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PART I

(Part II begins on page 761)

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.

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

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

LEASE AND TRANSFER OF TOBACCO MARKETING QUOTAS

This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.).

This amendment provides for the use of Form ASCS–375 as a record of transfer of tobacco acreage allotment and marketing quota. The amendment also provides that the record of transfer of quota be signed by the parties to the lease and transfer and that the signature of either the owner or operator of the transferring farm, as well as the owner or operator of the receiving farm, be witnessed by a representative of the county ASC committee in the county where the farms are located or in any county convenient to the person signing. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant places, or other similar hardship cases, may be met by obtaining signatures by mail to affirm the agreed upon transfer.

This change is necessary to insure the proper handling of transfers of allotments and marketing quotas. Indications are that farmers are signing away their rights to allotments and quotas without knowing their real value or to whom they are being transferred.

Since tobacco producers are now effecting transfer agreements, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

Paragraph (c) of § 725.72 is amended to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

* * * * *

(c) *Filing and approval of transfer agreement*—(1) *Filing transfer agreements.* The lease and transfer of an effective farm marketing quota or any part thereof shall not be effective until a copy of the lease, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than April 1 of the current year, except that a lease shall be effective if (i) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than April 1 of the current year and (ii) the terms of the lease, in writing, are filed with the county committee no later than July 31 of the current year. The county committee may redelegate authority to approve leasing agreements to the county executive director. The filing of a properly executed record of transfer of allotment, Form ASCS–375, will be considered to meet the requirements of this subparagraph (1).

(2) *Record of transfer on ASCS–375.* No lease and transfer of any quota under this section for 1972 and subsequent crops shall become effective until a record of the transfer has been executed on Form ASCS–375 and filed with the county committee by the parties to the transfer. If the owner and operator of the farm from which transfer by lease is made are different persons, both owner and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office, convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or other similar hardship cases may be met by mail, provided a verbal request is made by the producer.

* * * * *

(Sec. 316, 75 Stat. 469, as amended, sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1314b, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

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

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

[FR Doc. 72–697 Filed 1–17–72;8:48 am]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1972

Basis and purpose and statement of bases and consideration. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) hereinafter referred to as the "Act". The purpose of this amendement to Sugar Regulation 811 (36 F.R. 21871), as amended, is to rescind the first quarter limitations on imports of sugar from foreign countries. Marketing limitations pertaining to the maximum quantity of raw sugar which may be imported during the first quarter are no longer necessary to obtain an orderly flow of sugar, therefore such limitations on total raw sugar imports from foreign countries during the first quarter of 1972 are herein rescinded. All obligations under approved set-aside agreements to import sugar during the first quarter within the time limitations prescribed pursuant to Sugar Regulation 817 will continue in effect.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending paragraph (d) of § 811.13 by deleting subparagraphs (1), (2), and (3), designating subparagraph (4) as subparagraph (2) and adding a new subparagraph (1) to read as follows:

§ 811.13 Quotas for foreign countries.

* * * * *

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, the quantity which may be charged against 1972 quotas during the first quarter shall not be limited except that such quantity shall not be less than: (i) The quantity of raw sugar imported in 1971 under bond for refining and storage and charged to such quotas on January 1, 1972, and (ii) 1,150,000 short tons, raw value, of sugar authorized for importation and charged to such 1972 quotas during the first quarter of the year.

* * * * *

(Secs. 201, 202, 207, 403; 61 Stat. 923 as amended, 924 as amended, 927 as amended, 932 as amended; 7 U.S.C. 1111, 1112, 1117, 1153 and Public Law 92–138 approved Oct. 14, 1971)

Effective date. This action rescinds the limitations on the maximum quantity of

sugar which may be imported from foreign countries during the first quarter. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 13, 1972.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-700, Filed 1-17-72;8:49 am]

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

[Lemon Reg. 515, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.815 (Lemon Regulation 515, 37 F.R. 272) during the period January 9, 1972, through January 15, 1972, is hereby amended to read as follows:

§ 910.815 Lemon Regulation 515.

* * * * *

(b) *Order.* (1) * * * 210,000 cartons.

* * * * *

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

Dated: January 12, 1972.

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

[FR Doc.72-696 Filed 1-17-72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-160, Amdt. 39-1374]

PART 39—AIRWORTHINESS DIRECTIVE

Grumman Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Grumman G-164A type airplanes.

There have been reports of failures of AN-911-3D (aluminum alloy) nipple fittings which caused fuel to spray on the accessory section of the subject airplanes which incorporate the Pratt & Whitney Aircraft R-1340 (600 hp.) engine. The failures have been determined to result from thread failure of the nipple. This failure supports the replacement of three such nipples, one of which is located other than in the carburetor inlet line. Since this deficiency can exist or develop in other airplanes of similar type design, an airworthiness directive is being issued which will require removal and replacement of the specified nipples.

Since the foregoing presents a fire hazard, cause exists for expeditious adoption of this amendment and thus notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

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

GRUMMAN AIRCRAFT. Applies to Type G-164A airplanes equipped with any P&W R-1340 model engine.

Compliance required within the next 25 hours in service, unless already accomplished, after the effective date of this AD.

To preclude the possibility of fuel leakage resulting from cracks in the threaded area of certain aluminum alloy fuel line fittings, accomplish the following:

Replace two AN911-3D pipe thread nipples located in the carburetor inlet line and one AN911-3D nipple located at the outlet boss of the in-line fuel strainer mounted on the firewall bulkhead with corrosion resistant steel nipples P/N AN911-3S, AN911-3K, or AN911-3J.

Grumman S/B No. 46 covers this same subject.

This amendment is effective January 20, 1972.

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

Issued in Jamaica, N.Y., on January 6, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-661 Filed 1-17-72;8:45 am]

[Docket No. 71-EA-169, Amdt. 39-1377]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Aircraft Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revise AD 68-8-1 as amended applicable to McCauley aircraft propellers.

Since the amendment of AD 68-8-1 by Docket 71-EA-106, Amdt. 39-1314, many propellers which were not originally covered by AD 68-8-1 have undergone maintenance and now require the same alteration. This amendment is being issued to expand the coverage of hubs and the same need for expeditious adoption exists as formerly. Therefore 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 Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to revise AD 68-8-1 as follows:

1. Delete in AD 68-8-1 all serial numbers following the designation "Hub Serial Numbers" and insert in lieu thereof: "59000 up to and including 712778 except 700492, 700500 through 700558; 700561 through 700568; 700570 through 700594; 700596 through 701050 and 701053".

This amendment is effective January 21, 1972.

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

Issued in Jamaica, N.Y., on January 7, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.72-662 Filed 1-17-72;8:45 am]

[Airspace Docket No. 71-GL-7]

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

Designation of Transition Area

On page 20372 of the FEDERAL REGISTER dated October 21, 1971, the Federal Aviation Administration published a notice of

proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Effingham, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., March 2, 1972.

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

Issued in Des Plaines, Ill., on December 16, 1971.

LYLE K. BROWN,
Director, Great Lakes Region.

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

EFFINGHAM, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Effingham County Memorial Airport (latitude 39°04'15" N., longitude 88°32'15" W.).

[FR Doc.72-663 Filed 1-17-72;8:45 am]

[Airspace Docket No. 71-RM-28]

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

Alteration of Transition Area

On November 13, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21763) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Hugo, Colo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., March 2, 1972.

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

Issued in Aurora, Colo., on January 5, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 F.R. 2143) the description of the Hugo, Colo., transition area is amended by deleting all after "* * * and that airspace east of Hugo, * * *" and substitute "extending upward from 9,500 feet MSL, bounded on the north by V-4, on the east by V-17, on the southeast by V-216, on the southwest by V-263, and on the northwest by V-169, excluding the airspace within Federal airways and the Pueblo and Colorado Springs, Colo., transition areas * * *" therefor.

[FR Doc.72-664 Filed 1-17-72;8:45 am]

[Airspace Docket No. 71-SW-66]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate controlled airspace at Almyra, Ark.

On November 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22685) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Almyra, Ark.

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

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

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

ALMYRA, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Almyra Municipal Airport (latitude 34°24'30" N., longitude 91°27'30" W.).

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

Issued in Fort Worth, Tex., on December 30, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-665 Filed 1-17-72;8:45 am]

[Airspace Docket No. 72-WE-1]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Redding, Calif., control zone.

A request was received from the airport manager of Enterprise Airport, Calif., regarding the feasibility of excluding the airspace within a 1-statute-mile radius of his airport from the description of the Redding, Calif., control zone. A review of the airspace requirements revealed that this could be accomplished without derogating current prescribed instrument procedures. Action is taken herein to affect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing the description of the Redding, Calif., control zone is amended to read as follows:

REDDING, CALIF.

Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.) and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile-radius zone to 8 miles south of the VOR, excluding the portions with a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.) and Enterprise Sky Park (latitude 40°-34'26" N., longitude 122°19'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Effective date. This amendment is effective 0901 G.m.t., March 30, 1972.

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

Issued in Los Angeles, Calif., on January 5, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-666 Filed 1-17-72;8:46 am]

[Airspace Docket No. 72-WA-2]

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

Designation of Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate Control 1180 from Kennedy, N.Y., to the western boundary of the New York Oceanic Control Area, in the event that such action may be necessary due to a strike of the Canadian Air Traffic Controllers.

This control area will provide for the safe and expeditious movement of overseas air traffic operating between the New York terminal area and oceanic routes. Specific dates and time for the exercise of this designated control area will be published in a Notice to Airmen.

This requirement is the result of a threatened strike of the Canadian Air Traffic Controllers and the fact that Air Traffic Control is unable to anticipate the exact times it must use this controlled airspace. In order to insure the safety of flight, it may be necessary at any given time for the FAA to establish controlled airspace

Since a situation exists where safety requires immediate adoption of this amendment, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective on less than 30 days notice.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately as hereinafter set forth.

Section 71.163 (37 F.R. 2048) is amended by adding the following:

Control 1180. That airspace extending upward from 6,000 feet MSL to and including FL–450 within the established boundaries of Warning Area W–106 and W–506, and that airspace within Warning Area W–105 extending upward from 6,000 feet MSL to and including FL–450 within tangent lines drawn from the circumference of a 5-mile-radius circle centered on the Kennedy, N.Y., VORTAC (lat. 40°37'57" N., long. 73°46'22" W.) to the circumference of a 15-mile-radius circle centered on the Kennedy VORTAC 104° radial at lat. 39°50'00" N., long. 70°00'00" W. This control area is effective during the specific dates and times established in advance by a Notice to Airmen.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 34 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washingon, D.C., on January 14, 1972.

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

[FR Doc.72-806 Filed 1-17-72;8:53 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER–720, Amdt. 4]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Retention of Passenger Names and Addresses

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of December 1971.

In notice of proposed rule making EDR–212,[1] the Board gave notice that it had under consideration amendments to Parts 249 and 214 of its economic regulations (14 CFR Parts 249, 214) to require certificated route air carriers and supplemental air carriers and, insofar as they operate U.S. originating or terminating charter trips, foreign air carriers and foreign charter air carriers, to retain their pro rata charter manifests for a 2-year period instead of the 6-month period presently required. For the reasons set forth in ER–719, issued contemporaneously herewith, the Board has determined to adopt the amendments to Parts 249 and 214 as proposed.

Accordingly, the Civil Aeronautics Board hereby amends paragraph (a)(2) of § 214.6 of the economic regulations (14 CFR 214.6(a)(2)) effective February 17, 1972, to read as follows:

§ 214.6 Record retention.

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of * * *

* * * * *

(2) All passenger manifests including those filed by charterers: 2 years; and

* * * * *

(Secs. 204(a), 402, and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372, and 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY ZINK,
Secretary.

[FR Doc.72-712 Filed 1-17-72;8:50 am]

[Regulation ER–719, Amdt. 17]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Retention of Passenger Names and Addresses

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of December 1971.

In notice of proposed rule making EDR–212,[1] the Board proposed amendments to Parts 249 and 214 of its economic regulations (14 CFR Parts 249, 214) to increase the retention period for pro rata charter manifests from 6 months to 2 years.

Comments in response to the notice of proposed rule making were filed by Transavia Holland, N.V. (Transavia), Overseas National Airways, Inc. (ONA), and Saturn Airways, Inc. (Saturn). Transavia supports the substance of the rule proposed.[2] ONA takes no position on the merits of the proposed rule, but requests that the carriers be allowed to retain charter passenger manifests on microfilm for the period established in this proceeding. Saturn opposes the rule proposed.

Upon full consideration of the relevant matter contained in the comments, the Board has determined, for the reasons set forth hereinafter and in EDR–212, to adopt the rule as proposed.[3] Except as modified herein, the tentative findings set forth in the explanatory statement of EDR–212 are incorporated by reference and made final.

In its comments on EDR–212, Saturn questions whether the proposed increase in the retention period for pro rata charter manifests is at all necessary or desirable. It maintains that a 2-year retention period will impose a needlessly onerous additional administrative burden on the carriers, which are already overburdened with record retention requirements imposed by various Federal, State, and local authorities. Saturn therefore requests the Board to increase only to 1 year the period for the retention of charter passenger manifests.

We are not persuaded to depart from our earlier determination that the present 6-month retention period for pro rata charter manifests should be increased to 2 years. It has been the Board's experience that the existing retention period is not long enough to satisfy the needs of the Board's enforcement staff in policing the charter regulations. For example, as noted in EDR–212, there have been instances where the staff has been unable to obtain from carriers' records information necessary to corroborate charges of noncompliance with the requirement of 6-month bona-fide charter group membership, and the requirement that members of a charter group may not be brought together by means of a solicitation of the general public. Thus, as explained in EDR–212, the public interest in strict enforcement of the charter regulations requires that we increase substantially the period for retaining charter passenger manifests. To that end, we think our proposed 2-year period is preferable to the 1-year period requested by Saturn. Moreover, since carriers presently are required to retain for a 2-year period charter contracts, statements of supporting information and other documents prepared in connection with pro rata charter operations, the proposed 2-year period for retention of charter passenger manifests provided herein will conform with present requirements for retention of other records relative to charters.

We have also decided not to adopt ONA's proposal that the carriers be permitted to substitute microfilm reproductions for pro rata charter manifests and store said manifests for the required 2-year period. Under present regulations[4] microfilm may not be substituted for pro rata charter manifests and other records which are required to be retained only for relatively limited periods of time,[5] except to the extent that a waiver from this prohibition with respect to any category of records is obtained from the Board. ONA has advanced no reasons to support its request, and, considering the rather limited scope of the amendments involved in this proceeding, it would be inappropriate at this time for the Board to except charter manifests from the general prohibition, under our present rules, against substituting microfilm for certain original records, including charter manifests.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 249 of the economic regulations (14 CFR Part 249) effective, February 17, 1972, as follows:

[1] Sept. 15, 1971, Docket 23834, 36 F.R. 18754.

[2] While Transavia supports EDR–212, it asserts that the proposed rules will not solve the problem of regulating charter abuses even though it may facilitate corroboration of charges of noncompliance with the Board's charter regulations. Transavia thus urges the Board not to regard adoption of the proposed rules as a "real solution to the problem of charter abuses." The proposed rules are obviously not intended to be a panacea for the problems involved in enforcing the Board's charter regulations. As explained in EDR–212, the modest purpose of increasing this record retention period is to insure that the Board's enforcement staff will at least have better access to information upon which to determine whether violations of said regulations have occurred.

[3] The amendment to Part 214 is contained in ER–720, issued contemporaneously herewith.

[4] § 249.7.

[5] Six months to 3 years.

1. Amend § 249.8, Item 12 of the "Category of Records" to read as follows:

§ 249.8 **Period of preservation of records by supplemental air carriers.**

* * * * *

Category of records:	*Period to be retained*
* * *	* * *
12. Names and addresses of all passengers transported on each pro rata charter trip.	2 years.
* * *	* * *

2. Amend paragraph (c) (3) of § 249.12 to read as follows:

§ 249.12 **Period of preservation of records by foreign air carriers.**

* * * * *

(c) Each carrier shall, pursuant to Part 212 of this subchapter, maintain at its principal or general office * * *

(3) A record of the names and addresses of all passengers transported on each pro rata charter trip originating or terminating in the United States: 2 years.

3. Amend § 249.13(f), Item 302(c) of the "Category of Records" to read as follows:

§ 249.13 **Period of preservation of records by certificated route air carrier.**

* * * * *

(f) * * *

302. Reservations reports and records:	
* * *	* * *
(c) Names and addresses of all passengers transported on each pro rata charter trip.	2 years.
* * *	* * *

(Secs. 204(a), 402, and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372 and 1377)

By the Civil Aeronautics Board.

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

[FR Doc.72-713 Filed 1-17-72;8:50 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2104]

PART 13—PROHIBITED TRADE PRACTICES

Abbey Domestic Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–15 Comparative; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; § 13.157 *Prize contests;* § 13.160 *Promotional sales plans.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1785 *Exaggerated as regular and customary;* Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1905 *Terms and conditions.* Subpart—Substituting product inferior to offer; § 13.2263 *Substituting product inferior to offer.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Abbey Domestic Corp. et al., North Miami, Fla., Docket No. C-2104, Nov. 18, 1971]

In the Matter of Abbey Domestic Corp., a Corporation, Doing Business as Abbey Sewing Center, Inc., and Erwin Dearman, Individually and as an Officer of Said Corporation, and Albert Behar, Individually and as an Officer of Said Corporation.

Consent order requiring a retailer of sewing machines of Miami, Fla., to cease using false pricing, contest and guarantee claims, and other deceptive selling practices.

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

It is ordered, That respondents Abbey Domestic Corp., a corporation, doing business as Abbey Domestic Sewing Center, Inc., and its officers, and Erwin Dearman and Albert Behar, individually and as officers of said corporation, and respondents' agents, representatives, and employees directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of sewing machines or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

1. Representing that respondents' product is of a value comparable to any other product retailing at a higher price unless the merchandise to which their product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area or areas where the claim is made.

