23, 1972.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309 (d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission January 5, 1972. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, Reid and Wiley.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-444 Filed 1-11-72; 8:47 am]

FEDERAL POWER COMMISSION

[Project No. 349]

ALABAMA POWER CO.

Notice of Application for Change in Land Rights

JANUARY 10, 1972.

Public notice is hereby given that application for approval of the conveyance of an easement on project property to Tallapoosa County, for use as a public road, has been filed October 14, 1971, under the Federal Power Act (16 U.S.C. 791a-825r) by Alabama Power Co. (Correspondence to Mr. Joseph M. Farley, President, Alabama Power Co., Birmingham, Ala. 35202) in Project No. 349, located in Elmore, Tallapoosa, and Coosa Counties, near Alexander City, Auburn, and Montgomery, on the Tallapoosa River. The project land to be conveyed is in Tallapoosa County.

The application seeks Commission approval of a proposed conveyance of a 60-80-foot width of right-of-way for a length of approximately 7,500 feet (ap-

proximately 6,500 of which is project lands). The county will widen, improve, and maintain an existing access road, which crosses project lands, to provide access to lands on the project reservoir, some owned by applicant and reserved for future development, and some privately owned.

Applicant will retain all interests in the project lands necessary for continued project operation. The proposed easement contains provisions making it subject to the FPC project license, and requiring the county to protect the reservoir from every form of pollution.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1972, file with the Federal Power Commission, 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 proceedings. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-509 Filed 1-11-72; 8:51 am]

[Docket Nos. G-3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order After Statutory Hearing

JANUARY 4, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing applications, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceedings, cancelling docket number, and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, continue, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

George Mitchell & Associates, Inc., Agent et al., applicant in Docket No. CI71-114 proposes to continue in part

the sale of natural gas authorized in Docket No. G-16439 to be made pursuant to Phillips Petroleum Co. FPC Gas Rate Schedule No. 326. The rate at the time of transfer of the properties under said rate schedule was in effect subject to refund; therefore, applicant will be made co-respondent in the proceeding in Docket No. RI71-854 and this proceeding will be redesignated accordingly.

Delta Drilling Co., applicant in Docket No. CI71-583 proposes to continue in part the sale of natural gas authorized in Dockets Nos. CI69-803 and CI69-804 to be made pursuant to Pennzoil United, Inc. FPC Gas Rate Schedule No. 22 and Stetco '68, Ltd. FPC Gas Rate Schedule No. 1. The present rate under said rate schedules is in effect subject to refund; therefore, applicant will be made co-respondent in the proceedings in Dockets Nos. RI70-705 and RI70-706 and these proceedings will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on December 22, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and

operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) The certificate applications pending in Dockets Nos. CI61-1724, CI61-1725, and CI63-1393 are moot.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that George Mitchell & Associates, Inc., Agent et al., should be made a co-respondent in the proceeding pending in Docket No. RI71-854, and that Delta Drilling Co. should be made co-respondent in the proceedings pending in Dockets Nos. RI70-705 and RI70-706, and all of said proceedings should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(12) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or opera-

tions hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-3894, G-4579, G-5766, G-7009, G-7160, G-7223, G-7535, G-7645, G-11479, CI61-548, CI64-175, CI66-856, CI68-310, CI69-603, and CI69-1053 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The order issuing a certificate of public convenience and necessity in Docket No. CI66-112 is amended by substituting the successor in interest as certificate holder as more fully described in the application and in the tabulation herein. In all other respects said order shall remain in full force and effect.

(F) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to delete acreage	New certificate and/or amendment to add acreage
G-16439	CI71-114
CI62-258	CI71-760
CI64-425	CI69-603
CI69-113	CI71-767
CI69-803 and CI69-804	CI71-583

(G) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure Base (p.s.i.a.)
CI64-175	13.0	15.025
CI66-886	15.0	14.65
CI71-114	17.3138	14.65

(H) The certificates of public convenience and necessity and certificate authorizations granted in Dockets Nos. G-7645, CI69-603, CI69-1053, CI71-479, and CI71-760 are subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notice of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.*

(I) Within 90 days from the date of initial delivery, applicants in Dockets Nos. G-3894, G-4579, G-5766, G-7223, G-7535, G-11479, CI61-548, CI64-175, CI69-603, CI69-1053, and CI71-460 shall file three copies of rate schedule-quality statements in the form prescribed by the Commission.

(J) The certificates of public convenience and necessity granted in Dockets Nos. CI71-460 and CI71-583 are subject to any determination which may be made by the Commission in Docket No. R-338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(K) In the event applicant in Docket No. CI71-583 exercises options under its contract with the gas purchaser to process the gas, applicant shall file with the Commission rate schedule supplements setting forth the conditions and details of the contemplated action not less than 30 days prior to the commencement of such processing.

(L) The certificate authorization granted in Docket No. CI71-583 is conditioned as follows:

(a) The total initial rate for the sale of gas from the acreage acquired from Pennzoil United, Inc. and Stetco '68, Ltd., shall be 17.55 cents per Mcf at 14.65 p.s.i.a. subject to applicant's refunding to Transwestern Pipeline Co., with interest of 7 percent per annum, any amounts collected in excess of the amounts resulting from the rates finally determined in the rate suspension proceedings in Dockets Nos. RI70-705 and RI70-706.

(b) The initial rate for sales from the previously undedicated acreage shall be 17.65 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment as provided by Opinion No. 468, as modified.

(c) Applicant shall file, within 90 days from the date of initial delivery, three copies of a rate schedule-quality statement in the form prescribed by Opinion

No. 468, as modified, for the acquired acreage and three copies of a rate schedule-quality statement for the previously undedicated acreage reflecting the quality and the costs of treating the gas to be sold hereunder.

(M) George Mitchell & Associates, Inc., Agent et al., is made co-respondent in the proceeding pending in Docket No. RI71-854; Delta Drilling Co. is made co-respondent in the proceedings pending in Dockets Nos. RI70-705 and RI70-706; and said proceedings are redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(N) Docket No. CI71-535 is canceled.

(O) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted.

(P) As a result of the abandonment permitted and approved in Docket No. CI63-1393, applicant in said docket is not relieved of any refund obligations in Docket No. RI66-282 or any refunds that may be ordered in CI63-1393. Applicant's

predecessor, J. P. Owen, is not relieved of any refunds that may be ordered in CI63-1393.

(Q) As a result of the abandonments permitted and approved in Dockets Nos. CI61-1724 and CI61-1725, applicant in said dockets is not relieved of its refund obligations imposed by the Commission's order issued November 26, 1968, in Docket No. AR61-1, et al. (40 FPC 1359).

(R) The certificate applications pending in Dockets Nos. CI61-1724, CI61-1725, and CI63-1393 are dismissed, the temporary certificates issued in said dockets are terminated, and the related FPC gas rate schedules are cancelled.

(S) The certificates issued in Dockets Nos. CI64-155 and G-13780 are terminated and the related FPC gas rate schedules are cancelled.

(T) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule ¹		
			Description and date of document	No.	Supp.
G-3894 C 4-29-71	Atlantic Richfield Co.	El Paso Natural Gas Co., Langley-Mattix et al., Fields, Lea County, N. Mex.	Supplemental agreement 2-23-71. ² (Effective date: Date of initial delivery).	62	17
G-4579 5-3-71	Cities Service Gas Co.	El Paso Natural Gas Co., Langley-Mattix Field, Lea County, N. Mex.	Supplemental agreement 4-5-71. ³ (Effective date: Date of initial delivery).	39	11
G-5766 C 4-23-71 6-10-71 ⁴	Continental Oil Co.	El Paso Natural Gas Co., Langley-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	Supplemental agreement 2-23-71. ⁵ (Effective date: Date of initial delivery).	7	19
G-7009 D 4-26-71	Cities Service Oil Co.	United Fuel Gas Co., Big Sandy Field, Pike et al. Counties, Ky.	Assignment 10-27-70. ⁶ (Effective date: Date of this order).	235	29
G-7160 D 4-26-71	Gulf Oil Corp. (Oper- ator) et al.	Northern Natural Gas Co., Blinberry Gas Field, Lea County, N. Mex.	Agreement 12-23-70. ⁷ (Effective date: Date of this order).	15	41
G-7223 C 5-12-71	Chevron Oil Co., Western Division.	El Paso Natural Gas Co., Langley-Mattix et al., Fields, Lea County, N. Mex.	Supplemental agreement 2-23-71. (Effective date: Date of initial delivery).	13	19
G-7535 C 5-13-71	Amoco Production Co.	do.	Supplemental agreement 2-23-71. (Effective date: Date of initial delivery).	115	22
G-7645 * 3-18-71	Mobil Oil Corp., et al.	Cities Service Gas Co., Guymon-Hugoton Field, Texas County, Okla.	Agreement 7-12-46. 8-12-46. 9-6-46. ⁸ 10-31-46. 2-19-47. ⁹ 2-19-47. ¹⁰ 2-24-47. 3-28-47. 5-29-47. 7-2-47. 7-3-47. ¹¹ 7-3-47. ¹² 10-2-47. 8-30-50. 12-3-51. (Effective date: No specific date).	283 283 283 283 283 283 283 283 283 283 283 283 283 283 283 283	22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37
G-11479 C 5-13-71	Amoco Production Co., (Operator) et al.	El Paso Natural Gas Co., Justis Field, Lea County, N. Mex.	Supplemental agreement 4-15-71. (Effective date: Date of initial delivery).	168	26
CI61-548 C 5-7-71	Mobil Oil Corp. (Opera- tor) et al.	El Paso Natural Gas Co., Langley-Mattix Field, Lea County, N. Mex.	Supplemental agreement 4-1-71. (Effective date: Date of initial delivery).	249	11

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule ¹ Description and date of document	No.	Supp.
O161-1724 B 11	Bartessa Oil Corp. et al.	El Paso Natural Gas Co., Spraberry Driver Unit Glasscock et al. Counties, Tex.	(¹⁴) (Effective date: Date of this order).	1	
O161-1725 B 11	do.	do.	(¹⁵) (Effective date: Date of this order).	2	
O169-1393 B 4-23-71 ¹⁵	General American Oil Co. of Texas.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	Notice of cancellation 4-16-71 (cancels FPC Gas Rate Schedule No. 74). (Effective date: Date of this order).	74	6
O164-172 C 4-26-71	Amoco Production Co. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	Amendatory agreement 4-23-71. (Effective date: Date of initial delivery).	363	30
O166-112 E 4-26-71	Roger N. McCown and Capper W. McAfee d.b.a. M. and M. Production and Operation (Successor to George A. Bernat (Operator) et al.).	El Paso Natural Gas Co., Picture Cliff Forma- tion, Rio Arriba County, N. Mex.	George A. Bernat, (Opera- tor) et al. FPC Gas Rate Schedule No. 1. Supplements Nos. 1-7 thereto. Notice of succession 4-21-71. Assignment 3-19-71. Supplemental agreement 6-15-67.	1	1-7
O168-856 C 7-26-67	Oklahoma Natural Gas Co.	Arkansas Louisiana Gas Co., Cedars Field, Le Flore County, Okla.	Assignment 3-19-71. Supplemental agreement 6-15-67.	1	8
O168-310 D 4-5-71 E 4-71	Cities Service Oil Co.	Consolidated Gas Supply Corp., Ripley District, Jackson County, W. Va.	Letter agreement 9-9-70. ¹⁷ (Effective date: Date of this order).	298	4
O169-403 ¹⁸ F 1-11-71	Texaco, Inc., (Successor to Cities Service Oil Co.).	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	Assignment 3-17-70. ¹⁹ (Effective date: Date of initial delivery).	426	6
O169-1063 C 1-25-71	Champlain Petroleum Co.	Panhandle Eastern Pipe- line Co., State Line Field, Woods County, Okla.	Amendment 12-24-70. ²⁰ (Effective date: Date of initial delivery).	104	6
O171-114 ²¹ F 8-3-70	George Mitchell & Associates, Inc., Agent et al. (Suc- cessor to Phillips Petroleum Co. (Operator) et al.).	Natural Gas Pipeline Co. of America, Poniesville Bend Field, Wese County, Tex.	Contract 8-15-68. ²² Amendment 4-20-65. Assignment 3-5-70. ²³ Ratification 5-20-70. (Effective date: 3-1-70).	39	1 30 39 39 3
O171-479 ²⁴ 12-14-70	Marathon Oil Co.	Platteau Natural Gas Co., Hugoton and Panama County Groves Fields, Stevens County, Kans.	Contract 2-16-60. Supplement 2-16-60. Assignment 6-23-61. Assignment 6-23-61. (Effective date: No specific date).	113 113 113 113	1 2 3
O171-583 ²⁵ CF 3-17-71	Delta Drilling Co. (Successor to Penn- zoil United, Inc., and Stetco '68, Ltd.).	Transwestern Pipeline Co., South Carlisbad Area, Eddy County, N. Mex.	Contract 2-12-69. ²⁷ Assignment 6-11-70. ²⁸	40 40	1
O171-728 ²⁹ B 4-5-71	Amoco Production Co.	Kansas-Nebraska Nat- ural Gas Co., Inc., Kirby Draw Field, Fremont County, Wyo.	Notice of cancellation 8-5-68 (cancels FPC Gas Rate Schedule No. 357). (Effective date: Date of this order).	357	4

See footnote at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule ¹ Description and date of document	No.	Supp.
O171-756 ³⁰ B 4-9-71	Mobil Oil Corp.	Transcontinental Gas Pipe Line Corp., High Island Block 10, Off- shore Jefferson, Tex.	Notice of cancellation 4-8-71 (cancels FPC Gas Rate Schedule No. 198). (Effective date: Date of this order).	198	
O171-760 ³¹ 4-14-71	Midhurst Oil Corp.	Valley Gas Transmission, Inc., South Monte Christo Field, Hidalgo County, Tex.	Contract 12-28-71. Conveyance 10-19-61. ³² (Effective date: Date of this order).	25 25	1
O171-767 ³⁴ F 4-19-71	Imperial-American Management Co. (Successor to King Resources Co.).	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	Contract 11-16-62. Assignment 8-13-70. ³⁵ (Effective date: 6-1-70).	18 18	1

¹ Where no effective date is indicated, the rate schedule filing has heretofore been accepted.² Dedicates casinghead and residue gas derived therefrom.³ Dedicates casinghead gas.⁴ Amends application to reflect an initial rate of 11 cents.⁵ Dedicates casinghead gas and residue derived therefrom.⁶ Assigns acreage from Cities Service Oil Company to H. B. Ranier doing business as Ranier Construction Co.⁷ who was granted small producer authorization under Commission Order No. 411.⁸ Delete Blinberry formation only underlying the T. R. Andrews leases.⁹ Subject sales made prior to June 6, 1954. Filings inadvertently omitted at time of original authorization.¹⁰ Lot 2, section 10-6-16.¹¹ NW 1/4 of section 13-6-13.¹² NE 1/4 of section 4-4-13.¹³ SE 1/4 of section 4-4-13.¹⁴ NE 1/4 of section 20-6-15.¹⁵ E 1/2 of SE 1/4 of section 20-6-15.¹⁶ No application or rate filing made. Rutter and Co., Ltd. has been granted a small producer certificate in Docket No. C570-39. Applicant has been selling natural gas pursuant to temporary certificates issued in Dockets Nos. C161-1724 and C161-1724.¹⁷ Application for permission and approval to abandon the sale of natural gas commenced under a temporary certificate issued in this docket.¹⁸ Deletes the Newburg Zone under a .98 acre portion of one lease.¹⁹ Application was originally filed in Docket No. C171-535; however it is herein being treated as a petition to amend applicant's certificate in Docket No. C169-603. Docket No. C171-535 will be canceled.²⁰ Assigns acreage from Cities Service Oil Co. to applicant.²¹ Dedicates acreage acquired from Yuca Petroleum Co. Yuca Petroleum was authorized to sell gas from this acreage in Docket No. C169-1201 pursuant to its FPC Gas Rate Schedule No. 16. Yuca Petroleum has received a small producer certificate in Docket No. C566-19.²² Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-16439 to be made pursuant to Phillips Petroleum Co. (Operator) et al., FPC Gas Rate Schedule No. 326.²³ Also on file as Phillips Petroleum Co. (Operator) et al., FPC Gas Rate Schedule No. 326.²⁴ Not used.²⁵ Applicant proposes to continue in part the sale of natural gas heretofore authorized in Dockets Nos. G-5699 and C160-658 under Union National Bank, Executor of the Estate of Walter F. Kuhn, Deceased et al., FPC Gas Rate Schedules Nos. 45 and 46. Union National Bank filed for small producer certificate in Docket No. C571-168.²⁶ Applicant proposes to continue in part sales heretofore authorized in Dockets Nos. C169-803 and C169-804 and to make sales from acreage not heretofore dedicated to interstate commerce.²⁷ Also on file as Pennzoil United, Inc., FPC Gas Rate Schedule No. 22 and Stetco '68 Ltd., FPC Gas Rate Schedule No. 1.²⁸ From Pennzoil United, Inc., and Stetco '68 Ltd., to Delta Drilling Co.; includes previously undedicated acreage.²⁹ Application for permission and approval to abandon the sale of natural gas authorized in Docket No. C164-165.³⁰ Application for permission and approval to abandon the sale of natural gas authorized in Docket No. G-16780.³¹ Applicant filing to cover its interest previously covered by Richard M. Finder doing business as Texan Oil Co. (Operator) et al., in Docket No. C162-258.³² Also on file as Richard M. Finder doing business as Texan Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 19.³³ Assigns acreage to applicant.³⁴ Applicant proposes to continue in part the sale of natural gas authorized in Docket No. C169-118.³⁵ Also on file as King Resources Co., FPC Gas Rate Schedule No. 16.³⁶ Assigns acreage to applicant.

[FR Doc. 72-388 Filed 1-11-72; 8:45 am]

[Docket Nos. CI62-825, etc.]