2. Representing, directly or by implication, that any amount is respondents' usual and customary retail price for an article of merchandise or service when such amount is in excess of the price or prices at which such article of merchandise or service has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

3. Representing, directly or by implication, that any savings is afforded in the purchase of respondents' product as compared to the purchase of another product unless the merchandise to which respondent's product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area or areas in which the claim is made.

4. Representing, directly or by implication, that any savings, discount, credit or allowance is given to purchasers as a reduction from respondents' selling price for a specified product unless such selling price is the amount at which said product has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

5. Failing to maintain adequate records which disclose the facts upon which representations as to former prices, comparative prices and the usual and customary prices of merchandise, and as to savings afforded to purchasers, and similar representations of the type dealt with in Paragraphs 3, 4, and 8 of this order are based, and from which the validity of such claim can be established.

6. Represent, directly or by implication, that names of winners are obtained through drawings, contests or by chance, when all of the names selected are not chosen by lot; or misrepresenting, in any manner, the nature or purpose of a contest.

7. Using any advertising, promotional program or procedure involving the use of false, deceptive or misleading statements to obtain leads or prospects for the sale of their products.

8. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefitted by or do not save the amount of the represented value of such awards or prizes.

9. Representing, directly or by implication, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

10. Representing, directly or by implication, that respondents have posted a bond or have established a reserve fund, the benefits of which are available to recipients of their guarantees, unless respondents do in fact have such a bond or fund available and unless the said bond or fund is available to all recipients of their guarantee.

11. Representing, directly or by implication, that winners of their contests, or drawings, will receive any product or service free, as a gift, without cost, or charge, when the winners are required to pay shipping cost, or other cost related thereto for the free product, service or gift.

12. Representing, directly or by implication, that any of respondents' products have been used, exhibited, featured, or advertised to any extent, or in any manner, unless such is the fact.

13. Failing to disclose in all advertisements, promotional materials, order forms, or any other document utilized to solicit orders for respondents' product, that the product will be shipped c.o.d. and that the purchaser thereof will be required to pay all shipping costs.

14. Substituting at any time a product other than the advertised, promoted, and ordered product of respondents without first providing the purchaser in writing with an option to cancel his order for

the product for which substitution is sought to be made.

It is further ordered, That a copy of this order to cease and desist be delivered to all present and future personnel of respondents engaged in the sale of sewing machines or other products or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

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

Issued: November 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-683 Filed 1-17-72;8:47 am]

[Docket No. C-2108]

PART 13—PROHIBITED TRADE PRACTICES

All Orthopedic Appliances, Inc., and Stephen A. Michelson

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, All Orthopedic Appliances, Inc., et al., Miami, Fla., Docket No. C-2108, Nov. 26, 1971]

In the Matter of All Orthopedic Appliances, Inc., a Corporation, and Stephen A. Michelson, Individually, and as an Officer of All Orthopedic Appliances, Inc.

Consent order requiring a manufacturer of orthopedic appliances and supports of Miami, Fla., to cease suggesting different resale prices to different classes of patients, including Medicare, Insurance, and Industrial Commission patients, and using any deception or subterfuge as a means of affecting the retail prices of its products.

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

I. *It is ordered,* That respondent, All Orthopedic Appliances, Inc., a corporation, its officers, agents, representatives, employees, successors, and assigns, and respondent Stephen A. Michelson, individually, and as an officer of All Orthopedic Appliances, Inc., directly or indirectly, through any corporate or other device, in connection with the manufacture, distribution or sale of orthopedic and related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist, either unilaterally or through any agreement, understanding, or common course of action, between respondents and another or others not party hereto, from engaging in or performing any of the following:

1. Making any misrepresentation, or using any kind of deception or subterfuge, oral or written, as a means of affecting the retail prices of its orthopedic and related products, including orthopedic appliances and supports.

2. Suggesting different resale prices to different classes of patients or to different members of the consuming public by any means or methods, including but not limited to the following:

(a) Written price lists, and

(b) Oral suggestions by employees, including salesmen, sales representatives, contact men, or others.

3. For a period of 2 years, suggesting resale prices to any dealers or customers by any means or methods, including but not limited to the following:

(a) Written price lists, and

(b) Oral suggestions by employees, including salesmen, sales representatives, contact men, or others.

II. *It is further ordered,* That respondents All Orthopedic Appliances, Inc., and Stephen A. Michelson, shall, within ninety (90) days after service upon them of this order, destroy any remaining originals or copies of the "Confidential Resale Price List," which are in any way within their possession or under their control.

III. *It is further ordered,* That respondent All Orthopedic Appliances, Inc., shall within ninety (90) days after service upon it of this order, serve by certified or registered mail, or by personal delivery:

1. On each of its domestic dealers or customers with whom it is presently dealing or with whom it has dealt since June 18, 1970, a copy of Letter A[1] attached to this order, signed by its President or other responsible official.

2. On all of its salesmen, sales representatives, contact men, or others who ordinarily deal with its dealers or customers the following:

(a) A copy of this order, and

(b) A copy of Letter B[2] attached to this order, signed by the President or other responsible official (with copy of Letter A also attached).

IV. *It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect its compliance obligations arising out of the order. Further, respondents shall instruct and notify any prospective purchaser about the existence of this order, and about the fact that the Federal Trade Commission intends to enforce the obligations created thereunder.

V. *It is further ordered,* That each respondent herein shall, within ninety (90) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied and will comply with this order. In this regard, where any copies of Letter A required to have been served, are served by personal delivery, the compliance report shall be accompanied by affidavits executed by the appropriate salesmen or others, describing the cities, towns, or States in which personal delivery was made, and attesting to the fact that said copies of Letter A were indeed properly addressed and served on dealers and customers in those areas, as required by paragraph III of the order.

Issued: November 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-706 Filed 1-17-72;8:50 am]

[1] Copies of Letter A may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW., Washington, DC.

[2] Copies of Letter B may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW., Washington DC.

[Docket No. C-2106]

PART 13—PROHIBITED TRADE PRACTICES

EZ Paintr Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, EZ Paintr Corp., Milwaukee, Wis., Docket No. C-2106, Nov. 19, 1971]

In the Matter of EZ Paintr Corp., a Corporation

Consent order requiring the Nation's largest manufacturer of paint and varnish brushes, rollers and other accessories of Milwaukee, Wis., to divest within 1 year the corporate name and certain trade accounts of American Brush Corp., acquired in 1969, and two paint roller companies, acquired in 1970, and prohibits any acquisition, without prior FTC approval, for the next 10 years of any domestic concern engaged in the manufacture or sale of manually powered paint applicators or any concern supplying those industries.

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

I. *It is ordered,* That, subject to the prior approval of the Federal Trade Commission, respondent EZ Paintr Corp., a corporation (hereinafter referred to as EZ), through its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, shall within 1 year from the date this order becomes final, divest absolutely and in good faith all assets, rights, property and privileges, tangible and intangible, including all plants, equipment, machinery, raw material reserves, inventory, customer lists, trade names, good will and other property of whatever description acquired by EZ as a result of its acquisition of Frank Gill Co. (hereinafter referred to as Gill), including all additions and improvements made thereto, which are necessary to establish Gill as a separate independent and viable going concern in the lines of commerce in which it was engaged prior to said acquisition.

II. *It is further ordered,* That, subject to the prior approval of the Federal Trade Commission, respondent EZ, through its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, shall within 1 year from the date this order becomes final, divest absolutely and in good faith all assets, rights, property and privileges, tangible and intangible, including, all plants, equipment, machinery, raw material reserves, inventory, customer lists, trade names, good will and other property of whatever description acquired by EZ as a result of its acquisition of King Paint Roller, Inc. (hereinafter referred to as King), including all additions and improvements made thereto, which are necessary to establish King as a separate, independent, and viable going concern in the lines of commerce in which it was engaged prior to said acquisition.

III. *It is further ordered,* That, subject to the prior approval of the Federal Trade Commission, respondent EZ, through its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, shall within 1 year from the date this order becomes final, divest absolutely and in good faith, the name American Brush Corp. (hereinafter referred to as ABC), and all paint and varnish brush accounts of ABC to whom ABC sold $1,000 or more of paint and varnish brushes during the last full fiscal year of ABC preceding its acquisition by EZ, or the most recent full fiscal year of ABC, and which are still paint and varnish brush accounts of ABC as of the date of this order. Such divestiture shall be accomplished by sale of (a) the name American Brush Corp.; (b) all paint and varnish brush trademarks owned by ABC as of the time of its acquisition by EZ; (c) a list of all such paint and varnish brush customers; (d) all product specifications and specialized dies used by ABC in the production of paint and varnish brushes for the accounts to be sold pursuant to this order; (e) any finished goods, work-in-process, packaging materials, or specialized raw materials in ABC's inventory at the time of divestiture which are applicable exclusively to such accounts together with a list of the sources of such specialized raw materials; and (f) a transfer of all unfilled paint and varnish brush orders and contracts with such accounts, to the extent that such orders and contracts are assignable.

IV. *It is further ordered,* That following the divestiture contemplated by the preceding paragraph of this order, EZ, its officers, directors, agents, representatives, employees, and subsidiaries will (a) refrain for a period of 1 year from the date of such divestiture from the sale of any paint or varnish brushes to any account sold pursuant to the preceding paragraph of this order; and (b) permanently refrain from the sale of any paint or varnish brushes under the ABC corporate name or any trademark divested under the preceding paragraph of this order. *Provided, however,* Nothing contained in subparagraph (a) above shall prevent EZ from selling paint or varnish brushes to any other company which purchased $1,000 or more of paint and varnish brushes from a nondivested component of EZ during its last full fiscal year prior to its acquisition by EZ (i.e., Masterset Brushes, Inc.). A list of such firms to which the foregoing provision applies is contained in a letter of representation from EZ to the Federal Trade Commission.

V. *It is further ordered,* That, pursuant to the requirement of paragraphs I, II, and III above, none of the stock, assets, rights or privileges, tangible or intangible, to be divested by EZ shall be divested directly or indirectly to anyone who is, at the time of the divestiture, an officer, director, employee, or agent of, or under the control, direction, or influence of EZ or any of EZ's subsidiaries or affiliated corporations or who owns or controls more than one (1) percent of the outstanding shares of the capital stock of EZ.

VI. *It is further ordered,* That, pending divestiture, respondent EZ shall not make or permit any deterioration in the value of any of the plants, machinery, parts, equipment, or any other property or assets of the corporations to be divested which may impair their present capacity or market value unless such capacity or value be restored prior to divestiture.

VII. *It is further ordered,* That respondent EZ shall cease and desist for ten (10) years from the date this order becomes final from acquiring directly or indirectly, through subsidiaries or otherwise, without prior approval of the Federal Trade Commission, any part of the assets, stock, share capital, or other actual or potential equity interest or right of participation in the earnings of any domestic concern, corporate or noncorporate, which is engaged in the manufacture or sale of manually powered paint applicators or engaged in the manufacture or sale of raw materials to companies engaging in the manufacture or sale of manually powered paint applicators, or from entering into any arrangements or understanding with such a concern through which respondent EZ becomes possessed of that concern's market share.

For the purposes of this order, manually powered paint applicators are defined as: Paint and varnish brushes; paint rollers including pans, covers, handles, and other accessories sold separately, or as part of a paint roller kit; and miscellaneous paint applicators other than spray equipment and aerosol cans.

VIII. *It is further ordered,* That respondent EZ shall within sixty (60) days after date of service of this order, and every sixty (60) days thereafter until respondent EZ has fully complied with the provisions of this order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which respondent EZ intends to comply or has complied with this order. All compliance reports shall include, among other things that are from time to time required, a summary of contracts or negotiations with anyone for the specified stock, assets and plant, the identity of all such persons, and copies of all written communications to and from such persons.

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

Issued: November 19, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-684 Filed 1-17-72;8:48 am]

[Docket No. C-2107]

PART 13—PROHIBITED TRADE PRACTICES

H-S Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-58 Nonirritating; § 13.195 *Safety:* 13.195-60 Product. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1885 *Qualities or properties;* § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H-S Enterprises, Inc., et al., Lincoln, R.I., Docket No. C-2107]

In the Matter of H-S Enterprises, Inc. (Isochem Resins Co.), a Corporation, and Herman Selya, Individually and as an Officer or Director of H-S Enterprises, Inc.

Consent order requiring a Lincoln, R.I., marketer of "Stripper SX" or "Safety Strip," a paint and resin disintegrator,

to cease misrepresenting their products as nonhazardous, using the term "Safety" for products containing toxic substances, and failing to label their products with hazard warnings and first aid instructions.

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

I. *It is ordered,* That the respondent H–S Enterprises, Inc. (Isochem Resins Co.), a corporation, its directors, officers, agents, representatives, employees, successors, and assigns, and respondent Herman Selya, individually, and as a director or officer of H–S Enterprises, Inc., his agents, representatives, and employees directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale or distribution of goods or commodities in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Representing, directly or by implication in any advertisements, labels, promotional materials, or product name that respondents' Stripper SX, formerly known as Safety Strip; or any other substantially similar products:

(a) Is Nonflammable.
(b) Is Nonvolatile.
(c) Is Nontoxic.
(d) Is Nonirritating.
(e) Has a flash point of 200° C.
(f) Has a boil point of 175° C.
(g) Is completely safe.

2. Misrepresenting, directly or by implication, in any advertisements, labels, or promotional materials, the flammable, volatile, toxic, or irritating properties of any of the respondents' products and misrepresenting the boiling and flash points of any of the respondents' products.

3. Failing to properly label the respondents' product Stripper SX, formerly known as Safety Strip, or any other substantially similar product in conspicuous lettering and type, as follows:

WARNING! HARMFUL IF SWALLOWED, INHALED, OR ABSORBED THROUGH SKIN

Avoid breathing vapor.
Avoid contact with eyes, skin, and clothing.
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: If swallowed, induce vomiting and call a physician. Repeat until vomit is clear. For eyes, flush with plenty of water for 15 minutes. Never give anything by mouth to an unconscious person.

WARNING! FLAMMABLE

Keep away from heat, sparks, and open flame.
Keep container closed.
Use with adequate ventilation.

4. Using the word or term "Safety" or any other word or phrase of similar meaning on the label, or in any promotional materials for any of their products containing or composed of toxic substances.

II. *It is further ordered,* That respondents do forthwith cease and desist from disseminating, or causing the dissemination of, any advertisement or promotional material by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for their product Stripper SX, formerly known as Safety Strip, or any other substantially similar product, unless the flammable, volatile toxic or irritating nature of such product, and the correct boil and flash points of such product are clearly and conspicuously disclosed in such advertisement or promotional material, for a period of 2 years from the date this order is served upon them.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, or sale of any of the aforesaid products, or any other substantially similar products and secure from such present or future personnel a signed statement acknowledging receipt of said order.

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

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

Issued: November 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72–685 Filed 1–17–72;8:48 am]

[Docket No. C–2109]

PART 13—PROHIBITED TRADE PRACTICES

Harold Burdumy

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions: 13–155–95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Harold Burdumy, Philadelphia, Pa., Docket No. C–2109, Nov. 26, 1971]

In the matter of Harold Burdumy, an individual trading as Harold Burdumy.

Consent order requiring a used-car dealer of Philadelphia, Pa., to cease violating the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to make all disclosures in the manner, form, and amount in accordance with Regulation Z of the Act.

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

It is ordered, That respondent Harold Burdumy, an individual, trading or doing business as Harold Burdumy under any other name or form of business, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to print the terms "finance charge" and "annual percentage rate," where these terms are required to be used, more conspicuously than other required terminology, as required by § 226.6 (a) of Regulation Z.

2. Failing to disclose the amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments, on the face of the contract above or adjacent to the place for the customer's signature, as required by § 226.8(a)(1) of Regulation Z.

3. Failing to disclose (a) the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and (b) a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, on the face of the contract above or adjacent to the place for the customer's signature, as required by §§ 226.8(a)(1) and 226.8(b)(7) of Regulation Z.

4. Failing to disclose the finance charge expressed as an annual percentage rate, and failing to describe that rate as the "annual percentage rate," as required by § 226.8(b)(2) of Regulation Z.

5. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

6. Failing to use the term "cash price" to describe the price at which respondent offers, in the regular course of business, to sell for cash the property or services which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

7. Failing to disclose the amount of downpayment, itemized, when applicable, as the downpayment in money using the term "cash downpayment" the trade in allowance using the term "trade-in", and the sum of the "cash downpayment" and "trade-in," using the term "total downpayment," as required by § 226.8(c)(2) of Regulation Z.

8. Failing to disclose the difference between the cash price and the total downpayment, using the term "unpaid balance of cash price," as required by § 226.8(c)(3) of Regulation Z.

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

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

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

(a) The cash price;

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

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

(d) The annual percentage rate; and

(e) The deferred payment price.

12. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

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

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

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

Issued: November 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-707 Filed 1-17-72;8:50 am]

[Docket No. C-2111]

PART 13—PROHIBITED TRADE PRACTICES

Happy Motors, Inc., and Ray B. Hoadley

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Happy Motors, Inc., et al., Miami, Fla., Docket No. C-2111, Dec. 2, 1971]

In the Matter of Happy Motors, Inc., a Corporation, and Ray B. Hoadley, Individually and as an Officer of Said Corporation

Consent order requiring a used car dealer of Miami, Fla., to cease violating the Truth in Lending Act by failing, in consumer credit transactions, to make all disclosures on the "Order Contract" in the form, manner, and amount required by Regulation Z of the Act.

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

It is ordered, That respondents Happy Motors, Inc., a corporation, and its officers, and Ray B. Hoadley, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit", and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price", as defined in § 226.2(i), to describe the purchase price of the automobile, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "trade-in" to describe the downpayment in property made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

4. Failing to use the term "total downpayment" to describe the sum of the "cash price" and the "trade-in", as required by § 226.8(c)(2) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

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

7. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

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

9. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

10. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

11. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

12. Failing to identify the amount or the method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

13. Failing to describe the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as required by § 226.8(b)(5) of Regulation Z.

14. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation as required by § 226.8(b)(7) of Regulation Z.

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

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

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

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

Issued: December 2, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc. 72-708 Filed 1-17-72;8:50 am]

[Docket No. C-2110]

PART 13—PROHIBITED TRADE PRACTICES

Harry McDowell, Jr., and Bank Repossession

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Harry McDowell, Jr., et al., Birmingham, Ala., Docket No. C–2110, Nov. 29, 1971]

In the Matter of Harry McDowell, Jr., an Individual Trading and Doing Business as Bank Repossession

Consent order requiring a used car dealer of Birmingham, Ala., to cease violating the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to make all disclosures in the manner, form and amount required by Regulation Z of the Act.

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

It is ordered, That respondent Harry McDowell, Jr., an individual trading and doing business as Bank Repossession, or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit transaction or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit", "credit sale" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

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

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

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent's business organization such as dissolution; assignment or sale resulting in the emergence of a successor business, corporate or otherwise; the creation of subsidiaries; any change of business name or trade style; or any other change which may affect compliance obligations arising out of the order.

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

Issued: November 29, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-709 Filed 1-17-72;8:50 am]

[Docket No. C-2112]

PART 13—PROHIBITED TRADE PRACTICES

James Sharp and Consolidated Systems, Inc.

Subpart—Misrepresenting oneself and goods—Business Status, advantages or connections: § 13.1490 *Nature;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1670 *Jobs and employment;* Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity;* § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, James Sharp et al., Indianapolis, Ind., Docket No. C–2112, Dec. 3, 1971]

In the Matter of James Sharp, Individually and as a Former Officer of Consolidated Systems, Inc.

Consent order requiring a former officer of a truck driver training school of Indianapolis, Ind., to cease misrepresenting in "Help Wanted" columns of newspapers that Consolidated Systems, Inc., is a trucking company and that employment is offered to qualified applicants, and to cease misrepresenting job opportunities, training, wages, and terms of payment for courses.

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

It is ordered, That respondent James Sharp, individually and as former officer of Consolidated Systems, Inc., and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in truck driving or any other subject, trade, or vocation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent Consolidated Systems, Inc., is a trucking company; misrepresenting, in any manner, the nature of respondent's business.

2. (a) Failing to disclose, clearly and conspicuously, in advertisements seeking leads to prospective purchasers of respondent's courses, in catalogs, brochures and on letterheads that respondent's business is that of a seller of a course of study and instruction for prospective truck drivers, not affiliated with any trucking company.

(b) Failing to disclose, clearly and conspicuously, in advertisements seeking leads to prospective purchasers of respondent's courses which are sold through sales representatives, that inquirers will be visited by respondent's sales representatives.

3. Representing, directly or by implication, that employment is being offered when the real purpose of such offer is to obtain leads to prospective purchasers of respondent's courses.

4. Failing to specify, clearly and conspicuously, as a condition to the publication of classified advertisements seeking leads to prospective purchasers, that such advertisements be published only in the education, instruction or similar columns of classified advertising.

5. Representing, directly or by implication, that respondent has been requested to train drivers by any trucking company, misrepresenting, in any manner, respondent's connection or affiliation with the trucking industry or any member thereof.

6. Representing, directly or by implication, that respondent is connected or affiliated with Consolidated Freightways, Inc.

7. (a) Representing, directly or by implication, that respondent operates a training school or facility for prospective truck drivers.

(b) Representing, directly or by implication, that enrollees in respondent's course in truck driver training will be trained on the best and most up-to-date truck driver training equipment available; misrepresenting, in any manner, the quality or nature of truck driver training equipment available for enrollees' training.

8. (a) Representing, directly or by implication, that persons completing respondent's course in truck driver training will thereby be qualified for employment as local or over-the-road truck drivers without further training or experience; misrepresenting, in any manner, the content, completeness or effect of any of respondent's courses.

(b) Failing to disclose clearly and conspicuously in advertising and promotional material seeking leads to prospective purchasers of respondent's courses of training in any occupation, and in advertising and promotional material furnished to persons expressing interest in such courses, the nature and duration of any further training, instruction or experience in addition to the type of training afforded by respondent's course which is generally required before a person will be regarded as fully trained in the occupation for which respondent's training has been offered.

9. Representing, directly or by implication, that enrollees in respondent's course in truck driver training are required to post a bond or pay an insurance fee; misrepresenting, in any manner, the

nature or purpose of any fee which must be paid by enrollees in respondent's courses.

10. (a) Representing, directly or by implication, that the balance of the cost of respondent's course remaining after the initial or registration fee has been paid can be deferred until after the student has completed the course and obtained employment as a truck driver;

(b) Representing, directly or by implication, that respondent will handle or arrange the financing of any portion of the cost of respondent's course;

(c) Misrepresenting, in any manner, the terms or conditions under which payment may be made for respondent's courses.

11. Representing, directly or by implication, that respondent's placement service will guarantee or assure the placement of graduates in jobs for which respondent's courses are represented to train them, or will guarantee or assure the placement of graduates in such jobs in the geographical area of their choice; misrepresenting, in any manner, respondent's ability or facilities for assisting graduates of their courses in obtaining employment.

It is further ordered, That respondent shall deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in selling respondent's courses of study and instruction and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

Issued: December 3, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-710 Filed 1-17-72;8:50 am]

[Docket No. 2105]

PART 13—PROHIBITED TRADE PRACTICES

Penasquitos, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Penasquitos, Inc., et al., San Diego, Calif., Docket No. C-2105, Nov. 18, 1971]

In the Matter of Penasquitos, Inc., a Corporation, Irvin J. Kahn, Individually and as an Officer of Said Corporation, and Reed, Miller & Associates, a Corporation

Consent order requiring a real estate builder-developer and its advertising agency of San Diego, Calif., to cease violating the Truth in Lending Act, in consumer credit transactions and advertisements, by failing to make all disclosures in the manner, form, and amount as required by Regulation Z of the Act.

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

It is ordered, That respondents Penasquitos, Inc., and Irvin J. Kahn, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the arrangement or extension of consumer credit, or any advertisement to aid, promote, or assist directly or indirectly any arrangement or extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make all disclosures required by Regulation Z clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

2. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, which advertisement states:

a. The amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items in terminology prescribed under § 226.8 of Regulation Z:

(1) The cash price;

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

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

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

b. The rate of any finance charge other than the annual percentage rate.

3. Failing to print the terms "finance charge" and "annual percentage rate," where required to be used, more prominently than the other terminology required to be used by Regulation Z, as required by § 226.6(a) thereof.

4. Failing in any consumer credit transaction in which the evidence of the transaction comprises more than one document to make all the disclosures required by Regulation Z together on one side of a separate statement which identifies the transaction as required by § 226.8(a) of Regulation Z.

5. Failing in any consumer credit transaction to make the disclosures required by Regulation Z before the transaction is consummated as required by § 226.8(a) of Regulation Z.

6. Failing in any credit sale to accurately disclose the amount of the "cash price," using that term, as required by §§ 226.8(c)(1) and 226.8(o)(7) of Regulation Z.

7. Failing in any credit sale to accurately disclose the amount of the downpayment as required by § 226.8 (c)(2) of Regulation Z.

8. Failing in any credit sale to accurately disclose the amount of the "unpaid balance of cash price" as required by § 226.8(c)(3) of Regulation Z.

9. Failing in any credit sale to accurately disclose the amount of the "unpaid balance" as required by § 226.8(c)(5) of Regulation Z.

10. Failing in any consumer credit transaction to accurately disclose the "amount financed" as required by § 226.8 (c)(7) of Regulation Z.

11. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of 1 percent, in accordance with §§ 226.5 and 226.8(o)(7) of Regulation Z, as required by §§ 226.8(b)(2), and 226.10 of Regulation Z.

12. Failing to disclose the date on which the finance charge begins to accrue if different from the date of the transaction as required by § 226.8(b)(1) of Regulation Z.

13. Failing to disclose the number of payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

14. Failing to accurately disclose the amount of monthly payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

15. Failing to disclose the amount of any payment more than twice the amount of any regularly scheduled equal payment as a "balloon payment" as required by § 226.8(b)(3) of Regulation Z.

16. Stating, utilizing or placing any additional information in conjunction with the disclosures required to be made by Regulation Z, which information misleads, contradicts, obscures or detracts attention from disclosure of information required to be disclosed by Regulation Z.

17. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4, 226.5, and 226.8 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

18. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of credit or in any aspect of preparation, creation, and placement of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation and placement of advertising on behalf of respondents, and failing to secure from each such person or agency a signed

statement acknowledging receipt of said order.

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

1. Creating or causing to be published, broadcast, or delivered any consumer credit advertisement which fails to make all the disclosures required by § 226.10 in the manner, form and amount required by §§ 226.4, 226.5, 226.6, 226.7, 226.8, and 226.10 of Regulation Z.

2. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in reviewing the legal sufficiency of advertising prepared, created or placed on behalf of any advertiser, and failing to secure from each such person a signed statement acknowledging receipt of said order.

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

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

Issued: November 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-686 Filed 1-17-72;8:48 am]

Title 29—LABOR

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

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Use of Data-Processing Equipment; Additional Time for Completing Forms; Posting of Annual Summary

On Friday, November 12, 1971, a notice of proposed amendments to the recordkeeping and reporting regulations under the Williams-Steiger Occupational Safety and Health Act of 1970, was published in the FEDERAL REGISTER (36 F.R. 21687). The proposed amendments concerned use of data-processing equipment, additional time for completing recordkeeping forms and the posting of the annual summary. After consideration of all such relevant matter as was presented by interested persons the amendments as so proposed are hereby adopted, subject to the following changes.

1. In paragraph (a) of § 1904.2, the phrase "for that establishment" is inserted in the first sentence after the first use of the term "all recordable occupational injuries and illnesses."

2. Also in paragraph (a) of § 1904.2 the words "as early as practicable but no later than" are inserted in place of the word "within" in the second sentence of that paragraph.

3. In paragraph (b) of § 1904.2 the words "or by means of data-processing equipment, or both," are inserted after the term "the establishment" and before the phrase "under the following circumstances."

4. In subparagraph (1) of § 1904.2(b) the phrase "after receiving information that a recordable case has occurred" is inserted after the phrase "within 6 working days" and in place of the phrase "after a recordable case has occurred."

5. Subparagraph (2) of § 1904.2(b) is changed to read as follows: "At each of the employer's establishments, there is available a copy of the log which reflects separately the injury and illness experience of that establishment, complete and current to a date within 45 calendar days."

6. In § 1904.4, the clause "after receiving information that a recordable case has occurred" is inserted after the phrase "within 6 working days" and in place of the clause "from the occurrence of a recordable case."

7. In § 1904.4, the phrase "for that establishment" is inserted at the end of the first sentence after the phrase "for each occupational injury or illness."

8. In subparagraph (1) of § 1904.5(d) the words "calendar consecutive" are reversed to read "consecutive calendar."

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (1-18-72), except that the amendments to § 1904.5 shall become effective 30 days after publication in the FEDERAL REGISTER.

Signed in Washington, this 13th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

GEOFFREY H. MOORE,
Commissioner,
Bureau of Labor Statistics.

1. Section 1904.2 is amended as follows:

§ 1904.2 Log of occupational injuries and illnesses.

(a) Each employer shall maintain in each establishment a log of all recordable occupational injuries and illnesses for that establishment, except that under the circumstances described in paragraph (b) of this section an employer may maintain the log of occupational injuries and illnesses at a place other than the establishment. Each employer shall enter each recordable occupational injury and illness on the log as early as practicable but no later than 6 working days after receiving information that a recordable case has occurred. For this purpose, Occupational Safety and Health Administration OSHA Form No. 100 or any private equivalent may be used. OSHA Form No. 100 or its equivalent shall be completed in the detail provided in the form and the instruction contained in OSHA Form No. 100. If an equivalent to OSHA Form No. 100 is used, such as a printout from data-processing equipment, the information shall be as readable and comprehensible to a person not familiar with the data-processing equipment as the OSHA Form No. 100 itself.

(b) Any employer may maintain the log of occupational injuries and illnesses at a place other than the establishment or by means of data-processing equipment, or both, under the following circumstances:

(1) There is available at the place where the log is maintained sufficient information to complete the log to a date within 6 working days after receiving information that a recordable case has occurred, as required by paragraph (a) of this section.

(2) At each of the employer's establishments, there is available a copy of the log which reflects separately the injury and illness experience of that establishment complete and current to a date within 45-calendar days.

2. Section 1904.4 is amended to read as follows:

§ 1904.4 Supplementary record.

In addition to the log of occupational injuries and illnesses provided for under § 1904.2, each employer shall have available for inspection at each establishment within 6 working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Occupational Safety and Health Administration Form OSHA No. 101. Workmen's compensation, insurance, or other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used or the necessary information shall be otherwise maintained.

3. Section 1904.5 is amended to read as follows:

§ 1904.5 Annual summary.

(a) Each employer shall compile an annual summary of occupational injuries and illnesses for each establishment. Each annual summary shall be based on the information contained in the log of occupational injuries and illnesses for the particular establishment. Form OSHA No. 102 shall be used for this purpose, and shall be completed in the form and

detail as provided in the instructions contained therein.

(b) The summary shall be completed no later than 1 month after the close of each calendar year beginning with calendar year 1971.

(c) Each employer, or the officer or employee of the employer who supervises the preparation of the annual summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employee of the employer who supervises the preparation of the annual summary of occupational injuries and illnesses, to the lower right hand corner of the annual summary or by appending a separate statement to the annual summary certifying that the annual summary is true and complete.

(d) (1) Each employer shall post a copy of the establishment's summary in each establishment in the same manner that notices are required to be posted under § 1903.2(a) of this chapter. The summary shall be posted no later than February 1 and shall remain in place for 30 consecutive calendar days thereafter.

(2) A failure to post a copy of the establishment's annual summary may result in the issuance of citations and assessment of penalties pursuant to sections 9 and 17 of the Act.

4. Section 1904.9 is amended as follows:

§ 1904.9 Falsification, or failure to keep records or reports.

(a) Section 17(g) of the Act provides that "Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment, for not more than 6 months or both."

(b) Failure to maintain records or file reports required by this part, or in the details required by forms and instructions issued under this part, may result in the issuance of citations and assessment of penalties as provided for in sections 9, 10, and 17 of the Act.

5. Section 1904.13 is amended to read as follows:

§ 1904.13 Petitions for recordkeeping exceptions.

(a) *Submission of petition.* Any employer who wishes to maintain records in a manner different from that required by this part may submit a petition containing the information specified in paragraph (c) of this section to the Regional Director of the Bureau of Labor Statistics wherein the establishment involved is located.

* * * * *

(c) *Contents of petition.* A petition filed under paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) Specifications of the reasons for seeking relief;

(4) A description of the different recordkeeping procedures which are proposed by the applicant;

(5) A statement that the applicant has informed his affected employees of the petition by giving a copy thereof to them or to their authorized representative and by posting a statement giving a summary of the petition and by other appropriate means. A statement posted pursuant to this subparagraph shall be posted in each establishment in the same manner that notices are required to be posted under § 1903.2(a) of this chapter. The applicant shall also state that he has informed his affected employees of their rights under paragraph (b) of this section;

(6) In the event an employer has more than one establishment he shall submit a list of the States in which such establishments are located and the number of establishments in each such State. In the further event that certain of the employer's establishments would not be affected by the petition, the employer shall identify every establishment which would be affected by the petition and give the State in which they are located.

(Secs. 8(c), 8(g), 24, 84 Stat. 1599, 1600, 1615; 29 U.S.C. 657, 673; Secretary's Order No. 12–71, 36 F.R. 8754)

[FR Doc.72–721 Filed 1–17–72;8:51 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

PART 261—TRESPASS

Road Closure and Damage

On November 27, 1971, notice of proposed rule making regarding an amendment to §§ 212.7 and 261.4 was published in the FEDERAL REGISTER (36 F.R. 22684). After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, except for the following correction:

The citation of authority should read: "(26 Stat. 1103, 16 U.S.C. 471; 30 Stat. 35, 36, 16 U.S.C. 478, 551; * * *)"

Effective date. This amendment is effective on the date of its publication in the FEDERAL REGISTER (1–18–72).

T. K. COWDEN,
Assistant Secretary of Agriculture.

JANUARY 12, 1972.

1. Part 212, § 212.7(a) is amended by adding subparagraphs (3) and (4) as follows:

§ 212.7 Road system management.

(a) *Traffic rules.* * * *

(3) *Closures.* The Chief may close roads, or segments thereof, under the jurisdiction of the Forest Service to all vehicle use or to use by certain classes of vehicles. Notices of closures shall be posted at the entrances to such roads or road segments and be available to the public at the offices designated in § 200.7 of this chapter.

(4) *Road damage.* Damaging and leaving in a damaged condition roads which are under the jurisdiction of the Forest Service is prohibited.

* * * * *

§ 261.4 [Amended]

2. Part 261 Trespass, § 261.4 is amended by deleting paragraphs (e) and (h).

(26 Stat. 1103, 16 U.S.C. 471; 30 Stat. 35, 36, 16 U.S.C. 478, 551; 50 Stat. 526, 7 U.S.C. 1011(f); 72 Stat. 885, as amended, 23 U.S.C. 101, 205; 78 Stat 1089, 16 U.S.C. 532–538; 74 Stat. 215, 16 U.S.C. 528–531)

[FR Doc.72–644 Filed 1–17–72;8:51 am]

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

Piperonyl Butoxide

A petition (PP 9F0840) was filed by FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues from dermal applications to the animals of the insecticide piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) in the raw agricultural commodities milk fat at 0.25 part per million (reflecting negligible residues in milk) and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.03 part per million.

Subsequently, the petitioner amended the petition by changing the proposed tolerance of 0.03 part per million in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep to 0.1 part per million in the meat, fat, and meat byproducts of the aforementioned animals.

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

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 tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.127 is amended to read as follows:

§ 180.127 Piperonyl butoxide; tolerances for residues.

Tolerances for residues of the insecticide piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) are established in or on raw agricultural commodities, as follows:

20 parts per million from postharvest application in or on barley, birdseed mixtures, buckwheat, corn (including popcorn), rice, rye, wheat.

8 parts per million from postharvest application in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottenseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, gran sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts (determined on the nuts with shell removed), pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, walnuts.