MOBIL OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates¹

JANUARY 4, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI62-825 C&D 10-1-71	Mobil Oil Corp. (Operator), et al., Post Office Box 1774, Houston, TX 77001	El Paso Natural Gas Co., Rojo Caballos Field, Pecos County, Tex.	20.345	14.65
CI70-620 C8-19-71	Exchange Oil & Gas Corp. et al., 1010 Common St., 16th Floor, New Orleans, LA 70112	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, Southern Louisiana.	26.0	15.025
CI70-966 E12-13-71	James M. Forgotson, Sr. (successor to Marshall Exploration, Inc. (Operator) et al.), 409 Beck Bldg., Shreveport, LA 71101	Texas Eastern Transmission Corp., Whalen Field, Harrison County, Tex.	15.0	14.65
CI72-342 (G-4281) F 12-1-71	La Junta Enterprises, Inc. (successor to Sun Oil Co.) Post Office Drawer 809, Graham, TX 76046	Natural Gas Pipeline Co. of America, Boonsville (BCG), Wise County, Tex.	17.31375	14.65
CI72-344 A 12-9-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001	Tennessee Gas Pipeline Co., a division of Tennessee Inc., Heyser Field and Texas Railroad Commission District No. 4 et al., fields, Calloun and Victoria Counties, Tex.	25.0	14.65
CI72-345 B 12-6-71	Maynard Oil Co., 2050 One Main Pl., Dallas, TX 75250	Natural Gas Pipeline Co. of America, Boonsville (Bend Conglomerate), Gas Field, Jack County, Tex.	Depleted	
CI72-346 B 12-8-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001	Columbia Gas Transmission Corp., West Gueydan Field, Vermilion Parish, La.	Depleted	
CI72-348 (C165-609) F 12-7-71	Texas Oil & Gas Corp. (successor to Gulf Oil Corp.), Fidelity Union Tower Bldg., Dallas, Tex. 75201	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	17.0	14.65
CI72-349 A 12-9-71	J. M. Huber Corp., 2000 West Loop South, Houston, TX 77027	Michigan Wisconsin Pipe Line Co., Northeast Cheyenne Valley Field, Major County, Okla.	20.0	14.65
CI72-350 A 12-8-71	The Superior Oil Co., Post Office Box 1821, Houston, TX 77001	Florida Gas Transmission Co., Bayou Mallet Field, Acadia and St. Landry Parishes, La.	0.2275	15.025
CI72-351 A 12-9-71	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027	Transwestern Pipeline Co., North Woodward Field, Woodward County, Okla.	20.0	14.65
CI72-352 A 12-13-71	Ashland Oil, Inc., Post Office Box 18095, Oklahoma City, OK 73118	Michigan Wisconsin Pipe Line Co., Block 171, West Cameron Area, Offshore Louisiana.	32.0	15.025
CI72-353 B 12-13-71	Signal Oil & Gas Co., 1010 Wilshire Blvd., Los Angeles, CA 90017	Lone Star Gas Co., Velma Field, Stephens County, Okla.	Depleted	
CI72-354 A 12-13-71	Diamond Shamrock Corp., Post Office Box 631, Amarillo, TX 79105	Arkansas Louisiana Gas Co., acreage in Pittsburg, Le Flore, and Garfield Counties, Okla.	22.25	14.65
CI72-355 A 12-13-71	do	Arkansas Louisiana Gas Co., acreage in Sebastian County, Ark.	21.5	14.65
CI72-356 A 12-13-71	Transwestern Gas Supply Co., Post Office Box 2521, Houston, TX 77001	Transwestern Pipeline Co., Gomez Field, Pecos County, Tex.	26.5	14.65
CI72-357 A 12-13-71	do	Transwestern Pipeline Co., North Woodward Field, Woodward County, Okla.	26.5	14.65
CI72-358 A 12-10-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221	Transcontinental Gas Pipe Line Corp., Chachahoula Field, Assumption and Lafourche Parishes, La.	26.743	15.025
CI72-359 A 12-14-71	Pacific Lighting Gas Development Co., Post Office Box 54790, Terminal Annex, Los Angeles, CA 90054	Transwestern Pipeline Co., acreage in Woodward County, Okla.	26.5	14.65
CI72-360 A 12-14-71	do	Transwestern Pipeline Co. acreage in Pecos County, Tex.	26.5	14.65
CI72-361 (C162-1351) F 12-9-71	Texas Oil & Gas Corp. (successor to Humble Oil & Refining Co.), Fidelity Union Tower Bldg., Dallas, Tex. 75201	El Paso Natural Gas Co., Yucca Butte Field, Pecos County, Tex.	17.8019	14.65
CI72-362 (C170-467) F 12-10-71	The Louisiana Land and Exploration Co. (successor to Amerada Hess Corp.), 225 Baronne St., Post Office Box 60350, New Orleans, LA 70160	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	26.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

¹ Applicant is willing to accept a permanent certificate in conformance with Opinion No. 595.

² Rate in effect subject to refund in Docket No. R169-629.

³ Plus 2 cents per Mcf upward B.t.u. adjustment and plus 1 cent per Mcf for gathering and delivery.

⁴ Includes 1.75 cents per Mcf as partial reimbursement for severance and/or gathering tax levied by Louisiana.

⁵ Subject to upward and downward B.t.u. adjustment.

⁶ Includes 1.7 cents per Mcf downward B.t.u. adjustment.

⁷ Includes 2.3 cents per Mcf upward B.t.u. adjustment.

⁸ Includes 0.743 cent per Mcf upward B.t.u. adjustment.

⁹ Rate in effect subject to refund in Docket No. R169-851.

[FR Doc. 72-393 Filed 1-11-72; 8:45 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANCORPORATION INC.

Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Mo., has applied for the Board's approval under section 3(a)(3) of the

Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares of Franklin County Bank and Trust Co., Washington, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 4, 1972.

Board of Governors of the Federal Reserve System, January 4, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-417 Filed 1-11-72;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary UNEMPLOYMENT COMPENSATION LAWS

Certification of States

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Puerto Rico.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
Missouri.	Wyoming.

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)) I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1971.

J. D. HODGSON,
Secretary of Labor.

DECEMBER 30, 1971.

[FR Doc.72-425 Filed 1-11-72;8:46 am]

UNEMPLOYMENT COMPENSATION LAWS

Certification of States

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1971 as provided in section 3304 of the Internal

Revenue Code of 1954 (26 U.S.C. 3304) are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1971.

Alabama.	Missouri.
Alaska.	Montana.
Arizona.	Nebraska.
Arkansas.	Nevada.
California.	New Hampshire.
Colorado.	New Jersey.
Connecticut.	New Mexico.
Delaware.	New York.
District of Columbia.	North Carolina.
Florida.	North Dakota.
Georgia.	Ohio.
Hawaii.	Oklahoma.
Idaho.	Oregon.
Illinois.	Pennsylvania.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
	Wyoming.

J. D. HODGSON,
Secretary of Labor.

DECEMBER 30, 1971.

[FR Doc.72-424 Filed 1-11-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 7, 1972.

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

No. 35518, Bus Fares, Asbury Park—New York Transit Corp., now being assigned February 22, 1972, at New York, N.Y., in a hearing room to be later designated.

No. 35524, Little Audrey's Transportation Co., Inc., Armour & Co., Dubuque Packing Co., Inc., The Rath Packing Co., and Oscar Mayer & Co.—Investigation of Operations and Practices, now being assigned March 15, 1972, at Chicago, Ill., in a hearing room to be later designated.

No. 35527, Wheat, Minnesota, Montana, North Dakota, and South Dakota, to Minnesota and Wisconsin, now being assigned April 17, 1972, at Fargo, N. Dak., in a hearing room to be later designated.

No. 35435 and Subs 1-10, Freight All Kinds, Official Territory, now being assigned April 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 74321 Sub 50, B. F. Walker, now assigned January 21, 1972, at Denver, Colo., canceled and application dismissed.

MC 133937 Sub 8, Carolina Cartage, now assigned January 10, 1972, at Greenville, S.C., canceled and application dismissed.

MC 3700 Sub 64, Manhattan Transit Co., now assigned January 31, 1972, at Newark, N.J., canceled and transferred to modified procedure.

MC 133814 Subs 9 and 10, E. E. Carroll, doing business as Carroll Trucking Co., applications dismissed.

MC 113678 Sub 434, Curtis, Inc., now being assigned March 15, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 124174 Sub 85, Momen Trucking Co., now being assigned March 6, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 61592 Sub 233, Jenkins Truck Line, Inc., now being assigned March 6, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 61592 Sub 232, Jenkins Truck Line, Inc., now being assigned March 7, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 135960, Jacob Sackett, doing business as Fleetwood Ski & Sports Club, now being assigned March 8, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-F-11146, Champion Investments, Inc.—Control—Faceway, Inc., now assigned January 19, 1972, at Washington, D.C., canceled transferred to modified procedure.

MC-F-11016, Laidlaw Transport Ltd.—Purchase—Pettapiece Cartage Ltd., now assigned January 17, 1972, at Washington, D.C., postponed to March 9, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 22254 Sub 56, Trans-American Van Service, Inc., assigned January 31, 1972, at Chicago, Ill., is canceled and application dismissed.

MC 128648 Sub 7, Trans-United, Inc., assigned February 11, 1972, at Chicago, Ill., is canceled and transferred to Modified Procedure.

MC 117883 Sub 159, Subler Transfer, Inc., assigned January 31, 1972, at Washington, D.C., is postponed indefinitely.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-458 Filed 1-11-72;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 7, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42335—Clay, kaolin, or pyrophyllite from points in southern territory. Filed by M. B. Hart, Jr., agent (No. A6292), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from specified points in southern territory, to Belfast, Presque Isle, and Rockland, Maine.

Grounds for relief—Rate relationship. Tariff—Supplement 140 to Southern Freight Association, agent, tariff ICC

§-751. Rates are published to become effective on February 10, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-459 Filed 1-11-72; 8:48 am]

[MC-C-7499]

MANHATTAN TRANSIT CO. ET AL.

Notice of Filing of Petition for Declaratory Order

JANUARY 7, 1972.

Manhattan Transit Co., Consolidated Terminal and Travel Bureau, Inc., and National Tour Brokers Association, notice of filing of petition for declaratory order, dated December 11, 1971 (amendment).

The notice of filing of petition in the above matter is hereby amended to show Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11201, as representative for Trails West, Inc., and therefore copies of all written representations, views, or arguments filed with the Commission in this matter must be served upon said representative as counsel for Trails West, Inc. The rest of the petition remains as previously published in the FEDERAL REGISTER issue of December 15, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-464 Filed 1-11-72; 8:49 am]

[Ex Parte No. 55 (Sub-No. 6)]

ALASKA CARRIERS ASSOCIATION, INC., AND HAWAII TRUCKING ASSOCIATION, INC.

Petition for Territorial Description Clarification

JANUARY 7, 1972.

In regard amendment of application form OP-OR-9 (territorial description clarification). Petitioners: ALASKA CARRIERS ASSOCIATION, INC., HAWAII TRUCKING ASSOCIATION, INC. Petitioners' representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, DC 20006. By the instant petition, the joint petitioners seek amendment of application form OP-OR-9, so as to include therein language such as the following:

In defining the geographic scope of authority sought in an application, the term "United States" shall be construed as including the 48 coterminous States and the District of Columbia, and as excluding Alaska and Hawaii. Applications seeking to encompass authority from, to, or between points in Alaska and Hawaii shall specifically so state.

The joint petitioners contend that the amendment of the said application form as described above would relieve Alaskan and Hawaiian motor carriers of filing unnecessary protests to applications which fail to specify whether they are seeking authority from, to, or between points in Alaska and Hawaii; that this Commission

would not be required to make unnecessary expenditures of time and money on applications which are protected because of the ambiguity in the territorial authority sought concerning Alaska and Hawaii; and that procedures for seeking authority to serve points in these States could be clarified and standardized.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against the proposed amendment of OP-OR-9, may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before February 24, 1972. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-465 Filed 1-11-72; 8:49 am]

[Ex Parte No. 55 (Sub-No. 7)]

NATIONAL TANK TRUCK CARRIERS, INC.