0.25 part per million from postharvest application in or on potatoes.

0.25 part per million (reflecting negligible residues in milk) in milk fat.

0.1 part per million (negligible residue) in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

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 S.W., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-18-72).

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

Dated: January 10, 1972.

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

[FR Doc.72-674 Filed 1-17-72;8:46 am]

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

Diphenamid

A petition (PP 0F0933) was filed by the Upjohn Co., Kalamazoo, Mich. 49001, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the herbicide diphenamid (*N,N*-dimethyl-2,2-diphenylacetamide), including its desmethyl metabolite (*N*-methyl-2,2-diphenylacetamide) in or on the raw agricultural commodities peanut hay and forage at 1.5 parts per million; soybean hay and forage and cotton forage at 0.2 part per million; and apples, cottonseed, okra, peaches, peanuts, soybeans, and sweetpotatoes at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by changing the proposed tolerances on peanut hay and forage from 1.5 parts per million to 2 parts per million and on soybean hay and forage from 0.2 to 0.5 part per million and by adding tolerances on peanut hulls at 0.5 part per million; meat, fat, and meat byproducts of cattle, goats, hogs, horses and sheep at 0.05 part per million (negligible residue); and in milk at 0.01 part per million (negligible residue).

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

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

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

1. There are reasonable expectations of finite residues in meat and milk, but the proposed tolerances are adequate to cover residues from the feed use of diphenamid-treated items. The uses are classified in the category specified in § 180.6(a)(2) for meat and milk.

2. The proposed uses are not reasonably expected to result in residues of the pesticide in eggs and poultry. The uses are classified in the category specified in § 180.6(a)(3) for eggs and poultry.

3. The tolerances established by the 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), § 180.230 is revised to read as follows:

§ 180.230 Diphenamid; tolerances for residues.

Tolerances are established for residues of the herbicide diphenamid (*N,N*-dimethyl-2,2-diphenylacetamide) including its desmethyl matabolite (*N*-methyl-2,2-diphenylacetamide) in or on raw agricultural commodities as follows:

2 parts per million in or on peanut hay and forage.

1 part per million in or on potatoes and strawberries.

0.5 part per million in or on peanut hulls and soybean hay and forage.

0.2 part per million in or on cotton forage.

0.1 part per million (negligible residue) in or on apples, cottonseed, fruiting vegetables, okra, peaches, peanuts, soybeans, and sweet potatoes.

0.05 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

0.01 part per million (negligible residue) in milk.

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, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-18-72).

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

Dated: January 10, 1972.

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

[FR Doc.72-678 Filed 1-17-72;8:47 am]

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

2,2-Dichlorovinyl Dimethyl Phosphate

A petition (PP 1F1059) was filed by the Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate in eggs, and in the meat, fat, and meat byproducts of poultry at 0.05 part per million.

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

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

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

2. Residues from the proposed usage are not reasonably expected to exceed the proposed tolerances. The usage is classified in the category specified in § 180.6(a)(2).

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.235 is amended by inserting before the paragraph "0.02 part per million * * *", a new paragraph as follows:

§ 180.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in eggs and in the meat, fat, and meat byproducts of poultry.

* * * * *

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, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–18–72).

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

Dated: January 10, 1972.

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

[FR Doc.72-676 Filed 1-17-72;8:46 am]

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

Cacodylic Acid

A petition (PP 0F0911) was filed by the Ansul Co., Marinette, Wis. 54143, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance of 2 parts per million for residues of elemental arsenic resulting from application of the defoliant cacodylic acid (dimethylarsinic acid) in or on the raw agricultural commodity cottonseed. Subsequently, the petitioner amended the petition by proposing additional tolerances at 1 part per million for residues of cacodylic acid (expressed as elemental arsenic) in the kidney and liver of cattle and at 0.5 part per million in meat, fat, and meat byproducts (except kidney and liver) of cattle.

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

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 the data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the defoliant exceeding the tolerances for meat, fat, and meat byproducts of cattle. Residues of arsenic are not expected in milk. The usage is classified in the category specified in § 180.6(a)(3). Trace residues of arsenic could occur in eggs and meat, fat, and meat byproducts of hogs and poultry. These levels would be insignificant in relation to those contributed by veterinary uses and covered under § 135g.33. (The tolerances established by § 135g.33 range from 0.5 part per million to 2 parts per million.)

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

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

§ 180.311 Cacodylic acid; tolerances for residues.

Tolerances are established for residues of the defoliant cacodylic acid (dimethylarsinic acid), expressed as As_2O_3, in or on raw agricultural commodities as follows:

2.8 parts per million in or on cottonseed.

1.4 parts per million in the kidney and liver of cattle.

0.7 part per million in meat, fat, and meat byproducts (except kidney and liver) of cattle.

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, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–18–72).

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

Dated: January 10, 1972.

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

[FR Doc.72-675 Filed 1-17-72;8:46 am]

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

Subpart D—Exemptions From Tolerances

DIMETHYLFORMAMIDE

A petition (PP 1F1026) was filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, in accordance

with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing an exemption from the requirement of a tolerance for residues of dimethylformamide when used as an inert solvent or cosolvent in pesticide formulations applied to growing crops. Subsequently, the petitioner amended the petition by proposing to restrict usage to pesticide formulations for (1) preemergence application, (2) application prior to formation of edible parts of plants, and (3) seed or transplant treatment.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes 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 by alphabetically inserting a new item in paragraph (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Dimethylformamide.	For use only in preemergence application, application prior to formation of edible parts of food plants, and seed and transplant treatment.	Solvent, cosolvent.
* * *	* * *	* * *

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, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–18–72).

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

Dated: January 10, 1972.

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

[FR Doc.72–677 Filed 1–17–72;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101–47.49—Illustrations

GSA FORM 1100, REPORT OF SURPLUS REAL PROPERTY DISPOSALS AND INVENTORY

Section 101–47.4903 is revised to illustrate the October 1971 edition of GSA Form 1100, Report of Surplus Real Property Disposals and Inventory. Instructions for preparation of the form have been updated to (1) require the annual submission of GSA Form 1100 for the period July 1 to June 30 and (2) eliminate the requirement for submission of a list of individual disposal transactions in which less than the appraised fair market value was obtained and a list of properties remaining in inventory at the end of the report period.

NOTE: The form in § 101–47.4903 is filed as part of the original document.

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

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (1–18–72).

Dated: January 10, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72–634 Filed 1–17–72;8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

INDUSTRIAL STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1B2677) filed by Grain Processing Corp., Muscatine, Iowa 52761, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for an increase in the maximum amount of ammonium persulfate reactant from 0.3 percent to 0.6 percent when the starch is treated under alkaline conditions.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2506(a) is amended by revising the item "Ammonium persulfate" in the list of substances to read as follows:

§ 121.2506 Industrial starch-modified.

* * * * *

(a) * * *

List of reactants:	*Limitations*
Ammonium persulfate, not to exceed 0.3 percent or in alkaline starch not to exceed 0.6 percent.	
* * *	* * *

* * * * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–18–72).

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

Dated: January 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–687 Filed 1–17–72;8:48 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Levamisole Hydrochloride (Equivalent)

The Commissioner of Food and Drugs has evaluated a new animal drug application (45–455v) filed by American

Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing additional safe and effective use of levamisole hydrochloride (equivalent) as an anthelmintic in swine feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended in the table in § 135e.59(f) by adding a new item 2, as follows:

§ 135e.59 Levamisole hydrochloride (equivalent).

* * * * *

(f) *Conditions of use.* It is used as follows:

Principal	Grams per pound	Limitations	Indications for use
* * *	* * *	* * *	* * *
2. Levamisole hydrochloride (equivalent).	0.36 (0.08%)	For swine; withhold feed from swine overnight and then administer medicated feed the following morning; feed 1 pound of worming feed per 100 pounds body weight of pigs to be treated; pigs maintained under conditions of constant worm exposure may require retreatment within 4 to 5 weeks after the first treatment due to reinfection; do not treat within 72 hours of slaughter for food; the label shall bear the warning, "Salivation or muzzle foam may be observed. This reaction is occasionally seen and will disappear in a short time after medication." "If pigs are infected with mature lungworms, coughing, and vomiting may be observed soon after medicated feed is consumed. This reaction is due to the expulsion of worms from the lungs and will be over in several hours."	For treating swine infected with the following nematode infections; large round-worms (*Ascaris suum*), nodular worms (*Oesophagostomum spp.*), lungworms (*Metastrongylus spp.*).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1–18–72).

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

Dated: January 6, 1972.

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

[FR Doc.72–689 Filed 1–17–72;8:48 am]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Testing Procedure for Special Packaging

Section 295.10, setting forth the procedure for testing "special packaging" as defined in section 2(4) of the Poison Prevention Packaging Act of 1970, was promulgated in the FEDERAL REGISTER of November 20, 1971 (36 F.R. 22152). Paragraph (a)(2) thereof provides, in pertinent part, that "[t]he special packaging, each test unit of which, if appropriate, has previously been opened and properly resecured at least ten times by the tester, shall be given to each of the two children with a request for them to open it." Upon further consideration the Commissioner of Food and Drugs has concluded that this requirement should be replaced by more precise provisions which are designed to replicate actual use conditions and which will more adequately protect the public.

The provision that the special packaging be opened and properly resecured before testing was included to insure that the test results would not be influenced by a closure which had been improperly applied, nor by a closure which had been mechanically applied in such a manner that the initial opening would require more physical force than the children being tested could exert, but which would have a lower child-resistant effectiveness level for subsequent openings. This concern would be satisfied by a single pretest opening and resecuring of the special packaging by the tester.

The provision that the opening and resecuring process be performed at least 10 times was included to approximate conditions of normal wear and deterioration of the closure when in continued use. The Commissioner concludes, after further consideration, that continued proper functioning of the closure can best be determined through mechanical testing performed by the manufacturer of the special packaging, and that such determinations are inappropriate in the present protocol. The Commissioner will, therefore, include in the individual standards for substances regulated under the act a requirement that the special packaging used must continue to function as specified when in actual contact with the substance contained therein for the number of openings customarily required for its size and contents. These determinations may be made by scientific evaluation of the compatibility of the substance with the special packaging and by statistically valid mechanical testing to measure such factors as force, wear, and stress. The Commissioner concludes that such a requirement will actually result in greater safeguards for child protection and will more fully implement the purposes of the act.

Therefore, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74) and under authority delegated to the Commissioner (21 CFR 2.120), § 295.10 *Testing procedure for special packaging* is amended by revising the sixth sentence of paragraph (a)(2) to read "The special packaging, each test unit of which, if appropriate, has previously been opened and properly resecured by the tester, shall be given to each of the two children with a request for them to open it."

Since this amendment is nonrestrictive and noncontroversial in nature, notice and public procedure and 30-day delay in effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall become effective January 20, 1972.

(Secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471–74)

Dated: January 7, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72–688; Filed 1–17–72;8:48 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 718]

PEANUTS

Proposed Determination of Acreage and Compliance

Pursuant to the authority in the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), it is proposed that the regulations governing the determination of peanut acreage be amended to provide that when an area is planted to peanuts the entire area shall be considered as being devoted to peanuts, without regard to the planting pattern used. Under this proposed amendment, peanut producers would not receive deduction credit for strips of idle land between strips of peanuts in skip-row patterns.

Accordingly, it is proposed that paragraph (h) of § 718.8 (36 F.R. 14302) be amended as follows:

§ 718.8 Determination of crop and land use acreage by farm visit.

* * * * *

(h) *Acreage considered as devoted to crop or land use*—(1) *Acreages of row crops planted in skip-row patterns*—(i) *Crops planted in strips of two or more rows alternating with idle land*—(*a*) *Crops other than peanuts.* The entire area shall be considered as devoted to the crop where (*1*) the crop being measured is planted in strips of two or more rows alternating with idle land, and (2) the distance from plant row to plant row of the crop between strips of the crop is not more than 63 inches. However, if the distance from plant row to plant row between strips of the crop is more than 63 inches, the larger of one-half the distance between rows of the crop in the strip or 16 inches shall be considered as devoted to the crop.

(*b*) *Peanuts.* The entire area shall be considered as devoted to peanuts where peanuts are planted in strips of two or more rows alternating with idle land.

* * * * *

(iii) *Single wide rows*—(*a*) *Crops other than peanuts.* The entire area shall be considered as devoted to the crop where (*1*) such crop is planted in single wide rows, and (2) the distance from plant row to plant row is not more than 63 inches. However, when the distance from plant row to plant row is more than 63 inches, 32 inches beyond the row shall be considered as devoted to the crop.

(*b*) *Peanuts.* The entire area shall be considered as devoted to peanuts where peanuts are planted in single wide rows.

* * * * *

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the above office Monday through Friday from 8:15 a.m. to 4:45 p.m.

Signed at Washington, D.C., on January 12, 1972.

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

[FR Doc.72-719 Filed 1-17-72;8:50 am]

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Termination of Proceeding on Proposed Suspension of Certain Provisions of Order

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), of termination of proceeding on proposed suspension of certain provisions of the order regulating the handling of milk in the Middle Atlantic marketing area. The notice of proposed suspension was issued December 27, 1971 (37 F.R. 20). Interested parties were invited to submit views, data, or arguments to the Hearing Clerk not later than 3 days after publication (January 4, 1972) in the FEDERAL REGISTER.

Certain provisions of paragraph (c) of § 1004.15 were proposed to be suspended to remove the limitation on diversions of producer milk for the months of January and February 1972.

Suspension action was requested on behalf of 23 producers delivering milk to a proprietary handler operating both pool and nonpool plants in Philadelphia. Such handler had been the successful bidder on the Navy Yard contract in 20 of the last 28 times such contract was offered on bids but lost the contract effective January 1, 1972. Petitioners alleged that the handler had advised them that their milk would no longer be accepted on or about January 1, 1972, unless such handler obtained the relief sought by the requested suspension action. They claimed that the diversion provisions are too stringent to permit the handler to economically handle their milk through his nonpool manufacturing plant and still maintain producer status for all of his producers currently associated with his pool distributing plant. To insure a continuing local market, the suspension action was requested for the months of January and February. Unlimited diversions are permitted during the months of March through June under the terms of the order.

Substantial opposition to the proposed suspension action was filed by several substantial cooperatives representing producers on the market. The cooperatives contend that the situation prompting the suspension request involves such a small segment of the market that the requested relaxation in the pooling standards would not be justified. They suggest further that petitioners reacted to their handler's suggestion of a likely loss of market without apparent investigation of either the alternatives available to them or to the handler.

The cooperatives point out that the diversion provisions are designed to accommodate efficient handling of seasonal, holiday, and weekend supplies of fluid milk operations and are not intended to provide a regular source of milk supplies for manufacturing use.

The cooperatives indicate that the problem can be handled fully by careful use by the handler of available diversion allowances without the producers' loss of pool status or market with the handler. Moreover, an exceptor, as a substantial cooperative in the market, indicates that it and another substantial cooperative each had offered to handle the petitioners' milk, or an equivalent amount, and deliver the milk to the handler's nonpool plant on the same carriers being utilized by the petitioners, in such a manner that the milk would retain its producer milk status under Federal Order No. 4.

The cooperatives' offer of assistance to the handler must be regarded as assurance that the milk supply in question can have a continuing local market under Order No. 4. In such circumstances, there is no need or basis for the requested suspension action.

It, therefore, is found and determined that the proposed suspension of the aforesaid diversion limitation provisions of the Middle Atlantic order should not be effectuated and the proceeding begun in this matter on December 27, 1971, should be and is hereby terminated.

Signed at Washington, D.C., on January 13, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-720 Filed 1-17-72;8:50 am]

[7 CFR Part 1065]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the months of January through June 1972.

All persons who desire to submit written data, views or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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

The provisions proposed to be suspended are as follows:

1. In paragraph (c)(1) of § 1065.14 *producer milk*, "for at least 3 days during the month. The aggregate quantity of producer milk so diverted for the month, however, shall not exceed 15 percent of the cooperative handler's total member-producer milk receipts at all pool plants during the month;"; and

2. In paragraph (c)(2) of § 1065.14 *Producer milk*, "for at least 3 days during the month. The aggregate quantity of producer milk so diverted for the month, however, shall not exceed 15 percent of the milk of all such producers received at his pool plant(s) exclusive of that milk received from producer-members of a cooperative association;".

STATEMENT OF CONSIDERATION

The proposed suspension would have the effect of permitting unlimited diversions to nonpool plants for the months of January through June 1972.

A cooperative association may now divert to nonpool plants for its account the milk of any producer-member whose milk is received at a pool plant(s) for at least 3 days during the month: *Provided*, That the aggregate quantity of producer milk so diverted by the cooperative is not in excess of 15 percent of total member-producer milk receipts at all pool plants during the month. Likewise, a proprietary handler may divert a quantity up to 15 percent of the milk of non-member producers received at his pool plant(s).

The suspension of the limitation on diversions was requested by Mid-America Dairymen, Inc., a milk producer organization in the market. The petitioner alleges that it is primarily responsible for handling the reserve supplies of mlik for the market. Petitioner states that its diversions were in excess of the 15 percent limit in December 1971 and that diversions in excess of the limit will continue to be necessary in January 1972 and during the following months through June when milk production increases rapidly. The order provides that milk diverted in excess of the limit is not pooled as producer milk.

Signed at Washington, D.C., on January 14, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72–813 Filed 1–17–72;9:27 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

SAFETY AND HEALTH STANDARDS

Housing for Agricultural Employees

Section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) in general directs the Secretary of Labor to promulgate as an occupational safety and health standard under the Act any "national consensus standard" and any "established Federal standard". Section 6(a) provides that in the event of conflict among these standards, the Secretary is to promulgate the standard which assures the greatest protection of the safety or health of the affected employees.

The Department's rules under the Wagner-Peyser Act of 1933 (29 U.S.C. 49k) which are published in 20 CFR Part 620 are "established Federal standards" within the meaning of section 3(10) of the Williams-Steiger Occupational Safety and Health Act. Section 1910.267 of Title 29, Code of Federal Regulations (36 F.R. 19699, May 29, 1971), which applies to agricultural operations, incorporates the standard for temporary labor camps, which is published in § 1910.142 of that title (36 F.R. 19594, May 29, 1971). The source of § 1910.142 is ANSI Z4.4–1968, Minimum Requirements for Sanitation in Temporary Labor Camps. This is a "national consensus standard" within the meaning of section 3(9) of the Williams-Steiger Occupational Safety and Health Act.

Interested persons are invited to submit written comments to the Office of Safety and Health Standards, Room 308, 400 First Street NW., Washington, DC 20210, within 30 days following the publication of this notice in the FEDERAL REGISTER in order to assist the Assistant Secretary of Labor for Occupational Safety and Health (1) in identifying any conflicts existing between the "national consensus standard" which is published in § 1910.142 and the "established Federal standards" which are published in 20 CFR Part 620 as they apply to agricultural employment; and (2) in adopting under section 6(a) of the Williams-Steiger Occupational Safety and Health Act the standards which assure the greatest protection of safety and health to affected employees.

Pending a determination pursuant to this proceeding, compliance with the requirements of either 20 CFR Part 620 or 29 CFR 1910.142, to the extent that it applies to agricultural employment by virtue of § 1910.267, shall be deemed to be compliance for enforcement purposes with the Williams-Steiger Occupational Safety and Health Act.

Written comments which may be submitted in response to this notice shall be available for public inspection and copying in the Office of Safety and Health Standards, 400 First Street NW., Washington, DC 20210, except as to matters the disclosure of which is prohibited by law.

Signed at Washington, D.C., this 13th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72–722 Filed 1–17–71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3–4]

PROCUREMENT CLEARANCE OF AUDIO VISUAL PRODUCTIONS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by revising Subpart 3–4.54, Procurement Clearance of Motion Pictures and Video Tape Productions. The purpose of the revision is to clarify the coverage to include all steps and techniques used to procure a finished motion picture, video tape, slide show, film strip, audio recording, exhibitry, display, or similar production.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Procurement and Materiel Management.

Dated: December 30, 1971.

N. B. HOUSTON,
Deputy Assistant Secretary
for Administration.

As proposed, the revised Subpart 3–4.54 would read as follows:

Subpart 3–4.54—Procurement Clearance of Audio-Visual Productions

§ 3–4.5400 Scope of subpart.

This subpart provides for prior clearance and methods of contracting for the procurement of audiovisual productions. Refer to Chapter 1–121 of the General Administration Manual. The term "audio visual production," as used in this subpart, refers to all steps and techniques leading to the realization of a finished motion picture, video tape, slide show, film strip, audio recording, exhibitry, display, or similar materials, including design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities leading to the creation of an audiovisual production regardless of intended use. Instructions relating to procurement of such productions obtained with grant funds are contained in Chapter 1–450 of the HEW Grants Administration Manual.

§ 3–4.5401 Responsibility.

No procurement action for acquisition of audiovisual productions shall be initiated without first obtaining proper clearance and approvals as set forth below. The Office of the Assistant Secretary for Public Affairs, Office of the Secretary (ASPA–OS), has been designated as the office of primary responsibility for the review and approval of all audiovisual productions. Requests for the procurement of audiovisual productions shall be submitted to ASPA–OS for review and approval (or disapproval).

§ 3–4.5402 Clearance for procurement.

(a) Clearances shall apply to contracts dealing, in whole or in part, with development of audiovisual productions, whether for public information, education or training purposes.

(b) All requests for approval of audiovisual productions, except requests for exhibitry shall be submitted on revised Form HEW–524, Request for Audiovisual Material. Requests for audiovisual materials will be submitted to ASPA–OS for review and approval prior to initiating any procurement action. Requests for approval of exhibitry shall be submitted to ASPA–OS in memorandum form stating the purpose as well as a general description of the content, and the circumstances under which the exhibitry will be used.

(c) Each request shall include the name of the assigned project officer. Failure to assign a project officer whose experience in audiovisual production is suitable to the project will constitute sufficient reason for disapproval of the project.

(d) Each request shall have been approved at the agency level by not lower than the principal public information officer, i.e., Assistant Commissioner for Public Affairs, Assistant Administrator for Information, etc., prior to submission to ASPA–OS.

(e) Requests shall be forwarded to ASPA–OS in triplicate by the approving agency level information officer. Two copies shall be returned by ASPA–OS to the agency level information officer together with (1) a memorandum of approval designating subsequent stages of the project at which ASPA–OS will review the material, or (2) a memorandum of disapproval documenting the reason for withholding approval.

(f) The approved original of the request shall be made a part of the permanent procurement file.

§ 3–4.5403 Methods of contracting.

(a) All procurements shall be conducted on a competitive basis whenever possible. The requirement for publicizing proposed procurements by synopsis in the Commerce Business Daily, as set forth in § 1–1.1003, Federal Procurement Regulations, shall be followed.

(b) When considered desirable and appropriate to do so, current approved bidders lists, call contracts, or procurement arrangements of another Federal agency or department may be used subject to prior concurrence of ASPA–OS, and Office of Procurement and Materiel Management, Office of the Assistant Secretary for Administration and Management (OPMM–OASAM).

(c) When operating agencies wish to supplement any qualified bidders list or call contract list with additional contractors, such additions shall be coordinated with ASPA–OS and OPMM–OASAM.

§ 3–4.5404 Competition.

(a) Contracts shall be awarded after competition and on a fixed price basis whenever feasible. Requests for sole source procurement shall receive the concurrence of ASPA–OS and OPMM–OASAM.

(b) When call contracts or procurement arrangements have already been synopsized, no further synopsis is necessary when issuing calls against the basic contract. However, this procedure does not eliminate the requirement to obtain adequate competition from sources described in § 3–4.5403(b) consistent with the nature and size of the requirement.

[FR Doc.72–702 Filed 1–17–72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–SW–75]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Searcy, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

SEARCY, ARK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Searcy Municipal Airport (Latitude 35°13'17" N., Longitude 91°44'15" W.).

Designation of the Searcy, Ark., transition area will provide controlled airspace necessary to accommodate the instrument approach procedures planned at Searcy Municipal Airport.

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

Issued in Fort Worth, Tex., on January 6, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72–668 Filed 1–17–72;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

DEPUTY TREASURER, ET AL.

Order of Succession to Act as Treasurer of the United States

1. Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers in the Office of the Treasurer of the United States, in the order of succession listed, shall act as Treasurer during the absence or disability of that officer or in the event of a vacancy in the Office:

Deputy Treasurer.
Assistant Deputy Treasurer.
Assistant to the Deputy Treasurer.
Management Analysis Officer.
Chief, Check Claims Division.
Chief, General Accounts Division.
Chief, Cash Division.

2. In the event of an enemy attack on the continental United States and in the absence of the Treasurer of the United States, the senior officer present at the site at which the Treasurer's operations are performed, in descending order in the following line of succession, shall act as Treasurer:

Deputy Treasurer.
Assistant Deputy Treasurer.
Assistant to the Deputy Treasurer.
Management Analysis Officer.
Chief, Check Claims Division.
Chief, General Accounts Division.
Chief, Cash Division.
Director, Parkersburg Office, Bureau of the Public Debt.

3. In the event of an enemy attack on the continental United States and in the occurrence of a vacancy in the office of Treasurer of the United States, the Treasurer's functions shall be deemed to have been transferred, pursuant to the above-mentioned Treasury Department order, to the senior officer present at the site at which the Treasurer's operations are performed, in descending order in the line of succession listed in paragraph 2 above.

4. This order supersedes the order of succession dated September 10, 1963 (28 F.R. 9964).

Dated: January 13, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-711 Filed 1-17-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 14442]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 7, 1972.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-14442, for the withdrawal of the lands described below, from prospecting, location and entry under the General Mining Laws only, subject to valid existing rights.

The applicant desires the lands for public recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

SAN JUAN NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Treasure Falls Rest Stop Addition

T. 37 N., R. 1 E.,
Sec. 16, W½NE¼SE¼.

U.S. Highway 160 Roadside Zone

A strip of land two hundred (200) feet on each side of the centerline on U.S. Highway 160 through the following legal subdivisions:

T. 37 N., R. 1 E.,
Sec. 1, lot 1;
Sec. 2, lot 4;
Sec. 3, N½;
Sec. 4, SE¼NE¼, W½NE¼SE¼, S½SE¼;
Sec. 9, all;
Sec. 16, W½NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 21, NE¼NW¼.
T. 38 N., R. 1 E.,
Sec. 34, SE¼SE¼;
Sec. 35, S½;
Sec. 36, S½.
T. 37 N., R. 2 E.,
Sec. 6, lot 4.

Stump Lakes Campground

T. 37 N., R. 7 W., Protraction Diagram No. 27 dated November 12, 1964.

A portion of sec. 9 beginning near the center of the section at a point 3 chains west of the outlet of the north of two small lakes; thence due south 8 chains, thence due east 5 chains, thence due south 15 chains, thence due east 25 chains, thence due north 20 chains, thence due west 5 chains, thence due north 15 chains, thence due west 25 chains, thence due south 12 chains, to the point of beginning.

Lost Lake Campground

T. 37 N., R. 7 W., Protraction Diagram No. 27, dated November 12, 1964.

A portion of secs. 17, 18, 19, and 20 beginning at a point which is 9 chains due west of where creek leaves north end of lake, thence due south 11 chains, thence due east 5 chains, thence due south 20 chains, thence due east 15 chains, thence due north 20 chains, thence due east 5 chains, thence due north 25 chains, thence due west 20 chains, thence due south 5 chains, thence due west 5 chains, thence due south 9 chains, to the point of beginning.

Henderson Lake Campground

T. 37 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

That part of sec. 2 described as follows: Beginning at the southwest corner of sec. 35, T. 38 N., R. 8 W., thence due south 15 chains, thence easterly 40 chains on a line parallel with the north section line of sec. 2, thence due north 15 chains to a point on the north boundary of sec. 2, thence westerly 40 chains along the north boundary of sec. 2 to the point of beginning.
T. 38 N., R. 8 W.,

Sec. 35, S½S½SW¼, E½SE¼, SW¼SW¼SE¼, E½W½SE¼.

Molas Pass Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

A parcel of land in sec. 13 described as follows: Beginning at a point which bears N. 74° E. 1,056 feet from the junction of U.S. 550 and Forest Road 2590, thence due east 792 feet, thence due north 1,056 feet, thence due west 792 feet, thence due south 1,056 feet to the point of beginning.

East Lime Rest Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

A parcel of land in sec. 14 described as follows: Beginning at a point in sec. 14, which point is due west 68 chains from the junction of U.S. Highway 550 and Forest Road 2590 (Andrews Lake Road), thence due south 12 chains, thence due west 20 chains, thence due north 12 chains, thence due east 20 chains to the point of beginning.

Deer Creek Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

A parcel of land in sec. 21, described as follows: Beginning at a point in the SE¼, from which the junction of U.S. Highway 550 and Forest Road 2591 bears N. 66° E. 31 chains, thence due west 10 chains, thence due south 15 chains, thence due east 10 chains, thence due north 15 chains to the point of beginning.

Coal Bank Pass Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

A parcel of land in sec. 32 described as: Beginning at a point on the north boundary of sec. 32 from which the junction of U.S. Highway 550 and Forest Road 2591 bears N. 42° E. 163.5 chains, thence due west 16 chains, thence due south 16 chains, thence due east 16 chains, thence due north 16 chains to the point of beginning.

Mineral Creek Campground Site

T. 41 N., R. 8 W., Protraction Diagram No. 24, and 24B, dated May 5, 1965.

A parcel of land in secs. 11 and 14 beginning at a point in the NE¼ of sec. 14 from which the junction of U.S. Highway 550 and Forest Road 585 bears S. 70° E. 60 chains, thence due north 16 chains, thence due west 20 chains, thence due north 12 chains, thence due west 20 chains, thence due south 24 chains, thence due east 20 chains, thence due south 4 chains, thence due east 20 chains, to the point of beginning.

Dutch Creek Campground

T. 37 N., R. 9 W.,
Sec. 7, S½NE¼NE¼, N½SE¼NE¼;
Sec. 8, N½SW¼NW¼.

Jones Creek Campground

T. 37 N., R. 9 W.,
Sec. 16, W½W½SE¼.

Chris Park Organization Campground

T. 38 N., R. 9 W.,
Sec. 36, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

Purgatory Ski Area

T. 39 N., R. 9 W.,
Sec. 22, NE¼, S½NW¼, S½;
Sec. 23, S½S½NE¼, SW¼NW¼, NW¼SW¼, S½S½, E½NW¼SE¼, NE¼SE¼;
Sec. 25, N½NW¼NW¼, SW¼NW¼NW¼;
Sec. 26, N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 27, NE¼, NE¼NW¼, N½SE¼.

Wildcat Picnic Ground

T. 39 N., R. 11 W.

A portion of sec. 28 beginning at a point on the southeast line of the Lightning Placer M.S. 20784 which is S. 36°10′ W., 1,122 feet from Corner No. 1 (Corner No. 1 of M.S. 20784 lies S. 73°47′ W., 1,778.87 feet from the northeast corner of sec. 28); thence from the point of beginning, S. 36°10′ W., 792 feet along the southeast line of M.S. 20784 to a point; thence N. 79°30′ E., 1,650 feet to a point; thence N. 27° E., 594 feet to a point; thence S. 87° E., 330 feet and S. 87° W., 1,188 feet to the point of beginning.

Navajo Lake Recreation Site

T. 41 N., R. 11 W.,
Sec. 1, W½SW¼NE¼, E½SE¼NW¼.

Switchback Campground

T. 41 N., R. 11 W.,
Sec. 22, NE¼NE¼, E½E½NW¼NE¼, E½NE¼SW¼NE¼, N½SE¼NE¼.

Burnette Canyon Campground

T. 39 N., R. 12 W.,
Sec. 35, SE¼SE¼SE¼;
Sec. 36, SW¼SW¼, W½SE¼SW¼.

Stoner Ski Area

T. 38 N., R. 13 W.,
Sec. 6, NE¼SE¼, N½SE¼SE¼.

The areas described aggregate approximately 3,231.18 acres.

J. ELLIOTT HALL,
Chief,
Division of Technical Services.

[FR Doc.72-692 Filed 1-17-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BADISCHE ANILIN & SODA-FABRIK AG

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2758) has been filed by Badische Anilin & Soda-Fabrik AG, BASF-6700, Ludwigshafen, Germany, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of potassium bromide and either cupric acetate or cupric carbonate as a stabilizer in nylon 66 resin films.

Dated: January 5, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-690 Filed 1-17-72;8:48 am]

WASHINGTON LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Washington Laboratories, Inc., Pier 66, Seattle, Washington 98121, has withdrawn its petition (FAP 9H2424), notice of which was published in the FEDERAL REGISTER of July 2, 1969 (34 F.R. 11157), proposing that § 121.1009 *Polysorbate 80* (21 CFR 121.1009) be amended to provide for the safe use of polysorbate 80 in the cooking water of shellfish.

Dated: January 5, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-691 Filed 1-17-72;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-140]

ACTING AREA DIRECTORS

Designation and Delegation of Authority

This amendment revises the designation and delegation of authority as Acting Area Directors published at 36 F.R. 3389, February 23, 1971, to conform with revisions of Area Office position titles under Phase II of the Department's reorganization by deleting in section A current paragraphs 2 and 3 and substituting the following new paragraphs:

2. The Director, Operations Division.

3. The Director, Housing Management Division.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment shall be effective September 1, 1971.

GEORGE. ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-701 Filed 1-17-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Order Concerning Schedule for Prehearing Conference

In the matter of Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), Dockets Nos. 50-348, 50-364.

A prehearing conference in the above matter will be held on Friday, February 11, 1972 at 10 a.m., local time, in the Fourth Floor Courtroom, Houston County Courthouse, Main and Oak Streets, Dothan, Ala. 36301.

The prehearing conference will be concerned only with the Commission's licensing requirements under the Atomic Energy Act of 1954, as amended. It will not cover the matters set forth in the Supplementary Notice of Hearing published in the FEDERAL REGISTER on December 4, 1971.

The Board at the prehearing conference will establish a date and place for the evidentiary hearing.

Dated at Washington, D.C., this 11th day of January 1972.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.72-669 Filed 1-17-72;8:46 am]

[Docket No. 50-249]

COMMONWEALTH EDISON CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, as revised September 9, 1971, notice is hereby given that a report entitled "Supplement No. 1 to Dresden 3 Nuclear Power Station Environmental Report" by the Commonwealth Edison Co. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC. The report is also being made available to the public at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Ill. 62706. This report discusses environmental considerations related to the operation of the Dresden 3 Nuclear Power Station located in Grundy County, Ill. Notice of availability of the applicant's report entitled "Environmental Statement for Dresden Unit 3" dated July 24, 1970, was published in the FEDERAL REGISTER on August 6, 1970 (35 F.R. 12568). Notice of the Availability of the Commission's Detailed Statement on Environmental Considerations was published in the FEDERAL REGISTER on January 9, 1971 (36 F.R. 334). Copies of the applicant's statement dated July 24, 1970, and the Commission's Detailed Statement are also available at the above location.

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

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-670 Filed 1-17-72;8:46 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Establishment of Atomic Safety and Licensing Board

On December 29, 1971, the Commission published in the FEDERAL REGISTER a notice of hearing to consider the application filed by the Northern Indiana Public Service Co. for a construction permit which would authorize the construction of a boiling water reactor, identified as Bailly Generating Station Nuclear I. That notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Richard L. Doan, Dr. Harry Foreman, and Mr. Robert M. Lazo, Chairman. Dr. Eugene Greuling has been designated as a technically qualified alternate and Mr. James R. Yore has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference will be set by the Board, and the date and place of the hearing will be set at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of January 1972.

NATHANIEL H. GOODRICH,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.72-671 Filed 1-17-72;8:46 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Notice of Availability of Applicant's Environmental Report; Correction

In F.R. Doc. 71-18941 published in the FEDERAL REGISTER on December 29, 1971 (36 F.R. 25176), second paragraph, third line, word "construction" is corrected to read "operation".