Petition for Commodity Description Clarification

JANUARY 7, 1972.

In regard amendment of application form OP-OR-9 (commodity description clarification). Petitioner: NATIONAL TANK TRUCK CARRIERS, INC. Petitioner's representative: Harry C. Ames, Jr., Ames, Hill & Ames, 666 11th Street NW., Washington, DC 20001. By the instant petition, petitioner seeks amendment of application form OP-OR-9, so as to include therein language such as the following:

If applicant seeks authority to transport commodities in bulk, the application should so state.

It also seeks to have the instruction sheet accompanying OP-OR-9 revised so as to include language such as the following:

The failure by an applicant to state his intention to transport commodities in bulk will result in a bulk restriction being included in the application as processed and published in the FEDERAL REGISTER.

Petitioner contends that the amendment of the said application form and instructions as described above would relieve motor carriers of bulk commodities from the burdensome task of filing unnecessary protests to applications which fail to specify whether they are seeking authority to transport bulk com-

modities; that this Commission would not be required to make unnecessary expenditures of time and money on applications which are protested because of the ambiguity in the commodity description sought concerning bulk commodities; and that procedures for seeking authority to transport bulk commodities would be clarified and standardized.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against the proposed amendment of OP-OR-9, may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before February 24, 1972. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-466 Filed 1-11-72; 8:49 am]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 7, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-106943 (Deviation No. 37), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47808, filed December 23, 1971. Carrier's representative: Peter M. Witham, same address as applicant. Carrier proposes to operate as a

common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Joliet, Ill., over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Joliet, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to Kingdom City, Mo., thence over U.S. Highway 40 to Kansas City, Mo., thence over U.S. Highway 24 to Manhattan, Kans., thence over Kansas Highway 18 (formerly U.S. Highway 40) to Junction City, Kans., thence over U.S. Highway 40 via Salina to Oakley, Kans., thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Limon, Colo., thence over U.S. Highway 40 to Denver, Colo., and return over the same route.

No. MC-112713 (Deviation No. 17), YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, MO 64114, filed December 13, 1971. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Aurora, Ky., thence over Kentucky Highway 80 to Mayfield, Ky., thence over U.S. Highway 45 to Paducah, Ky., thence over U.S. Highway 60 to Springfield, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mount Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky. (also from Mount Vernon, Ill., over U.S. Highway 460 via McLeansboro to Carmi, Ill., thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky.), thence over Alternate U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 41 via Chattanooga, Tenn., to Atlanta, Ga., and (2) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway (formerly U.S.

Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Waynesville, Mo., thence over unnumbered highway to Waynesville, thence over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway to junction U.S. Highway 66, thence over U.S. Highway 66 to Baxter Springs, Kans., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-460 Filed 1-11-72; 8:48 am]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 7, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 603), GREYHOUND LINES, INC. (Eastern Division) 1400 West Third Street, Cleveland, OH 44113, filed December 23, 1971. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From junction Indiana Highway 37 and unnumbered access route at the south city limits of Martinsville, Ind., over access route to junction Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Paoli, Ind., over Indiana Highway 37 via Bedford, Ind., to junction unnumbered highway (formerly portion Indiana

Highway 37) about one-half mile north of the north city limits of Bloomington, Ind., thence over unnumbered highway via Dolan and Hindustan, Ind., to junction Indiana Highway 37 approximately 3 miles south of Martinsville, Ind., thence over Indiana Highway 37 to Indianapolis, Ind.; and (2) from junction unnumbered highway (formerly shown as old Indiana Highway 37) and Indiana Highway 37 (formerly shown as new Indiana Highway 37) about one-half mile north of the north city limits of Bloomington, Ind., over Indiana Highway 37 to junction unnumbered highway about 3 miles south of the south city limits of Martinsville, Ind., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-461 Filed 1-11-72; 8:49 am]

[Notice 1]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 7, 1972.

The following publications are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 1753 (Sub-No. 4) (Republication), filed June 7, 1971, published August 26, 1971, and republished this issue. Applicant: RENZ TRUCK LINES, INC., 231 Walnut Street, Pacific, MO 63069. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO. 65101. An order of the Commission, Operating Rights Board, dated November 30, 1971, and served December 30, 1971, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle of general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Union Electric Co., located in Jefferson County, Mo., as intermediate or off-route points in connection with applicant's authorized regular-route operations from and to St. Louis, Mo. Because it is possible that other persons, who may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings

of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 3062 (Sub-No. 31) (Republication), filed June 7, 1971, published July 22, 1971, and republished this issue. Applicant: L. A. TUCKER TRUCK LINES, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. An order of the Commission, Operating Rights Board, dated November 30, 1971, and served January 3, 1972, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of 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), serving the facilities of Union Electric Co. located in Jefferson County, Mo., as intermediate or off-route points in connection with applicant's authorized regular-route operations from and to St. Louis, Mo. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 37378 (Sub-No. 2) (Republication) filed June 7, 1971, published in the FEDERAL REGISTER issue of July 22, 1971, and republished this issue. Applicant: SANDERS TRUCK LINE, INC., 301 Forster Street, Post Office Box 352, Farmington, MO 63640. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. An order of the Commission, Operating Rights Board, dated November 30, 1971, and served December 30, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of 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), serving the facilities of Union Electric Co., located in Jefferson County, Mo., as intermediate or off-route points in con-

nection with applicant's authorized regular-route operations to or from St. Louis, Mo. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

Applications for certificates or permits which are to be processed concurrently with applications under section 5 governed by Special Rule 240 to the extent applicable.

No. MC 11207 (Sub-No. 314) (Correction), filed November 22, 1971, published in the FEDERAL REGISTER issue of December 22, 1971, and republished in part, as corrected this issue. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. The purpose of this partial republication is to reflect the correct territorial scope of the application as follows: "Between Birmingham, Ala., and points within 65 miles of Birmingham, on the one hand, and, on the other, New Orleans, La., and points in Mississippi". The rest of the application remains as previously published.

No. MC 133562 (Sub-No. 9), filed December 8, 1971. Applicant: TOSE, INC., 64 West Fourth Street, Bridgeport, PA 19405. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts. Note: Applicant states that tacking could take place at common points of Boston and Springfield, Mass., permitting through service to and from all points in Massachusetts. This is a matter directly related to MC-F-11398, published in the FEDERAL REGISTER issue of December 15, 1971. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b).

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Inter-

state Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11416. Authority sought for purchase by KROBLIN REFRIGERATED XPRESS, INC., doing business as KRX, 2125 Commercial Street, Waterloo, IA 50702, of a portion of the operating rights and property of ARCHIE'S MOTOR FREIGHT, INCORPORATED, Sixth and Maury Streets, Richmond, VA 23224, and for acquisition by ALLEN E. KROBLIN, also of Waterloo, Iowa, of control of such rights and property through the purchase. Applicants' representatives: Allen E. Kroblin, Post Office Box 5000, Waterloo, IA 50704, and J. A. Throckmorton, Sixth and Maury Streets, Richmond, VA 23224. Operating rights sought to be transferred: *Coffee, tea, and prepared foods* (except frozen foods, meats, meat products, and meat byproducts and commodities in bulk), as a common carrier over irregular routes, from the plantsites of Standard Brands, Inc., at Suffolk, Va., to points in Indiana, those in that part of Michigan on and south of Michigan Highway 21, those in that part of Illinois within 35 miles of Chicago, and Chicago, Ill., with restriction; *foodstuffs* (except frozen foods, meats and meat products, meat byproducts and commodities in bulk), from the plantsites of Standard Brands, Inc., at Suffolk, Va., to points in Illinois (except Chicago and points in that part of Illinois within 35 miles of Chicago, and points in that part of Michigan north of Michigan Highway 21; *nuts, candy, and peanut products*, from Suffolk, Va., to Chicago, Ill., and Detroit, Mich.; *nuts*, from Suffolk and Petersburg, Va., to points in Illinois, Indiana, and Michigan; *canned goods*, from points in Michigan and Wisconsin, to Richmond, Va.; *cream-filled cookies*, from Suffolk, Va., to Chicago, Ill., and Detroit, Mich.; *paper tea bags wrappers and paper boxes*, when moving in mixed loads with peanuts and peanut products, from Suffolk, Va., to Chicago, Ill. KROBLIN REFRIGERATED XPRESS, INC., is authorized to operate as a common carrier in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11417. Authority sought for purchase by ALL ISLAND DELIVERY SERVICE, INC., 174 Cabot Street, Post Office Box 1113, West Babylon, NY 11704, of the operating rights of JAY JAY TRUCKING CORP., 666 Shore Road, Long Beach, NY 11561, and for acquisition by RICHARD WIENECKE AND MAX GOTTFRIED, both of West Babylon, N.Y., of control of such rights through the purchase applicants' attorneys: William D. Traub, 10 East 40th Street, New York, NY 10016, and Abraham J. Brill also of New York, N.Y. 10016. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier

over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 15 miles of Columbus Circle, New York, N.Y. Vendee is authorized to operate as a common carrier in New York, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11418. Authority sought for purchase by ALL AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101, of the operating rights of KEECH TRANSFER CO., INC., Morris, Ill. 60450, and for acquisition by BUFFALO EXPRESS, INC., and, in turn, by H. LAUREN LEWIS, both of 1500 Industrial Avenue, Sioux Falls, SD 57101, of control of such rights through the purchase. Applicants' attorney and representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, and H. Lauren Lewis, 1500 Industrial Avenue, Sioux Falls, SD 57101. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98603 Sub-1, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a common carrier in Minnesota, South Dakota, Iowa, Nebraska, Illinois, North Dakota, Wisconsin, Indiana, Michigan, Ohio, Kentucky, and Missouri. Application has been filed for temporary authority under section 210a(b). NOTE: MC-29120 Sub-135 is a matter directly related.