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-672 Filed 1-17-72;8:46 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled Supplement No. 1 to "Applicant's Environmental Report—Operating License Stage" by the Philadelphia Electric Co., is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Martin Memorial Library, 159 East Market Street, York, PA 17401. The report is also being made available to the public at the office of the Pennsylvania State Planning Board, 503 Finance Building, State Capitol, Harrisburg, Pa. 17120, and York County Planning Commission, 1320 West Market Street, York, PA 17404. Philadelphia Electric Co., previously filed a report on June 4, 1971, entitled "Environmental Report—Operating License Stage", which is also available for inspection at the above locations.

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

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-703; Filed 1-17-72;8:49 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplemental Environmental Report" by the

Power Authority of the State of New York is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Oswego City Library, 120 East Second Street, Oswego, NY 13126. The report is also being made available to the public at the New York State Office of Planning Coordination, 488 Broadway, Albany, NY 12207 and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, NY 13202. A report entitled "Environmental Report—Operating License Stage for the James A. FitzPatrick Nuclear Power Plant", dated May 22, 1971, is also available for inspection at the above locations.

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

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-673 Filed 1-17-72;8:46 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Availability of Applicants' Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicants' Environmental Report, Construction Permit Stage," and "Supplement to Applicants' Environmental Report, Construction Permit Stage" for the San Onofre Nuclear Generating Station, Units 2 and 3, submitted by the Southern California Edison Co. and the San Diego Gas and Electric Co. have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC; at the San Clemente Public Library, 233 Granada Street, San Clemente, CA 92672; at the Federal Records Center, Reading Room, 4747 Eastern Avenue, Bell, CA 90201; and at the U.S. Atomic Energy Commission, San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704. The reports are also being made available to the public at the San Diego County Comprehensive Planning Organization, 207 County Administration Center, 1600 Pacific Highway, San Diego, CA 92101.

These reports discuss environmental considerations related to the construction of the San Onofre Nuclear Generating Station, Units 2 and 3, located at the U.S. Marine Corps Base, Camp Pendleton, San Diego County, Calif.

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

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-704 Filed 1-17-72;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 72-1-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Issued under delegated authority January 12, 1972.

By Order 71-12-92, dated December 21, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by Joint Conference 1-2 of the International Air Transport Association (IATA) Agreement CAB 22855. The agreement would revalidate and amend the application/substantiation form for North Atlantic specific commodity rates.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-12-92 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22855 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-715 Filed 1-17-72;8:50 am]

FEDERAL RESERVE SYSTEM

TENNESSEE VALLEY BANCORP, INC.

Formation of Bank Holding Company

Tennessee Valley Bancorp, Nashville, Tenn., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Commerce Union Bank, Nashville, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 9, 1972.

Board of Governors of the Federal Reserve System, January 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-705 Filed 1-17-72;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of EPA Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from November 1, 1971, to November 30, 1971 (as required by section 102(2)(C)) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I below.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 11, 1972.

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN NOVEMBER 1, 1971, AND NOVEMBER 30, 1971

Responsible Federal agency	Title and number of statement [1]	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-00010-54: Fast Flux Test Facility (Benton County, Wash.).	2	A
Department of Agriculture	D-DOA-36001-24: Eden Watershed (Yazoo River, Yazoo County, Miss.).	2	A
Do	D-DOA-61021-18: Chattooga River-National Wild and Scenic River System (Jackson and Macon Counties, N.C.; Rabun City, Ga.; Oconne County, S.C.).	1	A
Do	D-DOA-84000-00: Rural Environmental Assistance Program.	2	A
Federal Power Commission	D-FPC-06017-00: Columbia LNG Corp., Consolidated System LNG Co., operation of terminals and transportation system for liquified natural gas.	2	A
Department of Transportation	D-DOT-40025-04: Logan International Airport (Birds Island Flats, Boston, Mass.).	3	B
Do	D-DOT-40050-02: U.S.-3, Bridge at Lake Winnisquam (Tilton-Sanborton-Belmont, Belknap County, N.H.).	1	B
Do	D-DOT-40099-05: I-84 Relocation (Waterbury, Conn.)	2	B
Do	D-DOT-40100-05: I-86 and I-291: Widening and realignment of I-86; full interchange between I-291 and I-86 (Manchester, Conn.).	2	B
Do	D-DOT-50005-04: Bridge on Route 140 across Taunton River (Massachusetts).	2	B
Do	D-DOT-50030-01: Bridge construction across Ewing Narrows (Harpswell, Maine).	2	B
Do	D-DOT-51006-05: Danbury Municipal Airport (Danbury, Conn.).	2	B
Do	D-DOT-51026-02: Manchester Municipal Airport (Hillsborough County, N.H.).	2	B
Army Corps of Engineers	D-COE-61009-09: El Tuque Beach (Ponce, P.R.)	1	C
Department of Transportation	D-DOT-40107-07: Susquehanna Expressway, I-88 (Oneonta, N.Y.).	1	C
Do	D-DOT-40108-07: I-684, Relocated Route 35 to Croton Falls (Westchester County, N.Y.).	1	C
Do	D-DOT-40110-07: Route 9-W, Ravena-Becker's Corner, Dibbs Bridge over railroad, reconstruction (Bethlehem, N.Y.).	1	C
Do	D-DOT-40115-11: Route 8 relocation (Delaware and Ostego Counties, N.Y.).	1	C
Do	D-DOT-40116-07: Boonville Townline-McKeever SH5248 (Oneida County, N.Y.).	1	C
Do	D-DOT-40120-07: Susquehanna Expressway, I-88 (Oneonta to the Schoharie-Schenectady County Line, N.Y.).	1	C
Do	D-DOT-40123-07: Susquehanna Expressway, Schoharie-Schenectady-County line to I-890 (Albany and Schenectady County, N.Y.).	1	C
Do	D-DOT-40126-07: Sheldons Corners-West Lowville County Road 29, reconstruction (Lewis County, N.Y.).	1	C
Department of HUD	D-HUD-85008-07: Proposed new community of Riverton near Rochester, N.Y. (Monroe County).	1	C
Department of Agriculture	D-DOA-36021-12: Dividing Creek Watershed (Wicomico, Worcester, Somerset Counties, Md.).	4	D
Department of Defense	D-DOD-60001-15: Land acquisition for Naval Station (Norfolk, Va.).	1	D
Department of the Interior	D-DOI-01002-11: Coal Gasification Plant (Homer City, Indiana County, Pa.).	1	D
Department of Transportation	D-DOT-40008-12: Maryland Route 97 at Glenmont to Argyle Club Road at Layhill (Montgomery County, Md.).	1	D
Do	D-DOT-40018-12: Patuxent Freeway relocated Maryland Route 32 (Simpsonville to Fort Meade, Md.).	2	D
Do	D-DOT-40073-11: Morgantown Person Rapid Transit Project (Morgantown, W. Va.).	1	D
Do	D-DOT-40148-15: Route 622, Wright Shop Road reconstruction and relocation (Amherst County, Va.).	1	D
Do	D-DOT-40151-11: LR 10001, Section 6 (Butler County, Pa.) and LR 04020, Spur E (Beaver County, Pa.).	1	D

See footnote at end of table.

APPENDIX I—Continued

Responsible Federal agency	Title and number of statement [1]	General nature of comments	Source for copies of comments
Army Corps of Engineers	D-COE-32040-19: Town Creek navigation (Charleston County, S.C.).	2	E
Do	D-COE-32070-21: Choctawhatchee River and Holmes Creek snag removal (Florida).	1	E
Department of Agriculture	D-DOA-36033-19: Hollow Creek Watershed (Lexington and Saluda Counties, S.C.).	1	E
Do	D-DOA-36037-17: Hurricane Creek Watershed structural project measure (Hopkins, Ky.).	1	E
Department of Defense	D-DOD-11005-23: National Guard Use-Arnold Engineering Development Center (Coffee and Franklin Counties, Tenn.).	1	E
Do	D-DOD-51001-17: Airfield complex construction (Fort Campbell, Ky.).	3	E
Department of Transportation	D-DOT-40013-18: N.C. 53-210, N.C. 24 to widening Cedar Creek (Cumberland County, N.C.).	1	E
Do	D-DOT-40015-18: N.C. 68, South I-40 to North Greensboro, High Point, and Winston-Salem Airport (Guilford County, N.C.).	1	E
Do	D-DOT-40226-18: N.C. 24, Fayetteville, bridge over Cape Fear River (Cumberland County, N.C.).	1	E
Do	D-DOT-40228-18: I-40, new highway (Wake and Johnston Counties, N.C.).	1	E
Do	D-DOT-40355-55: Grants Pass-New Hope Road section (Jacksonville, Oreg.).	1	K
Do	D-DOT-40360-17: Widening of U.S.-231 (Davies County, Owensboro, Ky.).	1	E
Do	D-DOT-40361-23: Austin Road to Middle Valley Road (Hamilton County, Tenn.).	1	E
Do	D-DOT-40362-18: U.S.-17, Upgrading and widening (Camden-Posquotank County, N.C.).	1	E
Do	D-DOT-40408-18: U.S.-70, Dover to S.R. 1225 (Jones-Craven County, N.C.).	1	E
Do	D-DOT-40409-18: S.R. 1238, from N.C. 183 to Wiseman's View, reconstruction (Burke-McDowell County, N.C.).	1	E
Army Corps of Engineers	D-COE-40416-17: Flood protection (Southwest Jefferson County, Ky.).	3	E
Department of Transportation	D-DOT-40417-22: S-702(2), S.R.-24, Realignment and replacing bridge (Levy County, Fla.).	1	E
Do	D-DOT-40420-21: U-030-1(13), Modernization and expansion (Volusia County, Fla.).	1	E
Do	D-DOT-40421-21: F-02402, State Road 80, from State Road 15 to State Road 700 (Palm Beach County, Fla.).	1	E
Do	D-DOT-40422-18: 9.8052037, Widening of S.R.-2564 (Raleigh, Wake County, N.C.).	1	E
Do	D-DOT-40439-18: U.S.-421, Sanford to Seminole, improvement of (Lee-Harnett County, N.C.).	1	E
Do	D-DOT-51007-21: Jacksonville International Airport new runways and extensions (Jacksonville, Fla.).	1	E
Tennessee Valley Authority	D-TVA-05015-23: Tellico Project (Blount, Loudon, and Monroe Counties, Tenn.).	2	E
Do	D-TVA-07012-23: Shelby 500 substation and transmission line (Shelby and Tipton Counties, Tenn.).	1	E
Do	D-TVA-32027-18: Mills River Project (Upper French Broad, Henderson County, N.C.).	2	E
Army Corps of Engineers	D-COE-25010-29: Harbor debris removal (Cleveland, Cuyahoga County, Ohio).	1	F
Do	D-COE-25011-27: Flood control, Vandalia Drainage and Levee District (Fayette County, Ill.).	1	F
Department of Interior	D-DOI-36015-29: Flood control, Big Creek, Metro Zoo (Cleveland, Ohio).	2	F
Do	D-DOI-36017-29: Cuyahoga River, flood and recreation improvement (Mantua, Portage County, Ohio).	1	F
Department of Transportation	D-DOT-40033-26: I.H.-94, Franksville Road., C.T.H. "K" (Racine County, Wis.).	1	F
Do	D-DOT-40036-25: Improvement of M-60, west of Leet Road (Michigan).	2	F
Do	D-DOT-40183-29: CR-18, alignment and paving (Logan County, Ohio) No. 71-153-425.	2	F
Do	D-DOT-40184-29: New Bridge, Monroe Street, SR-60 (Zanesville, Muskingum County, Ohio) No. 71-154-425.	1	F

APPENDIX I—Continued

Responsible Federal agency	Title and number of statement [1]	General nature of comments	Source for copies of comments
Department of Transportation	D-DOT-40185-29: CR-60, bridge replacement (Washington County, Ohio) No. 71-155-425.	1	F
Do	D-DOT-40250-27: Harrison Avenue extension (Shelbyville, Ill.).	1	F
Do	D-DOT-40251-28: S.R.-450, two lane new alignment (Lawrence County, Ind.).	1	F
Do	D-DOT-40252-28: S.R.-3 and S.R.-56, bridge replacement (Scott County, Ind.).	2	F
Do	D-DOT-40253-28: U.S.-50, reconstruction (Davies, Martin, and Lawrence Counties, Ind.).	1	F
Do	D-DOT-40257-28: M-106 Trunkline, reconstruction (Jackson, Ingham County, Ind.).	1	F
Do	D-DOT-40258-28: I-75, Elm Street Interchange (Monroe County, Ind.).	2	F
Do	D-DOT-40259-25: M-60, Upgrade road (Cass County, Mich.).	2	F
Do	D-DOT-40260-28: Trenton Channel, brine wells (Wayne County, Ind.).	3	F
Do	D-DOT-40262-27: Federal aid, Route 24, resurface (La Salle County, Ill.).	1	F
No	D-DOT-40262-27: M-59, Williams Lake (Oakland County, Ill.).	1	F
Do	D-DOT-40263-29: U.S.R.-50 (Ross County, Ohio)	1	F
Do	D-DOT-40266-27: Bridge No. 710, replacement, Calumet Road (Joliet, Ill.).	1	F
Do	D-DOT-40269-29: U.S. Route 30, extension, State Route 39, relocation (East Liverpool, Ohio).	1	F
Do	D-DOT-40270-29: Federal aid, State Route 257, reconstruction (La Salle County, Ill.).	1	F
No	D-DOT-40274-30: Ash Pipeline Bridge, Mississippi River-Blackwater Lake (Cohasset, Minn.).	1	F
Do	D-DOT-40280-29: C.R.-13, Mason Road, bridge relocation and road construction (Erie County, Ohio).	1	F
Do	D-DOT-40283-30: New bridge, Mississippi River (Chippewa National Forest, Beltrami County, Minn.).	2	F
Do	D-DOT-40288-27: Federal aid 122 (Cook County, Ill.)	1	F
Do	D-DOT-40293-26: Robert Street Bridge and approaches (Jefferson County, Wis.).	1	F
Atomic Energy Commission	D-AEC-24010-34: Pantex Sewage, AEC Pantex Ordnance Plant (Texas).	2	G
Department of Agriculture	D-DOA-36005-32: Cow Creek Watershed (Oklahoma)	2	G
Department of Defense	D-DOD-81001-34: Air Cavalry Combat Test (Fort Hood, Tex.).	2	G
Department of Transportation	D-DOT-40238-32: Okmulgee urban area transportation study (Oklahoma).	2	G
Do	D-DOT-40302-35: Route 1 relocation (Plaquemine, La.)	2	G
Do	D-DOT-40303-34: TEX-SH-36, Construction of four-lane highway on new location and over East Brazos River (Brazoria County, Tex.).	1	G
Army Corps of Engineers	D-COE-32050-36: VII-184 Loup River Project (Omaha District, Nebr.).	1	H
Do	D-COE-32051-39: VII-185, County Line Lake, flood control, recreation lake, and dam (Missouri).	2	H
Department of Agriculture	D-DOA-90010-37: Rural water system, Mo. 1, wells and distribution treatment (Hospers, Iowa).	2	H
Department of Transportation	D-DOT-40079-36: Highway 100, surface and relocation (Rockville, Sherman County, Nebr.).	1	H
Do	D-DOT-40199-39: VII-181, Route 725 (St. Louis, Mo.) and Route 115, eight-lane freeway, Natural Bridge Road (Missouri).	2	H
Do	D-DOT-40350-36: VII-186, Nebraska Highway 10, from 31st Street, improvement (Kearney, Nebr.).	1	H
Do	D-DOT-40351-37: VII-187, U.S.-65, improvement and new road (Polk County, Iowa).	2	H
Do	D-DOT-42072-39: VII-188, Route 86, Route I-44, South 40, new bridges, road realignment (Newton County, Mo.).	2	H
Department of Agriculture	D-DOA-36015-40: Carbon Hill Watershed (Montana)	1	I
Department of Interior	D-DOI-85007-40: Dust abatement, Missouri Basin Program (Montana).	1	I
Department of Transportation	D-DOT-40352-42: Highway projects FO 12-3 and FO 12-4, providing additional lanes and upgrading road between Yankton and Vermillion (Yankton and Clay Counties, S.Dak.).	2	I

See footnote at end of table.

APPENDIX I—Continued

Responsible Federal agency	Title and number of statement [1]	General nature of comments	Source for copies of comments
Department of Transportation	D-DOT-51015-43: Airport improvements at Shively Field (Saratoga, Wyo.).	1	I
Department of Interior	D-DOI-32059-48: Gila Gravity Main Canal, irrigation project and rehabilitation (Arizona).	2	J
Do	D-DOI-61006-47: Lake Mead National Recreation Area (Nevada).	2	J
Do	D-DOI-90010-00: Geothermal steam leasing program (California, Nev.).	1	J
Department of Transportation	D-DOT-32057-49: Farrington Highway realignment to Waianae (Honolulu, Hawaii).	2	J
Do	D-DOT-32058-46: Santa Ana Freeway near Main Street and Broadway (California).	2	J
Do	D-DOT-32059-48: State highway, Route 20 (Yuma County, Ariz.).	2	J
Do	D-DOT-40059-48: Naco north section, Naco Don Luis Highway (Cochise County, Ariz.).	2	J
Do	D-DOT-40060-48: Lowell-Double Adobe-McNeal Highway (Cochise County, Ariz.).	2	J
Do	D-DOT-40062-48: Yuma Bridge and approaches (Yuma County, Ariz.).	2	J
Do	D-DOT-40063-46: Route 101, freeway development (Santa Barbara, Calif.).	2	J
Do	D-DOT-40071-48: McConnico section, Topock-Kingman Highway, roadway construction (Arizona).	2	J
Do	D-DOT-40205-46: Controlled access on Route 4, Alpine County, from the North Fork Mokelumne River to junction, Route 89 (California).	1	J
Do	D-DOT-40206-46: Improvement of State Highway 37 (Solano and Sonoma Counties, Calif.).	2	J
Do	D-DOT-40207-49: Project 1-H1-1 (72), Interstate, Nimitz Spur (Oahu, Hawaii).	2	J
Do	D-DOT-40208-49: Project 63 A-05-68, Kahekili Interchange (Oahu, Hawaii).	2	J
Do	D-DOT-40299-46: Santa Ana Freeway, construction of new overcrossing (Orange County, Calif.).	2	J
Do	D-DOT-40300-46: Seal Beach Boulevard, interchange on San Diego Freeway (California).	2	J
Do	D-DOT-40301-48: Winslow-Kayenta highway project, extension of Route 87 (Navaho County, Ariz.).	2	J
Do	D-DOT-40399-48: Mesa-Payson Highway, Route 87 (Arizona).	2	J
Do	D-DOT-42073-47: Proposed relocation of U.S.-6 (Carson City, Nev.).	2	J
Do	D-DOT-51009-49: Reef runway at Honolulu Airport (Hawaii).	2	J
Do	D-DOT-51022-46: Big Bear City Airport (Big Bear, Calif.).	2	J
General Services Administration	D-GSA-60020-46: Disposal of portion of camp parks (Alameda County, Calif.).	2	J
Department of Transportation	D-DOT-40355-55: Vail Creek-Sweet Home, Santiam Highway (new bridge and highway) (Oregon).	1	K
Do	D-DOT-40359-55: Succor Creek Secondary Highway No. 450, bridge replacement (Malheur County, Oreg.).	2	K
Do	D-DOT-40360-54: Parker to Prasser, new four-land highway (Yakima, Wash.).	3	K

[1] The number preceding the title is an EPA number assigned to each draft impact statement reviewed. This number should be cited when requesting copies of EPA's comments.