No. MC-F-11419. Authority sought for purchase by HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, IA 51334, of a portion of the operating rights of TERRILL TRUCKING COMPANY, 1016 Genesee Street, Storm Lake, IA 50588, and for acquisition by BASIL ROBERTS, JR., and MERLE JOHNSON, both of Estherville, Iowa 51334, of control of such rights through the purchase. Applicants' representative: Merle Johnson, Post Office Box 204, Estherville, IA 51334. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and articles distributed by meat packing-houses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), as a common carrier over irregular routes, from Estherville, Iowa, to points in Minnesota, with restriction. Vendee is authorized to operate as a common carrier in Iowa, New Jersey, New York, Pennsylvania, South Dakota, Maine, Rhode Island, Massachusetts, Virginia, Maryland, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).*

No. MC-F-11420. Authority sought for purchase by TIDEWATER DISTRIBUTION SERVICES, INC., 47 Sixth Street, East Brunswick, NJ 08816, of the operating rights of (1) MIDDLESEX MOTOR LINES, INC., 645 Spring Street, Elizabeth, NJ 07201; (2) NORTH JERSEY TERMINAL AND TRANSPORTATION

CO., INC., and (3) JOSEPH MAFFUCCI, doing business as TIDEWATER TRANSPORTATION COMPANY, both of 47 Sixth Street, East Brunswick, NJ 08816, and for acquisition by JOSEPH MAFFUCCI, JACK DE FRANCO, GLADYS M. MAFFUCCI AND ELIZABETH L. DE FRANCO, all of 47 Sixth Street, East Brunswick, NJ 08816, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Operating rights sought to be transferred: (1) *General commodities, except those of unusual value, classes A and B explosives, livestock, furniture, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, as a common carrier over irregular routes, between points in Middlesex County, N.J., on the one hand, and, on the other, New York, N.Y.;* (2) *general commodities, excepting among others, explosives, household goods and commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points and places in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.; and* (3) *lamps, electric, gas or oil, and supplies, materials, and equipment used in the manufacture thereof, between Trenton and Bloomfield, N.J., and points in Ewing Township (Mercer County), N.J., on the one hand, and on the other, points in Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J.; radio receiving sets, radio receiving sets and talking machines combined, television receiving sets, television receiving sets and talking machines or radio sets combined, and talking machines, and component or replacement parts thereof, and materials, equipment, and supplies used in the manufacture of the forementioned commodities, between points in Edison Township (Middlesex County), N.J., on the one hand, and, on the other, points in Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J.; elevators and electric stairways and parts thereof, and materials, equipment, and supplies incidental to the manufacture, installation, and maintenance of the aforementioned commodities but not including articles or commodities which, because of their size, shape, or weight, require the use of special equipment, between Jersey City and Randolph, N.J., on the one hand, and, on the other, points in Camden, Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J. Vendee is a non-carrier. Application has not been filed for temporary authority under section 210a(b).*

No. MC-F-11421. Authority sought for purchase by BAKER TRUCK SERVICE, INC., 407 North C. Grangeville, ID 83530, of the operating rights and property of PACIFIC WESTERN TRANSPORT, INC. (PHILIP J. THOMPSON, Receiver), North 4407 Division, Suite 618, Spokane, WA 99207, and for acquisition by CLYDE J. BAKER, also of Grangeville, Idaho, of control of such rights and property through the purchase. Applicants' attorney: James W. Givens, Post Office Box 875, Lewiston, ID 83501.

Operating rights sought to be transferred: *General commodities, except classes A and B explosives, as a common carrier, over regular routes, between Lewiston, Idaho, and Troy, Oreg., serving all intermediate and off-route points in Oregon within 10 miles of Troy; and the intermediate point of Clarkston, Wash., restricted to the pickup and delivery of lumber; lumber between Lewiston and Spalding, Idaho, serving intermediate and off-route points within 10 miles of Spalding, from Riggins, Idaho, to New Meadows, Idaho, from New Meadows, Idaho, to McCall, Idaho, serving no intermediate points; household goods, as defined by the Commission, heavy machinery (including farm machinery), liquid petroleum products, in containers, agricultural commodities, livestock, building materials, cement, sand, gravel, manufactured forest products, feed, seed, coal, and wood fuel, between Garfield, Wash., on the one hand, and, on the other, certain specified points in Washington and Idaho;*

Groceries, forest products, building material, machinery and equipment, grain and seed, hay and straw, and coal and wood, between points in Spokane, Whitman, and Asotin Counties, Wash., on the one hand, and, on the other, certain specified points in Idaho; lumber, between points in Idaho, Washington, and Oregon, within 150 miles of Riggins, Idaho, including Riggins, with restriction; lumber, millwork and shingles, between Orofino, Idaho, and points within 150 miles of Orofino, on the one hand, and, on the other, certain specified points in Washington; livestock, machinery, cement, brick and building materials, in truckloads, and agricultural commodities, including seeds, unrestricted, between points in Idaho and Washington within 150 miles of Orofino, Idaho; fertilizer, in dry form, in bags, barrels, or boxes, from Lewiston, Idaho, to certain specified points in Washington and Oregon; scrap metal, from points in Idaho, to points in Multnomah and Washington Counties, Oreg., and points in Pierce, King, and Spokane Counties, Wash. Vendee holds no authority from this Commission. However, it is affiliated with (1) BOHREN'S MOVING & STORAGE, INC., 11 Highstown Road, Princeton, NJ, and (2) MERCER TRUCKING COMPANY, INC., Box 475, Greenacres, WA 99016, which are authorized to operate in (1) New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, and (2) Idaho, Washington, Oregon, Montana, and California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11422. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: SMITH TRANSPORTATION CO., 731 South Lincoln Street, Post Office Box 1259, Santa Maria, CA 93454 (MC-85205), and O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, CA 94303

(MC-71459), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Robert S. Burk, 2001 Massachusetts Avenue NW., Washington, DC 20036. SMITH TRANSPORTATION CO., is authorized to operate as a common carrier in California.

No. MC-F-11423. Authority sought for control and merger by TOWER LINES, INC., Post Office Box 6010, Wheeling, WV 26003, of the operating rights and property of ALL OHIO TRUCKING CO., 1533 National Road, Wheeling, WV 26003, and for acquisition by GEORGE V. THIEROFF, GEORGE E. THIEROFF, and ROBERT W. MENDENHALL, all of Wheeling, W. Va., of control of such rights and property through the transaction. Applicants' attorneys: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301, and John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC-121139 Sub 1, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. TOWER LINES, INC., is authorized to operate as a common carrier in West Virginia, Pennsylvania, Ohio, Alabama, North Carolina, South Carolina, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Vermont, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Delaware, Mississippi, Wisconsin, Minnesota, Missouri, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-65941 Sub 36, is a matter directly related.

No. MC-F-11424. Authority sought for purchase by L & B EXPRESS, INC., Post Office Box 1384, Owensboro, KY 42301, of the operating rights of KENZ STEEL TRANSPORT, INC., Post Office Box 518, Morgan, PA 15064, and for acquisition by WILLIAM G. THOMAS, 768 West Center, Madisonville, KY 42431, of control of such rights through the purchase. Applicants' attorney: Fred F. Bradley, Courthouse Box 773, Frankfort, KY 40601. Operating rights sought to be transferred: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as a common carrier over irregular routes, from points in Allegheny, Beaver, Mercer, Washington, and Westmoreland Counties, Pa., and Warren, Ohio, to points in Kentucky and Tennessee (except from Warren, Ohio, to Ashland, Ky., and points in the Ashland, Ky., commercial zone, as defined by the Commission), with restriction. Vendee is authorized to operate as a common carrier in Illinois, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11425. Authority sought for purchase by SALT CREEK FREIGHT-

WAYS, 3333 West Yellowstone Avenue, Casper, WY 82644, of the operating rights of EUGENE N. KIPP AND VIVIAN I. KIPP, doing business as KIPP TRANSFER, Post Office Box 41, Sundance, WY 82729, and for acquisition by WILLIAM UTZINGER, WILLIAM D. UTZINGER, and C. E. OGDEN, all also of Casper, Wyo., of control of such rights through the purchase. Applicants' attorney: John R. Davidson, 805 Midland Bank Building, Billings, Mont. 59101. Operating rights sought to be transferred: *General commodities*, as a common carrier over regular routes, between Sundance, Wyo., and Newcastle, Wyo., between Devils Tower, Wyo., and Hulett, Wyo., serving all intermediate points; *general commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Sundance and Upton, Wyo., serving all intermediate points, between Moorcroft and Newcastle, Wyo., serving no intermediate points, for operating convenience only; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Sundance, Wyo., and the site of the Air Force radar facility located at or near Warren Peak, Wyo., approximately 9 miles north of Sundance, serving all intermediate points, with restriction; *general commodities*, except those of unusual value, livestock, 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 Sundance, Wyo., and Deadwood, S. Dak., serving all intermediate points, between Moorcroft and Sundance, Wyo., serving all intermediate points; and the off-route points of Devils Tower and Oshoto, Wyo., and those within 1 mile of the route specified. Vendee is authorized to operate as a common carrier in Montana, Wyoming, Colorado, and Nebraska. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-462 Filed 1-11-72; 8:49 am]

[Notice 3]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 6, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the appli-

cation is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 111 (Sub-No. 12 TA), filed December 15, 1971. Applicant: VIGEANT MOTOR FREIGHT, INC., Post Office Box 157, Castleton-on-Hudson, NY 12033. Authority sought to operate as common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut, New Hampshire, New Jersey, New York, Massachusetts, Maine, Pennsylvania, Rhode Island, and Vermont, for 90 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Robert A. Radler, Officer-in-Charge, 518 Federal Building, Albany, N.Y. 12207.