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Bldg., Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Post Office Box 12900, Philadelphia, PA 19108.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1402 Elm Street, Dallas, TX 75202.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, Room 702, 911 Walnut Street, Kansas City, MO 64106.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-606 Filed 1-17-72;8:45 am]

BENOMYL

Notice of Establishment of Temporary Tolerance

E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, submitted a petition requesting a temporary tolerance for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazole-carbamate) in or on the raw agricultural commodities citrus fruits intended for the fresh fruit market at 10 parts per million.

It has been determined that a temporary tolerance of 10 parts per million for residues of the fungicide in or on citrus fruits intended for the fresh fruit market is safe and will protect the public health. It is therefore established on condition that the fungicide be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the E. I. du Pont de Nemours & Co. name.

This temporary tolerance expires January 11, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), 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).

Dated: January 11, 1972.

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

[FR Doc.72-679 Filed 1-17-72;8:47 am]

FMC CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), FMC Corp., 100 Niagara Street, Middleport, NY 11104, has withdrawn its petitions (PP 1F1065 and FAP 1H2616), notice of which was published in the FEDERAL REGISTER of February 10, 1971 (36 F.R. 2823), proposing establishment of tolerances for combined residues of the insecticide endosulfan and its metabolite endosulfan sulfate in or on the raw agricultural commodity soybeans at 2 parts per million and in crude soybean oil at 4 parts per million resulting from application of the insecticide to the growing soybeans.

Dated: January 10, 1972.

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

[FR Doc.72-680 Filed 1-17-72;8:47 am]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(i), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, has withdrawn its petition (PP 1F1119), notice of which was published in the FEDERAL REGISTER of April 9, 1971 (36 F.R. 6848), proposing establishment of tolerances for residues of the herbicide CIPC (isopropyl *N*-(3-chlorophenyl) carbamate) in or on the raw agricultural commodities alfalfa, clovers, and forage grasses at 50 parts per million; beans, peas, soybeans (each in dry form), beans and peas (each in succulent form), lettuce, spinach, and sugarbeet tops at 0.3 part per million; and blackberries, blueberries, carrots, cranberries, garlic, onions, peppers, raspberries, rice grain, safflower seed, sugarbeet roots, and tomatoes at 0.1 part per million.

Dated: January 10, 1972.

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

[FR Doc.72-681 Filed 1-17-72;8:47 am]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, has withdrawn its petition (PP 1F1120), notice of which was published in the FEDERAL REGISTER of April 28, 1971 (36 F.R. 7993), proposing establishment of tolerances for negligible residues of the herbicide isopropyl carbanilate in or on the raw agricultural commodities alfalfa, clover, and grasses at 2.5 parts per million and in or on flax seed, lentils, lettuce, peas, safflower seed, spinach, and sugar beets (roots and tops) at 0.1 part per million.

Dated: January 10, 1972.

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

[FR Doc.72-682 Filed 1-17-72;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on January 11, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of California from heavy winds, rains, flooding, and runoff of mud and silt, beginning about December 27, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of California. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606) I hereby appoint Mr. Ralph D. Burns, Regional Director, OEP Region 9, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of California to have been adversely affected by this declared major disaster:

Santa Barbara County.

Dated: January 13, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72–699 Filed 1–17–72;8:48 am]

OKLAHOMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on January 14, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Oklahoma from severe storms and flooding beginning about December 9, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Oklahoma. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended) I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by this declared major disaster:

The counties of:

Atoka.	McCurtain.
Bryan.	Pittsburg.
Choctaw.	Pushmataha.
Haskell.	Sequoyah.
Latimer.	Tulsa.
Le Flore.	Wagoner.

Dated: January 14, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72–801 Filed 1–17–72;8:53 am]

POSTAL SERVICE

POSTAGE RATES

Printed Matter and Small Packets to Canada and Mexico

In the daily issue of December 24, 1971 (36 F.R. 24953; as corrected at 36 F.R. 25190), the Postal Service announced a new schedule of temporary postage rates for certain third-class mail, to become effective January 24, 1972. Historically, in accordance with postal conventions between the countries involved, the Postal Service, whenever it has been practicable to do so, has applied its domestic postage rates and fees to mail destined for Canada and Mexico. Following this precedent, and consistent with action taken effective May 16, 1971 (see 36 F.R. 8331) with respect to temporary rates for certain classes of mail matter for Canada and Mexico, the following rate changes, for application to Canada and Mexico, are hereby promulgated, effective midnight January 23, 1972.

I. *Printed matter.* Regular printed matter:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.08	0	7	$0.21	0	12	$0.34
0	3	.10	0	8	.24	0	13	.37
0	4	.13	0	9	.26	0	14	.40
0	5	.16	0	10	.29	0	15	.42
0	6	.18	0	11	.32	1	0	.45

Over 1 pound but not over 2 pounds	.57
Over 2 pounds but not over 4 pounds	.96
Each additional 2 pounds or fraction	.48

II. *Small packets.* Small packets for Canada and Mexico will be charged the same postage rate as for regular prints to those countries. Accordingly, on the effective date stated above the rates set out under item I above will apply to such mailings of small packets.

(39 U.S.C. 407)

LOUIS A. COX,
General Counsel.

[FR Doc.72–784 Filed 1–17–72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B–1782]

ROBERT MANUFACTURING CORP.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

JANUARY 4, 1972.

I. Robert Manufacturing Corp. (the Company), a Massachusetts corporation, located at 1275 Beacon Street, Newton, MA 02168, filed with the Commission on April 2, 1971, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share for total proceeds of $300,000. The issue was underwritten by Hogan-Harry & Co., Inc. (underwriter), on a 90-day, "best efforts, 35 percent or none" basis. A deficiency letter was sent to the Company on May 7, 1971; this letter was never answered nor have any amendments ever been made to the notification or offering circular. Although the Company requested withdrawal of its notification on November 17, 1971, it subsequently, on December 6, 1971, canceled the request for withdrawal, thereby reinstating the notification as pending.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The issuer has violated the terms and conditions of Regulation A exemption by the submission of an offering circular, submitted as Exhibit F to the Notification, which contains untrue statements of material facts and omissions to state facts necessary to make statements made in the light of the circumstances in which they were made not misleading, concerning among other things:

1. Nondisclosure of an $1,800 brokerage commission paid to Donald S. Harry, the principal stockholder and an officer of the underwriter and a director of the Company, for the Company's lease negotiations; and

2. Nondisclosure of a foreclosure sale of the Company's equipment, subsequent to the filing date, instituted by the Company's creditors.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within 30 days of the entry hereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in

effect unless it is modified or vacated by the Commission.

By the Commission.

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

[FR Doc.72-693 Filed 1-17-72;8:47 am]

[70-5068]

SOUTHERN CO. AND SOUTHERN SERVICES, INC.

Notice of Proposed Issue and Sale of Notes to Finance Construction of Building

JANUARY 7, 1972.

Notice is hereby given that The Southern Co. (Southern), Perimeter Center East, Post Office Box 720071, Atlanta, GA 30346, a registered holding company, and its subsidiary service company, Southern Services, Inc. (Services), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(b), and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Services now functions as the Wholly owned subsidiary service company in the Southern system pursuant to an order of this Commission dated July 7, 1964 (Holding Company Act Release No. 15100). On June 30, 1971, the outstanding capitalization of Services consisted of $725,000 aggregate par value of capital stock and $3,350,000 principal amount of long-term notes, all of which are owned by Southern. Southern has authorization to invest, through the purchase of Services' long-term notes and capital stock, up to $11 million in Services until June 30, 1973 (File No. 37-59) to enable the latter to perform its service company activities.

Services' operating offices are located in Birmingham, Ala., where engineering and operating services are performed. Services anticipated a substantial increase in the nature and extent of such functions and proposes to build additional office space of a specialized design in Birmingham. The estimated cost of such facility, now under construction, is approximately $12 million.

To finance the construction costs of the new building, Services proposes to issue its promissory notes to the banks named below, from time to time prior to June 30, 1973, in an amount not exceeding $11,500,000 principal amount. The notes will be dated as of the date of borrowing and will mature on June 30, 1973. Each of the notes will bear interest, payable at maturity or upon prepayment, for each day at an annual rate equal to the prime rate in effect at Bankers Trust Co. and will be prepayable, in whole or in part, without penalty or premium. The notes will be guaranteed as to principal and interest by Southern. The arrangements with the banks do not require the maintenance of deposit balances. The following banks will participate in the respective principal amounts set forth below:

First National Bank of Birmingham	$3,000,000
Birmingham Trust National Bank	1,000,000
Bankers Trust Co. (New York)	7,500,000
Total	11,500,000

Services proposes to pay the notes at or before maturity from the proceeds of the sale of long-term debt securities, either secured or unsecured, which will be the subject of future filings with the Commission.

It is further stated that the fees and expenses to be paid in connection with the proposed transactions are estimated at $28,000, including an Alabama Privilege Tax of $18,000 and legal fees of $7,500. It is represented that, unless the Commission shall otherwise permit by supplemental order, Services will maintain at all times the aggregate of the par value of its capital stock, surplus, and principal amount of its notes sold to Southern, pursuant to order of the Commission (File No. 37-59), at an amount equal to at least 35 percent of its total capitalization. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 28, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At anytime after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.72-694 Filed 1-17-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License 09/09-0159]

CALCAP INVESTMENT CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1971)) under the name of Calcap Investment Corp., 1900 Avenue of the Stars, Suite 2400, Los Angeles, CA 90067, for a license to operate in the State of California as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers and directors are:

Robert S. Jepson, Jr., 18641 Via Torino, Irvine, CA 92664, President, Treasurer, and Director.

Gordon Merrill Bothamley, 550 South Barrington Avenue, Los Angeles, CA 90049, Vice President, Secretary, and Director.

Donald I. Reifler, 550 South Barrington Avenue, Los Angeles, CA 90049, Director.

The company will begin operations with an initial capitalization of $1,250,000. The outstanding stock will be solely owned by New America Fund, Inc. (formerly Fund of Letters, Inc.), a closed-end, diversified investment company registered under the Investment Company Act of 1940. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of California but with eventual extension of its activities to other states.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, Calif.

Dated: January 12, 1972.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-656 Filed 1-17-72;8:45 am]

[Declaration of Disaster Loan Area 867; Class B]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to business and residence property located in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Busines Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Santa Barbara County, Calif., suffered damage or destruction resulting from floods on December 27, 1971.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, CA 94102.

2. A temporary office will be established in the city hall of Carpenteria, 601 Maple Avenue, Carpenteria, CA.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 7, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-657 Filed 1-17-72;8:45 am]

[Declaration of Disaster Loan Area 865; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of November 1971, because of the effects of a certain disaster, damage resulted to business property located in Boston, Mass.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe, within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated on Lincoln Street, Boston, Mass., suffered damage or destruction resulting from a fire occurring on November 21, 1971.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1972.

Dated: December 28, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-658 Filed 1-17-72;8:45 am]

[Declaration of Disaster Loan Area 866; Class B]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of certain disasters damage resulted to residence and business property located in the State of New Hampshire;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Claremont, N.H., suffered damage or destruction resulting from fire on January 2, 1972.

OFFICE

Small Business Administration District Office, 55 Pleasant Street, Concord, N.H. 03301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 5, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-659 Filed 1-17-72;8:45 am]

[Declaration of Disaster Loan Area 864; Class B]

SOUTH DAKOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Mitchell, S. Dak.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city of Mitchell, S. Dak., suffered damage or destruction resulting from a fire occurring on December 25, 1971.

OFFICE

Small Business Administration District Office, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1972.

Dated: December 28, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-660 Filed 1-17-72;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Notice of Meeting Open to Public

Notice is hereby given that the Advisory Committee on Construction Safety and Health will meet on January 20, 1972, in Conference Room 107 B and C, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC, commencing at 9 a.m.

The Advisory Committee on Construction Safety and Health is established

under section 107(e) of the Contract Work Hours and Safety Standards Act (83 Stat. 96, 40 U.S.C. 333). The Committee provides assistance to the Assistant Secretary of Labor for Occupational Safety and Health with respect to the setting of standards under the Act and to the administration of the Act.

The meeting of the Committee will be open to the public. The agenda includes the consideration of—

(1) The formation of a subcommittee to review Subpart S—Tunnels and Shafts, Caissons, Cofferdams and Compressed Air, of 29 CFR Part 1926 (formerly 29 CFR Part 1518);

(2) Draft of proposed Subpart V—Power Transmission and Distribution Lines, of 29 CFR Part 1926;

(3) Status reports on rollover protective devices and loading indicating devices;

(4) Transfer of § 1926.958 (helicopters) from Subpart V to Subpart N of 29 CFR Part 1926;

(5) Changing references to the National Electrical Code throughout Part 1926 from the 1968 edition to the 1971 revision; and

(6) Correcting § 1926.400(a) to reflect adoption of proposed Subpart V.

Signed at Washington, D.C., this 14th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-817 Filed 1-17-72;9:43 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 13, 1972.

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

MC 14702 Sub 35, Ohio Fast Freight, Inc., assigned February 16, 1972, at Columbus, Ohio, is postponed indefinitely.

MC 111545 Sub 160, Home Transportation Co., Inc., now assigned January 31, 1972, at New Orleans, La., will be held at the Holiday Inn—French Quarter, 124 Royal Street.

MC 128383 Subs 9 and 10, Pinto Trucking Service Inc., now assigned February 7, 1972, at Washington, D.C., postponed to March 13, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 26747, Baltimore & Ohio Railroad Co., abandonment between National Road and Shawnee, in Licking and Perry Counties, Ohio, assigned January 25, 1972, will be held in the Chamber of Commerce Room, Masonic Temple Building, 36 West Church Street, Newark, OH.

MC 135602, Road Hog, Inc., assigned for hearing on January 24, 1972, at New York, has been postponed indefinitely.

MC 119632 Sub 47, Reed Lines, Inc., assigned for hearing on February 16, 1972, in Room 2, State Office Building, 65 Front Street, Columbus, OH.

MC 66194 Sub 10, Owl Truck Co., assigned at Washington, D.C., application dismissed.

MC 135415, Schmidt Transit Co., Inc., heard January 12, 1972, at Chicago, Ill., and continued to February 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2860 Sub 100, National Freight, Inc., now assigned February 28, 1972, at Washington, D.C., is canceled and application dismissed.

MC 127028 Sub 13, Bredehoeft Produce Co., Inc., now being assigned March 2, 1972, in Room 1540, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

MC-F-11239, Eagle Motor Lines, assigned February 9, 1972, MC 65224 (Sub-No. 8), Hennis Freight Lines of Canada Ltd., doing business as Florida Refrigerated Service U.S. Highway, assigned February 7, 1972, MC 107295 Sub 500, Pre-Fab Transit Co., assigned February 15, 1972, MC 107515 Sub 753, Refrigerated Transport, assigned February 16, 1972, will be held in Room 3A19, 1100 Commerce Street, Dallas, TX.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-716 Filed 1-17-72;8:49 am]

ASSIGNMENT OF HEARINGS

JANUARY 12, 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.

FD 26646, Chicago & North Western Railway Co., Abandonment between Marathon and Alton, Sioux, O'Brien, Clay and Buena Vista Counties, Iowa, assigned January 17, 1972, at Sioux City, Iowa, is canceled and application dismissed.

MC 135825, Panhandle Freight System, Inc., now assigned January, 17, 1972, at Oklahoma City, Okla., is canceled and application is dismissed.

MC 124306 Sub 11, Kenan Transport Co., Inc., now assigned January 18, 1972, at Richmond Va., is canceled and application is dismissed.

MC 123407 Sub 82, Sawyer Transport, Inc., now assigned January 28, 1972, at New Orleans, La., canceled and reassigned to January 28, 1972, at the Louisiana State Library Building, 760 North Third Street, Baton Rouge, LA.

MC-F-11073, Refrigerated Transport Co., Inc.—Purchase (Portion)—Caravan Refrigerated Cargo, Inc., MC-C 7348, Hirschbach Motor Lines, Inc., et al. v. Refrigerated Transport Co., Inc., et al., assigned January 26, 1972, at New Orleans, La., is reassigned for January 26, 1972, in the Louisiana State Library Building, 760 North Third Street, Baton Rouge, LA.

MC 133095 Sub 12, Texas Continental Express, Inc., assigned for hearing on February 14, 1972, in Room 3A19, 1100 Commerce Street, Dallas, TX.