No. MC 19105 (Sub-No. 36 TA), filed December 15, 1971. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 3544, J. Goldboro Street Extension, Wilson, NC 27893. Applicant's representative: Vance T. Forbes (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from Morehead City and Wilmington, N.C., and Georgetown and Charleston, S.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101; Standard Fruit and Steamship Co., 6808 Foxfive Place, Raleigh, NC 27609. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 30844 (Sub-No. 383 TA), filed December 15, 1971. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Unpackaged and packaged glass aquariums*,

aquarium accessories, supplies, and equipment, from Saginaw, Mich., to points in Illinois, Indiana, Iowa, and Wisconsin, and to St. Louis, Mo., and Omaha, Nebr., for 180 days. Supporting shipper: O'Dell Manufacturing, Inc., 1930 South 23d Street, Saginaw, MI 48601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 61592 (Sub-No. 252 TA), filed December 13, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Post Office Box K, Bettendorf, IA 52722. Applicant's representative: Robert Jenkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from St. Louis, Mo.; Marshalltown, Iowa; and Milwaukee, Wis., to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Wisconsin, Missouri, Illinois, Colorado, Wyoming, Kansas, and Montana, for 180 days. Supporting shipper: Paul Dee Co., Post Office Box 216, Marshalltown, IA 50158. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 87720 (Sub-No. 120 TA), filed December 13, 1971. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (other than in bulk), *laboratory and hospital equipment, and materials, supplies and equipment* used in the manufacture, and distribution or sale thereof, between Bridgewater Township, N.J., and Medford, Mass., and Cincinnati and Cleveland, Ohio, for 180 days. Supporting shipper: Fisher Scientific Co., 755 State Highway Route 202, Bridgewater Township, Somerville, NJ 08876. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 95084 (Sub-No. 84 TA), filed December 13, 1971. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast culture*, from Des Moines, Iowa, to Rockford, Ohio, for 180 days. Supporting shipper: Farmcraft, Inc., 2340 Maury Street, Des Moines, IA 50305. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111729 (Sub-No. 329 TA), filed December 15, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Author-

ity 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 Valley Forge, Pa., on the one hand, and, on the other, Baltimore, Md., Englewood Cliffs, N.J., and points in Dover, Seaford, and New Castle Counties, Del., (b) between New York, N.Y., and Frederick, Md., (2) *small emergency automobile parts and 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 Valley Forge, Pa., on the one hand, and, on the other, Baltimore, Md., Englewood Cliffs, N.J., and points in Dover, Seaford, and New Castle Counties, Del., (3) *sample textile swatches*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between New York, N.Y., and Frederick, Md., (4) *computer parts, business machine parts, assemblies and supplies pertaining thereto*, 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 Cleveland, Ohio, on the one hand, and, on the other, Aliquippa, Altoona, Ambridge, Beaver Falls, Bedford, Blairsville, Bradford, Brockway, Butler, Canonsburg, Clearfield, DuBois, Edensburg, Eldred City, Erie, Greensburg, Huntington, Indiana, Johnstown, Kittanning, Leechburg, Louistown, Meadville, Monongahela, New Kensington, Pittsburgh, State College, Union City, Uniontown, Vandergrift, Warren, and Washington, Pa.; and

(5) *Surgical arterial grafts, cardiovascular instruments and necessary supporting hardware*, (a) between points in Saratoga County, N.Y., on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Vermont, Maine, Pennsylvania, Maryland, Virginia, and the District of Columbia; (b) between points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, on traffic having an immediately prior or subsequent movement by air, for 150 days. Supporting shippers: Volkswagen Atlantic, Inc., 1001 South Trooper Road, Valley Forge, PA 19481; International Business Machines Corp., Post Office Box 10, Princeton, NJ 08540; Universal Medical Instrument Corp., Box 100, Ballston Spa, NY 12020; J. Widder & Co., Inc., 110 Fifth Avenue, New York, NY. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Opera-

tions, 26 Federal Plaza, New York, NY 10007.

No. MC 114211 (Sub-No. 164 TA), filed December 13, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420 (50701), Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, adhesive cement, plastic and fiberglass plate and sheets, nails, eave filler strips, wood moulding, and aluminum flashing*, from Lodi, N.J., to points in the United States (except Hawaii, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Ohio, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, and the District of Columbia), for 180 days. Supporting shipper: Barclay Industries, Inc., 65 Industrial Road, Lodi, NJ 07644. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 116073 (Sub-No. 210 TA), filed December 13, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (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, and *pickup campers*, from Caldwell, Idaho, to points in Idaho, Alaska, Arizona, California, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shippers: Kit Manufacturing Co., Recreational Vehicle Division, Post Office Box 250, Caldwell, ID 83605; Ideal of Idaho, Inc., Post Office Box 123, 3415 Blaine, Caldwell, ID 83605. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 117765 (Sub-No. 139 TA), filed December 15, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen preserved foodstuffs*, in containers, (1) from Arlington, Minn., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, and (2) from Ortonville, Minn., to points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas, restricted to traffic originating at the plantsites and warehouse facilities of Big Stone Canning Co., for 180 days. Supporting shipper: Big Stone Canning

Co., Suite 100, Jonathan Industrial Center, Post Office Box 86, Chaska, MN 55318. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 118292 (Sub-No. 27 TA), filed December 15, 1971. Applicant: **BALLEN-TINE PRODUCE, INC.**, Highways 64 and 71, Post Office Box 312, Alma, AR 72921. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and canned goods*, in boxes, other than frozen, in mixed shipments, from the facilities of Hunt-Wesson Foods, Inc., from Fullerton, Davis, Hayward, and Oakdale, Calif., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 119390 (Sub-No. 11 TA), filed December 9, 1971. Applicant: **MAIRS TRANSPORT LTD.**, 976 Adair Street, Coquitlam, BC, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum, Vancouver, 9, BC, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hydrated lime*, from Tacoma, Wash., over Interstate Highway No. 5, to United States-Canadian boundary line at or near Blaine, Wash., and return over the same route, for 120 days. NOTE: Applicant intends to tack with MC 119390. Supporting shipper: Domtar Chemicals Ltd., 395 De Maissonneuve Boulevard West, Post Office Box 7212, Montreal 101, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 120737 (Sub-No. 22 TA), filed December 15, 1971. Applicant: **STAR DELIVERY & TRANSFER, INC.**, Post Office Box 39, Rural Route No. 5, Canton, IL 61520. 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: *Castings, forgings, and tractor and engine parts*, from the plantsite of International Harvester Co. at Louisville, Ky., to the plantsite of International Harvester Co. at Melrose Park, Ill., restricted to traffic originating at and destined to the named points, for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 124896 (Sub-No. 3 TA), filed December 15, 1971. Applicant: **WIL-**

LIAMSON TRUCK LINES, INC., Thorne and Rolston Streets, Post Office Box 64, Route 2, Wilson, NC 27893. Applicant's representative: B. H. Williamson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Morehead City and Wilmington, N.C., and Georgetown and Charleston, S.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101; Standard Fruit and Steamship Co., 6808 Foxfive Place, Raleigh, NC 27609. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 124987 (Sub-No. 19 TA), filed December 17, 1971. Applicant: **EARL L. BONSACK AND ELAINE M. BONSACK**, doing business as **EARL L. BONSACK**, 512 West Plainview Road, La Crosse, WI 54601. Applicant's representative: Earl L. Bonsack (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material* when shipped in connection with malt beverages, from La Crosse, and Sheboygan, Wis., to points in Iowa, except Cedar Rapids, also Dakota, Scott, Carver, Washington, Hennepin, Anoka, and Ramsey Counties, Minn., for 180 days. Supporting shipper: G. Helleman Brewing Co., Inc. 925 South Third Street, La Crosse, WI 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 125338 (Sub-No. 6 TA), filed December 15, 1971. Applicant: **SUPER SPEED TRANSPORT, INC.**, Post Office Box 755, 2 Rue Deschamps, 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 snow plow 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., for 180 days. Supporting shipper: Elliott & Hutchins, Inc., East Main Street Road, Malone, N.Y. 12953. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 127476 (Sub-No. 2 TA), filed December 13, 1971. Applicant: **J. D. McClymonds, INC.**, Rural Delivery No. 1, Portersville, PA 16051. Applicant's representative: George E. McCandless, Rural Delivery No. 1, Portersville, PA 16051. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rare earth metals, silicon carbide, metals n.o.i., further refined and processed, and other material manufactured and produced, plus all general commodities*, used in the manufacturing and processing of said company, between the plantsites of American Metallurgical Products Co., New Castle, Lawrence County, Pa., to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: American Metallurgical Products Co., 9800 McKnight Road, Pittsburgh, PA 15237. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 128273 (Sub-No. 115 TA), filed December 13, 1971. Applicant: **MID-WESTERN EXPRESS, INC.**, Post Office Box 189, 121 Humboldt Street, Fort Scott, KS 66701. 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: *Dry feed ingredients*, such as: *de-fluorinated phosphate, dicalcium phosphate, diammonium phosphate, and monoammonium phosphate*, in bulk, and 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, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128279 (Sub-No. 17 TA), filed December 15, 1971. Applicant: **ARROW FREIGHTWAYS, INC.**, Post Office Box 3783, 4800 Jefferson NE., Albuquerque, NM 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from mill-sites near South Fork, Delores, Montrose, Pagosa Springs, Durango, and Bayfield, Colo., to points in New Mexico and Arizona, for 180 days. Supporting shipper: Albuquerque Lumber Co., Post Office Box 6409, 3825 Edith NE., Albuquerque, NM 87107. Send protests to: District Supervisor, William R. Murdoch, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 128852 (Sub-No. 2 TA), filed December 13, 1971. Applicant: COLONIAL TRANSFER & STORAGE CO., INC., 390 Salters Creek Road, Hampton, VA 23361. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Chesapeake, Colonial Heights, Hampton, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, Virginia Beach, Williamsburg, and Petersburg, Va., and points in Charles City, Chesterfield, Essex, Gloucester, Henrico, Isle of Wight, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, Nansemond, New Kent, Prince George, Richmond, Surry, York, Hanover, Powhatan, Amelia, Nottoway, Prince Edward, Dinwiddie, Charlotte, Lunenburg, Mecklenburg, Brunswick, Sussex, and Greenville Counties, Va., 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 for 180 days. Supporting shippers: Cartwright Van Lines, Inc., 4250 24th Avenue West, Seattle, WA 98199; Imperial Household Shipping Co., Inc., St. Petersburg, Fla.; Karevan, Inc., Post Office Box 9240, Seattle, WA 98109; Delcher Intercontinental Moving Service, Box 507, Jacksonville, FL 32201. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 128852 (Sub-No. 2 TA), filed December 13, 1971. Applicant: COLONIAL TRANSFER & STORAGE CO., INC., 390 Salters Creek Road, Hampton, VA 23361. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Chesapeake, Colonial Heights, Hampton, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, Virginia Beach, Williamsburg, and Petersburg, Va., and points in Charles City, Chesterfield, Essex, Gloucester, Henrico, Isle of Wight, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, Nansemond, New Kent, Prince George, Richmond, Surry, York, Hanover, Powhatan, Amelia, Nottoway, Prince Edward, Dinwiddie, Charlotte, Lunenburg, Mecklenburg, Brunswick, Sussex, and Greenville Counties, Va., 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 for 180 days. Supporting shippers: Cartwright Van Lines, Inc., 4250 24th Avenue West,

Seattle, WA 98199; Imperial Household Shipping Co., Inc., St. Petersburg, Fla.; Karevan, Inc., Post Office Box 9240, Seattle, WA 98109; Delcher Intercontinental Moving Service, Post Office Box 507, Jacksonville, FL 32201. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 134068 (Sub-No. 9 TA), filed December 13, 1971. Applicant: KODIAK REFRIGERATED LINES, INC., 4510 Seville Avenue, Vernon, CA 90058. Applicant's representative: Z. W. Hastings (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in boxes, in straight shipments of foodstuffs and canned goods, from points in California to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134043 (Sub-No. 4 TA), filed December 10, 1971. Applicant: ART KNIGHT, INC., 316 Southeast Market Street, Portland, OR 97204. Applicant's representative: Seymour L. Coblens, Corbett Building, Portland, Ore. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities transported in bulk, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special handling and special equipment, from, to, or between, points in Washington, Oregon, California, and Arizona, for 180 days. Supporting shipper: Bazar, Inc., 1845 Southeast Third Avenue, Portland, OR 97214. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 135519 (Sub-No. 1 TA), filed December 15, 1971. Applicant: GEORGE B. SAMAC AND ANTHONY G. AYALA, doing business as QUEEN CITY TRUCKING, 2618 South DeLaple Place, Seattle, WA 98144. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, green and salted, from points in Idaho, Montana, and Washington to Seattle and Tacoma, Wash., for 180 days. Supporting shipper: Pacific Hide & Fur Depot, 211 Second Avenue South, Great Falls, MT 59401. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135833 (Sub-No. 6 TA), filed December 13, 1971. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, IN 46204. Applicant's representative: Alki Scopellitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular homes*, from Indianapolis, Ind., to Kalamazoo, Mich.; Macon, Ga.; and St. Louis, Mo., for 180 days. Supporting shipper: Material Systems Corp., 751 Citracado Parkway, Escondido, CA. Send protests to: District Supervisor, James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, Room 802, Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 136198 (Sub-No. 1 TA), filed December 13, 1971. Applicant: PORFIRIO A. MARTINEZ, 3300 Valley Haven, NW., Albuquerque, NM 87107. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Long Beach, Calif., to Albuquerque, N. Mex., and (2) *commodities* otherwise exempt under section 203(b) (6), Part II of the Interstate Commerce Act, as amended, when transported in mixed loads with bananas, from points in California to Albuquerque, N. Mex., with the operations authorized to be performed under continuing contracts with Associated Grocers of Colorado, Inc., for 180 days. Supporting shipper: Associated Grocers of Colorado, Inc., 5600 Second Street, NW., Albuquerque, NM 87107. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 136222 TA, filed December 13, 1971. Applicant: LUSI TRUCK LINES, INC., Post Office Box 606, Milton-Freewater, OR 97862. Applicant's representative: Thomas G. Karter, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from points in Yakima County, Wash., to Portland, Eugene, Salem, and Coos Bay, Ore.; (2) *canned goods, pallets, empty containers, and machinery*, between Walla Walla, Wash., and Milton-Freewater, Athena, Ore.; and (3) *paper, paper products, containers, and machinery*, from Portland, Ore., to Yakima, Wash., for 180 days. Supporting shippers: Snokist Growers, Post Office Box 1587, Yakima, WA 98901, Rogers Walla Walla, Inc., Post Office Box 998, Walla Walla, WA 99362. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136228 (Sub-No. 2 TA), filed December 13, 1971. Applicant: LUISI TRUCK LINES, INC., Post Office Box 606, Milton-Freewater, OR 97862. Applicant's representative: Thomas G. Karter, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bins, pallets, containers, canned goods and food, and packinghouse machinery*, between points in Hood River County, Oreg., on the one hand, and, Seattle, Tacoma, Wenatchee, Yakima, Spokane, and Walla Walla, Wash., on the other, and (2) *bins, pallets, and containers*, between Odell, Salem, The Dallas, and Milton-Freewater, Oreg., on the one hand, and Grandview, Zillah, Yakima, and Oroville, Wash., on the other, from Yakima, Wash., to points in Oregon and Washington, for 180 days. Supporting shippers: Price Gold Storage and Packing Co., Inc., Post Office Box 780, Yakima, WA 98902, Stadelman Fruit, Inc., Post Office Box 1313, Yakima, WA 98907, Yakima Pallet & Bin, Inc., Post Office Box 434, Yakima WA 98901, Diamond Fruit Growers, Inc., Hood River, Oreg. 97031. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136212 TA, filed December 13, 1971. Applicant: FRALEY'S INCORPORATED, Route 1, Big Stone Gap, Va. 24219. Applicant's representative: Don R. Pippin, Norton, Va. 24273. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: *Mine roof bolts*, from Duffield, Va., to points in Duffield, Appalachia, McClure (Clinchfield), McClure (Moss No. 3), Keokee, and Conway, Va.; Beckley, Tams, Mullens, Levisay, Cliff Top, Nettle, Craigsville, Elton, Pineville, Gary, and Clothier, W. Va., Benham, Lynch, Cumberland, Harlan, Alva, and Manchester, Ky.; La Follette, and Jellico, Tenn., for 180 days. Supporting shipper: Virginia Birmingham Bolt, Inc., Duffield, Va. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 136252 TA, filed December 15, 1971. Applicant: WILLIAM BURL ASHLEY, doing business as ASHLEY'S WRECK SERVICE, Route 3, Box 313, Clendenin, WV 25045. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stolen or repossessed motor vehicles*, (1) between points in West Virginia, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia; and (2) between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Caro-

lina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shippers: General Motors Acceptance Corp., 1204 Kanawha Boulevard, East Charleston, WV 25301; CIT Financial Services, 1420 Kanawha Boulevard, West Charleston, WV 25302. 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 136254 TA, filed December 17, 1971. Applicant: HOWARD & GENEVA SMITH, doing business as MOBILE HOME MOVERS, 3140 North Oracle Road, Tucson, AZ 85705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from the intersection of Interstate Highway 10 and U.S. Highway 80, Shady Grove (Roadforks), N. Mex., to points in Arizona (service point is junction of above highways otherwise known as Roadforks, N. Mex.), over Interstate Highway 10 to Tucson, Phoenix, and Mesa, Ariz., Interstate Highway 8 to Yuma, Ariz., on return, for 180 days. Supporting shipper: Midland Homes, Division of Tidwell Ind., Inc., Midland Industrial Park, Route 2, Box 756, Midland, TX 79701. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-463 Filed 1-11-72;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

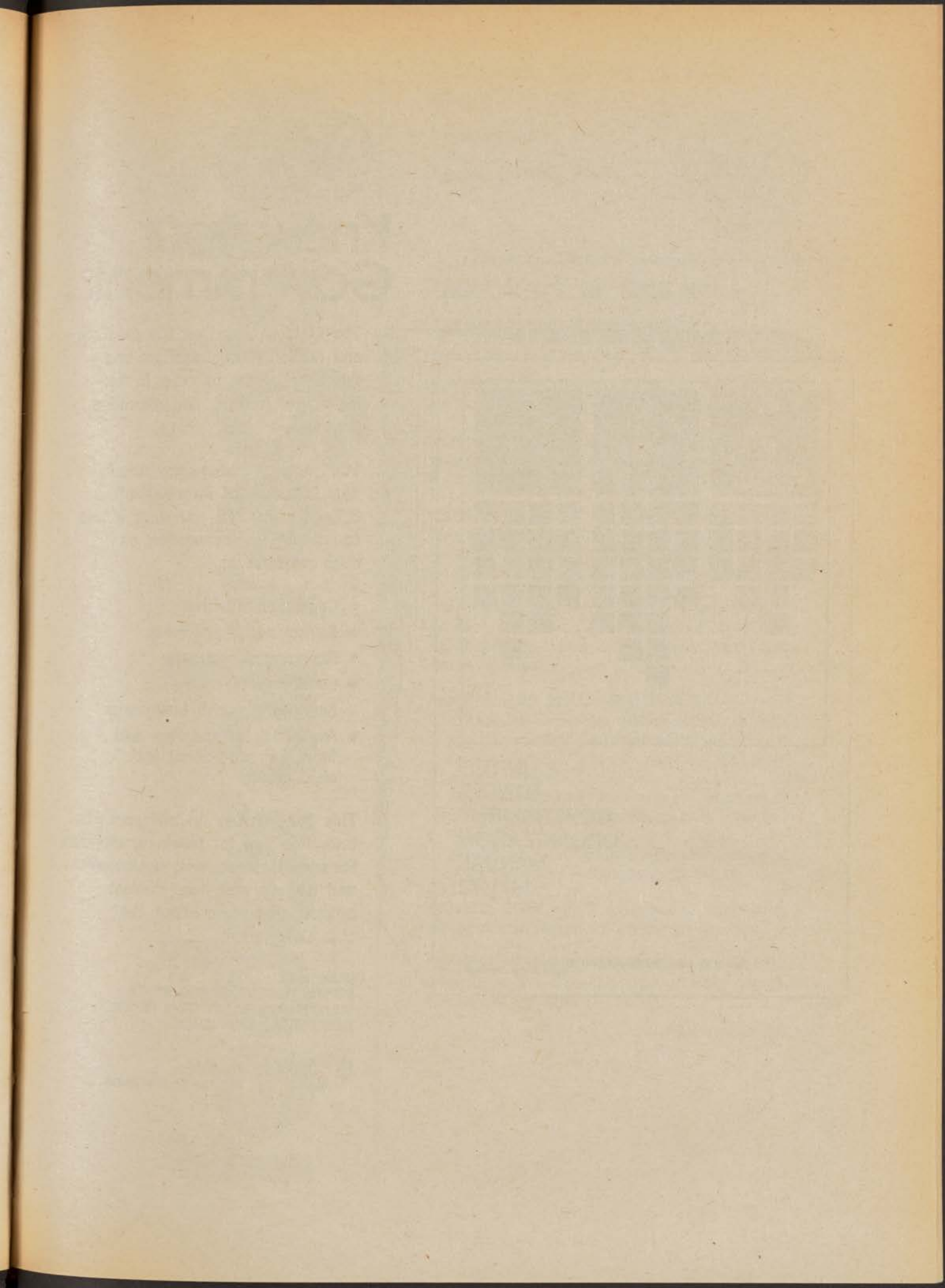
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR	Page	7 CFR—Continued	Page	14 CFR—Continued	Page
PROCLAMATION:		PROPOSED RULES—Continued		73	437, 438
4100	199	1094	447	75	13, 71
		1096	447	97	71
5 CFR		1097	447	225	72
213	201, 257, 258	1098	447	302	277
890	7	1099	447		
		1101	447	PROPOSED RULES:	
6 CFR		1102	447	43	222
201	284	1103	447	71	21, 91, 144, 146, 286, 287
300	284, 426	1104	447	73	478
		1106	447	91	222
7 CFR		1108	447	135	222
52	131	1120	447	207	222
510	69	1121	447	208	222
722	7, 272	1124	447	212	222
730	8	1125	447	214	222
812	9	1126	447	372a	222
814	9	1127	447	373	478
846	133	1128	447	378	478
907	10, 134	1129	447	378a	478
910	70, 272	1130	447		
912	273	1131	447	17 CFR	
917	273	1132	447	240	73
930	273	1133	447	PROPOSED RULES:	
932	323	1134	447	270	289
1007	323	1136	447	274	99, 289
1610	275	1137	447		
PROPOSED RULES:		1138	447	18 CFR	
301	217, 218	1207	81	PROPOSED RULES:	
730	19	1430	20	141	22
953	286	8 CFR		201	337
966	81	214	328	204	337
980	81	9 CFR		205	337
1001	447	53	134	260	337
1002	447	76	329, 435		
1004	20, 447	82	135	19 CFR	
1006	447	203	276	PROPOSED RULES:	
1007	447	311	435	Ch. I	19
1011	447	316	435	20 CFR	
1012	447	317	435	PROPOSED RULES:	
1013	447	400	135, 435	405	89
1015	447	PROPOSED RULES:			
1030	447	327	85	21 CFR	
1032	447	8 CFR		121	14, 74, 329
1033	447	214	328	130	201
1036	447, 465	9 CFR		135	137
1040	447	53	134	135c	14, 137
1043	447	76	329, 435	135e	74
1044	447	82	135	135f	14
1046	447	203	276	141a	438
1049	447	311	435	146a	438
1050	447	316	435	146c	440
1060	447	317	435	148e	330
1061	447	400	135, 435	148m	15
1062	447	PROPOSED RULES:		301	137
1063	447	327	85	PROPOSED RULES:	
1064	447	8 CFR		3	219
1065	447	214	328	19	468
1068	447	9 CFR		27	20, 470
1069	447	53	134	130	85
1070	447	76	329, 435	145	336
1071	447	82	135	304	144
1073	447	203	276		
1075	447	311	435	22 CFR	
1076	447	316	435	11	277
1078	447	317	435	41	15
1079	447	400	135, 435		
1090	447	PROPOSED RULES:			
		327	85		
		8 CFR			
		214	328		
		9 CFR			
		53	134		
		76	329, 435		
		82	135		
		203	276		
		311	435		
		316	435		
		317	435		
		400	135, 435		
		PROPOSED RULES:			
		327	85		
		10 CFR			
		PROPOSED RULES:			
		50	287, 288		
		110	92		
		12 CFR			
		201	11		
		700	329		
		702	70		
		PROPOSED RULES:			
		701	339		
		715	95		
		13 CFR			
		121	258		
		14 CFR			
		13	436		
		39	11, 12, 70, 437		
		71	13, 71, 135, 136, 276, 323, 437		

24 CFR	Page	32 CFR—Continued	Page	43 CFR—Continued	Page
200.....	75, 203, 209	PROPOSED RULES—Continued		PUBLIC LAND ORDERS—Continued	
201.....	210	1632.....	479	5149.....	18
203.....	138	1641.....	479	5150.....	142
207.....	138	1643.....	479	Amended by PLO 5151.....	142
220.....	138	1660.....	485	5151.....	142
222.....	76			PROPOSED RULES:	
275.....	211	35 CFR		2800.....	217
1914.....	280	5.....	77	2810.....	217
1915.....	281	253.....	281		
PROPOSED RULES:				45 CFR	
203.....	144			177.....	335
26 CFR		36 CFR		249.....	443
12.....	16, 281	231.....	211	1060.....	444
PROPOSED RULES:		38 CFR		PROPOSED RULES:	
1.....	19, 99, 286, 336	8a.....	282	130.....	470
28 CFR		39 CFR		46 CFR	
301.....	138	235.....	77	310.....	335
29 CFR		760.....	211, 443	390.....	16
1910.....	332	761.....	211, 443	PROPOSED RULES:	
PROPOSED RULES:		40 CFR		146.....	220
1910.....	466	180.....	78, 140, 141, 332-334, 443	47 CFR	
30 CFR		PROPOSED RULES:		89.....	213
75.....	17	115.....	478	91.....	283
225.....	441	180.....	92-94, 337	PROPOSED RULES:	
225a.....	441	41 CFR		0.....	145
32 CFR		5A-3.....	141	2.....	145, 146
270.....	77	5A-7.....	141	15.....	94, 146
PROPOSED RULES:		5A-8.....	142	21.....	146
1467.....	99	5B-1.....	334	89.....	146
Ch. XVI.....	486	101-17.....	78	91.....	146
1604.....	479	103-40.....	17	49 CFR	
1606.....	479, 484	PROPOSED RULES:		7.....	214
1609.....	484	51-1.....	336	178.....	444
1611.....	479	42 CFR		301.....	214
1613.....	484	53.....	182	571.....	284, 445
1621.....	479	43 CFR		1002.....	215
1622.....	479	4110.....	213	1300.....	335
1623.....	479	PUBLIC LAND ORDERS:		PROPOSED RULES:	
1624.....	479	1932 (amended by PLO 5147).....	18	192.....	145
1625.....	479	4582 (modified by PLO 5149).....	18	571.....	222
1626.....	479	4962 (see PLO 5149).....	18	50 CFR	
1627.....	479	5081 (see PLO 5149).....	18	28.....	79, 445
1630.....	479	5147.....	18	33.....	79, 80
1631.....	479	5148.....	18	PROPOSED RULES:	
				28.....	447

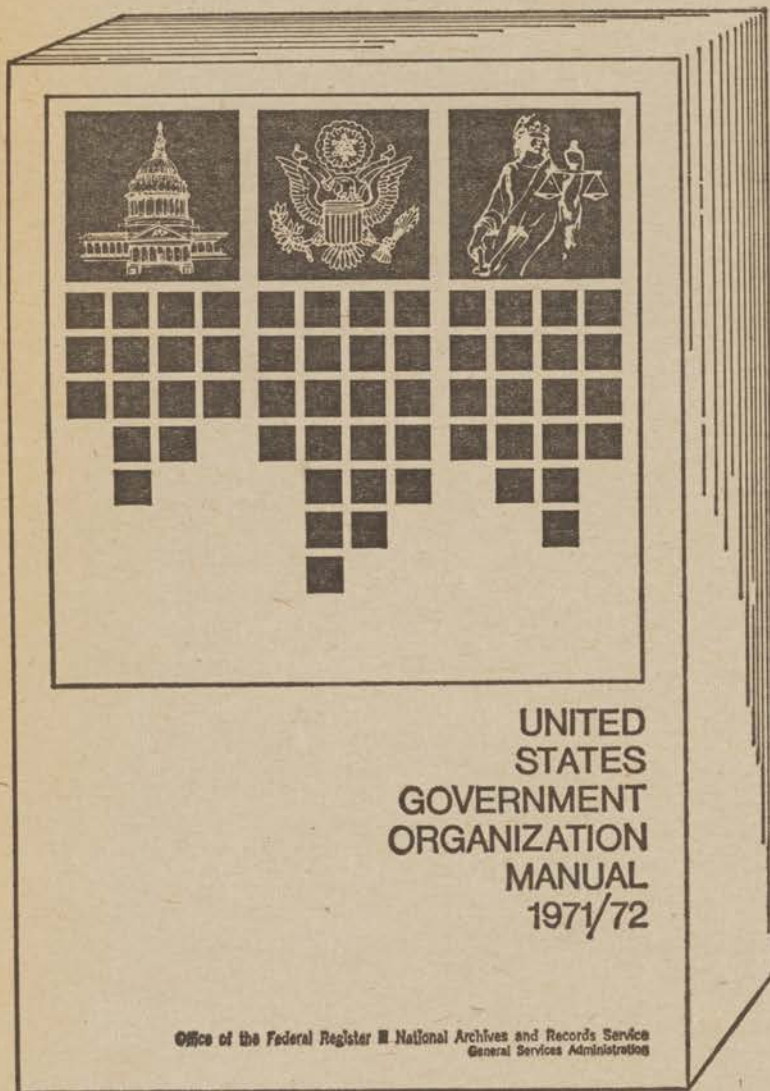
LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1-62.....	Jan. 4	195-249.....	Jan. 7
63-123.....	5	251-315.....	8
125-193.....	6	317-427.....	11
		429-513.....	12





Know your Government...



The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

\$3.00 per copy.
Paperbound, with charts