MC 107456 Sub 19, Harry L. Young & Sons, Inc., now assigned January 31, 1972, at Salt Lake City, Utah, transferred to the Hotel Utah, Room 240-241, South Temple and Main Streets, February 7, 1972, at Los Angeles, Calif., canceled and reassigned to Room 345, Olympic Hotel, Fourth Avenue and Seneca Street, Seattle, WA, February 14, 1972, in Room 13025, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

No. MC 531 Sub 268, Younger Brothers, MC 107403 Sub 806, Matlack, Inc., now assigned January 24, 1972, at New Orleans, La., transferred to the Louisiana State Library Building, 760 North Third Street, Baton Rouge, LA, instead of New Orleans, La.

MC-F-11129, Paramount Movers, Inc.—Purchase (Portion)—Shamrock Van Lines, Inc., MC-F-11130, Towne Services Household Goods Transportation Co., Inc.—Purchase (Portion)—Shamrock Van Lines, Inc. MC-F-11139, North American Van Lines, Inc.—Purchase (Portion)—Shamrock Van Lines, Inc., assigned February 22, 1972, will be held in Room 3A19, 1100 Commerce Street, Dallas, TX.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-717 Filed 1-17-72;8:49 am]

[Notice 7]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 12, 1972.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 32632 (Sub-No. 18 TA), filed January 4, 1972. Applicant: JACKSON

TRUCK LINES, INCORPORATED, Post Office Box 248, Jackson, NC 27845. Applicant's representative: E. C. Bryant (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Ita, N.C., to points in that part of Virginia on and east of U.S. Highway 1, for 180 days. Supporting shipper: Nash Brick Co., Inc., Rocky Mount, N.C. 27801. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 56679 (Sub-No. 61 TA), filed January 5, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Post Office Box 6985, Atlanta, GA 30316. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Athens, and Elberton, Ga., serving all intermediate points, from Athens, Ga., to Elberton, Ga., over Georgia Highway 72, and return over the same route; and (2) between Elberton, Ga., and Greenville, S.C., serving no intermediate points, but serving the termini of Elberton, Ga., and Greenville, S.C., from Elberton, Ga., over Georgia Highway 77 to Hartwell, Ga., thence over U.S. Highway 29 via Anderson, S.C., to Greenville, S.C. (also over Interstate Highway 85 between junction of U.S. Highway 29 with Interstate Highway 85 and Greenville, S.C.), and return over the same route. NOTE: (A) At each point which applicant proposes to serve as either a terminal or intermediate point applicant requests authority to provide full and complete regular route service without any restriction as to applicant's ability (1) to pickup, deliver, or interchange shipments at such point or (2) to tack or join the authority requested at such points with other authority held by applicant to serve such points.

NOTE: (B) By tracking or joining at Athens, Ga., the above described proposed routes with existing routes, Brown proposes to provide service (as such service may be limited by existing authority according to the type of commodities authorized or the character of service permitted—regular or irregular), between all proposed points, on the one hand, and, on the other, all points otherwise served by Brown. NOTE: (C) The service which applicant proposes to provide by this application is the same as that which applicant is presently providing under the temporary authority granted in Docket No. MC–56679 (Sub No. 45 TA). The only difference between this application and the present Sub 45 TA involves the highways to be used in crossing the Savannah River between Georgia and South Carolina. After temporary authority operations were commenced by applicant on an emergency basis (MC–56679 R–7 ETA) and later in Sub 45 TA, applicant discovered that the bridge across the Savannah River as specified in the temporary route, i.e., Georgia Highway 368 (formerly Georgia Highway 82) and South Carolina Highway 184, would not accommodate applicant's loaded tractor-trailer units. It was necessary to deviate to the nearest available bridge. The instant emergency temporary authority application seeks to substitute, immediately, an operable temporary route for the inoperable route presently specified in Sub 45 TA. The routes specified in the new application are those which most nearly parallel the routes specified in Sub 45 TA via the nearest available and sufficient bridge over the river. By framing the request for intermediate and terminal point authority as specified above, applicant has confined its application to the same points as authorized in Sub 45 TA, for 180 days. Supported by: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 79577 (Sub-No. 39 TA), filed January 5, 1972. Applicant: OILFIELDS TRUCKING COMPANY, 1601 South Union Avenue, Post Office Box 751, Bakersfield, CA 93302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, in bulk, from the plants of the National Chloride Co. and Leslie Salt Co. located near Amboy, Calif., to Las Vegas, Nev., Phoenix, Ariz., and Tucson, Ariz., for 180 days. Supporting shipper: Hill Brothers Chemical Co., 15017 East Clark Avenue, Industry, CA 91745. 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 94350 (Sub-No. 300TA), filed January 6, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from Concord Homes, Wellington, Kans., to dealer locations in Colorado, Nebraska, Iowa, Missouri, New Mexico, Texas, Oklahoma, and Arkansas, for 180 days. Supporting shipper: Concord Homes, Wellington, Kans. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 107515 (Sub-No. 788 TA), filed January 5, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: K. Edward Wolcott, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, and cheese*, from the plantsite and storage facilities of Doskocil Sausage, Inc., at South Hutchinson, Kans., to points in Florida, Alabama, Georgia, South Carolina, North Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Vermont, Massachusetts, New Hampshire, Maine, and Tennessee (except Memphis, Tenn.), for 180 days. NOTE: Applicant states it does intend to tack the authority with this application. Supporting shipper: Doskocil Sausage, Inc., Nine North Main, South Hutchinson, KS 67501. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 789 TA), filed January 6, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff and animal feed* (except in bulk) in vehicles equipped with mechanical refrigeration, from Wilkesboro, Hiddenite, and Monroe, N.C., and Glen Allen and Temperanceville, Va., to points in Arizona, California, Oregon, Washington, Nevada, and Utah, for 180 days. Supporting shipper: Holly Farms Poultry Industries, Inc., Transportation Division, Box 245, Wilkesboro, NC. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 110563 (Sub-No. 77 TA), filed January 5, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Post Office Box 747, Ohio Building, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Minden, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, Vermont, and Rhode Island, for 180 days. Supporting shipper: Minden Beef Co., Minden, Nebr. Send protests to: Keith D. Warner, District Supervisor, Bureau of

Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 114273 (Sub-No. 111 TA), filed January 5, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue, NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, and the District of Columbia, for 180 days. Supporting shipper: Krey Packing Co., 3607 North Florissant, St. Louis, MO 63107. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119668 (Sub No. 5 TA), filed January 6, 1972. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, doing business as RATLIFF TRUCKING SERVICE, Post Office Box 366, Oakwood, VA 24631. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Cincinnati, Ohio, and Pittsburgh, Pa., to the plantsite and facilities of S & S Machinery Co., at or near Richlands, Va., and to points in Buchanan County, Va., for 180 days. Supporting shippers: S & S Machinery Co., Inc., Post Office Box 897, Richlands, VA 24641; Buchanan Wholesale Co., Inc., Big Rock, Va. 24603; Joseph T. Ryerson & Son, Inc., Post Office Box 8000-A, Chicago, IL 60608. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 129328 (Sub No. 3 TA), filed January 6, 1972. Applicant: PAL TEX TRANSPORT CO., Post Office Box 296, Palestine, TX 75801. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures thereof*, from Jackson, Miss., to points in Dallas, Fort Worth, Houston, Palestine, and San Antonio, Tex.; New Orleans, La.; Atlanta, Columbus, Macon, and Milledgeville, Ga.; Memphis, Tenn.; and Decatur, Ala.; under contract with Glass Containers Corp., for 180 days. Supporting shipper: Glass Containers Corp., 114 Penn Avenue, Knox, PA 16232. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 136250 (Sub-No. 1 TA), filed January 5, 1972. Applicant: ROBERT A. LIDDYCOAT, 142 Elgin Street, Thorold, ON, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spun concrete poles and pole arms*, for the account of Barratt Spun Concrete Poles Ltd., from ports of entry on the international boundary lines between the United States and Canada on the Niagara, Detroit, and St. Clair Rivers, to Milwaukee, Wis.; Lansing and Highland, Mich.; Boston, Mass.; Buffalo, Rochester, and Niagara Falls, N.Y.; Toledo and Cleveland, Ohio; and returned shipments of the same in the reverse direction, for 180 days. Supporting shipper: Barratt Spun Concrete Poles Ltd., Niagara Falls, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 136291 TA, filed January 5, 1972. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 2701 South Bayshore Drive, Miami, FL 33133. Applicant's representative: Frank G. Sutherland, (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and related publications, advertising material, packaging and shipping supplies*, under continuing contract or contracts with Ford Marketing Corp. (Autolite-Ford Parts Division), and between the hereinafter described points: (1) Between the Autolite Parts Distribution Center at Teterboro, N.J., on the one hand, and, on the other, Teterboro, N.J.; (2) between Teterboro Airport, Teterboro, N.J., on the one hand, and, on the other, Natick, Mass., Harrisburg, Pa., and Pennsauken, N.J.; (3) between Pennsauken, N.J., on the one hand, and, on the other, Baltimore, Md.; and (4) between Baltimore, Md., on the one hand, and, on the other, Baltimore Friendship Airport, Md., Richmond, Va., and Ford Motor Co. dealers in Baltimore and Marlowe Heights, Md., and Alexandria and Falls Church, Va., for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 136292 TA, filed January 5, 1972. Applicant: B. J. O'BRIEN, 1602 Third Avenue North, Fort Dodge, IA 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and limestone products;* (1) from Fort Dodge, Iowa, to Quincy, Morris, and Joliet, Ill., and Fremont, Omaha, and South Sioux City, Nebr.; and (2) from Quincy, Ill., to Eagle Grove, Fort Dodge, Le Mars, Sioux City, Muscatine, Centerville, Clarence, Mason City, and Sheldon, Iowa, for 150 days. Supporting shipper: Calcium Carbonate Co., 3150 Gardner Expressway, Quincy, IL 62301. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136296 TA, filed January 5, 1972. Applicant: ROBBINS TRANSPORT, INC., 105 College Street, Post Office Box 37, Auburn, KY 42206. Applicant's representative: Louis J. Amato, 1033 State Street, Bowling Green, KY 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, corn meal, pet foods, animal feeds, canned meat, canned meat sauces, and unprocessed grain* (except in bulk, in tank, or hopper type vehicles), from the plantsite and warehouse facilities of Auburn Roller Mills, Auburn, Ky., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Tennessee, Virginia, and West Virginia, *rejected or damaged shipments* on return; (2) *pet foods, canned meat, and canned meat sauces*, from Springfield and Nashville, Tenn., and New Albany, Ind., to the plantsite and warehouse facilities of Auburn Roller Mills, Auburn, Ky.; (3) *flour*, from Orlinda and Memphis, Tenn., to the plantsite and warehouse facilities of Auburn Roller Mills, Auburn, Ky.; and (4) *materials and supplies* (except commodities in bulk) used in the manufacture and sale of corn meal, from points in New York, Ohio, Tennessee, and Indiana, to the plantsite and warehouse facilities of Auburn Roller Mills, Auburn, Ky. Restriction: The authority sought in (1), (2), (3), and (4) above is limited to a transportation service performed under contracts with Buhler Mills, Inc., Memphis, Tenn., and Auburn Roller Mills, Auburn, Ky., for 180 days. Supporting shippers: K. H. Robbins, Owner, Auburn Roller Mills, Auburn, Ky. 42206; C. M. Rousell, vice president, Buhler Mills, Inc., 1835 Union Avenue, Suite 325, Memphis, TN 38104. Send protests to: Wayne L. Merilatt, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 136299 TA, filed January 6, 1972. Applicant: HI-LINERS MATERIAL CONTRACTING, INC., 303 Capitol Tower, 388 State Street, Salem, OR 97301. Applicant's representative: Norman F. Webb (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Powerline construction materials and supplies; assembled and disassembled powerline power units; related parts therefor;* and all those incidental items necessary to transmit power from one substation to another; including but not limited to, poles, structural steel, insulators, hardware, conductors, and bolts; from any storage yard for said material in the States of Washington and Oregon to any powerline construction job area or jobsite in the States of Washington and Oregon. Backhaul would consist of returning the pallets and boxes from the powerline construction jobsite or job area to the said storage yards, for 180 days. Supporting shipper: A. J. Vala Co., 8919 Southeast Foster Road, Post Office Box 66156, Portland, OR 97266. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

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

[FR Doc.72-718 Filed 1-17-72;8:49 am]

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federal register

TUESDAY, JANUARY 18, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 11

PART II

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

Cost of Living Council and Price Commission Rulings

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972–3]

RESALE OF REPACKAGED MATERIAL

Cost of Living Council Ruling

Facts. Firm is in the business of buying junk autos, scrap metal, used clothing, and old newspapers. It repackages this material and sells it back to manufacturing plants for raw material for their operations.

Issue. Should this material be exempt from the regulations under § 101.32(e) which exempts "damaged products and used products other than rebuilt products"?

Ruling. The intention of the Cost of Living Council was to exempt damaged or used products which were to be used by the purchaser for their originally intended purpose, i.e., used cars, factory "seconds", goods damaged in transit. The reasoning behind this was the difficulty of ascertaining the value of goods of this nature.

In this case, the damaged or used products do not fulfill the intent of the Cost of Living Council. The products are actually raw materials in the hands of a scrap dealer. An auto is no longer a used car, but so many pounds of scrap metal. The value of the metal is readily ascertainable—the weight rather than condition determines value.

Scraps, secondary materials, or repackaged units of used products are therefore not exempt as used products since they are not within the definition of used products.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–758 Filed 1–17–72;8:51 am]

[Cost of Living Council Ruling 1972–4]

RATES FOR OCEAN SHIPPING

Cost of Living Council Ruling

Facts. Company A is a U.S. ocean shipping company with regular routes between the United States and Puerto Rico, the Virgin Islands, and Portugal. It has proposed rate increases on all its shipping routes.

Issue. Are Company A's ocean shipping rates subject to the Economic Stabilization Regulations?

Ruling. Company A's rates for ocean shipping between the United States and Puerto Rico and between the United States and the Virgin Islands are subject to the Economic Stabilization Regulations; its rates between the United States and Portugal are exempt. International ocean shipping rates are exempt from the regulations under § 101.32(d)(3). However, ocean shipping between the United States and Puerto Rico, a commonwealth in union with the United States, and between the United States and the Virgin Islands, a possession of the United States, is not international, since the goods are not ultimately transported between locations under separate sovereign jurisdictions. Therefore, rates for shipping over these routes are not exempt from the Economic Stabilization Regulations.

Shipping between the United States and Portugal is clearly international and rates for such shipping are therefore exempt under § 101.32(d)(3).

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–759 Filed 1–17–72;8:51 am]

[Cost of Living Council Ruling 1972–5]

SALE OF USED PRODUCTS

Cost of Living Council Ruling

Facts. Citizen A wishes to sell a television set he purchased from a retailer 2 weeks ago and used in his home but which he no longer needs because he just received a better model as a gift.

Issue. Is citizen A's sale of this television set exempt from the controls of the economic stabilization programs?

Ruling. Yes. Sales of used products are exempt from controls. Economic Stabilization Regulations § 101.32(e). To qualify as a used product, the product must have been acquired and used by an end user, such as citizen A. Temporary holding for purposes of resale, however, does not make a product a used product, unless it is used for demonstration purposes, such as a demonstration or floor sample.

This ruling supersedes Price Commission Ruling 1972–4.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–760 Filed 1–17–72;8:51 am]

[Price Commission Ruling 1972–6]

INSPECTION FEES AND INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. Retailer R is a seller of petroleum products in State X. State X has recently imposed an "Inspection Fee" on petroleum products sold by Retailer R. Under the State law Retailer R must notify the State when such products are received so that they may be inspected prior to sale. The Act provides that it is the duty of the person first selling, storing, or using such petroleum products in the State to pay the inspection fee. The fee has been levied on a per gallon basis and has been calculated to return many million dollars to the State in excess of the costs of the inspection program.

Issue. May Retailer R apply his customary initial percentage markup to the cost of the petroleum products charged by his supplier plus the "Inspection Fee."

Ruling. Section 300.5 of the Economic Stabilization Regulations defines "customary initial percentage markup" so as to permit the markup to be applied to the cost, i.e., purchase price actually paid by the selling person and to transportation charges to be allocated to the merchandise. The "price actually paid" includes charges, taxes, and fees including personal property taxes levied by a State government on the merchandise which by law are not required to be borne in a specific amount or ratio to price by the ultimate consumer. A retailer or wholesaler may consider these charges, taxes, and fees as part of the cost of the merchandise for the purposes of applying his customary initial markup to the cost of that merchandise. The "Inspection fee" in this case is considered to be imposed on the merchandise. Retailer R may apply his customary initial percentage markup to the cost of the petroleum products charged by his supplier and the "Inspection fee."

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–761 Filed 1–17–72;8:51 am]

[Price Commission Ruling 1972–7]

DISTINCTION BETWEEN RESTAURANTS AND DELICATESSENS

Price Commission Ruling

Facts. Restaurant A is in the business of preparing and serving food. It also has a delicatessen department where it sells unprepared food to be taken home and prepared by the purchaser.

Issue. Is a restaurant a service organization under § 300.14 or a retailer of food under § 300.13?

Ruling. A restaurant is considered to be a service organization, the price increases of which are governed by Economic Stabilization Regulations § 300.14. Unlike a grocery store, or other sellers of unprepared food, which are considered retailers, a restaurant sells ready-to-eat food, prepared by its employees and normally served and consumed on its premises.

The delicatessen department of a restaurant, however, is considered as a retail establishment and, as such, is governed by § 300.13 relating to retailers, including the requirement that retailers prominently display base prices. The delicatessen operates similarly to a grocery store and does not provide the services commonly associated with a restaurant.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-762 Filed 1-17-72;8:51 am]

[Price Commission Ruling 1972-8]

EXCISE TAX AND INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. A is a wholesaler of product X in a state which has recently imposed an excise tax on product X. A wants to increase his price on product X to offset the excise tax which is levied at the time product X is sold to A by his supplier.

Issue. May A add the excise tax to the cost of product X before computing his initial percentage markup, or must the excise tax be passed on dollar-for-dollar?

Ruling. A may add the excise tax to the cost of product X before computing his initial percentage markup.

Wholesalers (and retailers) are governed by § 300.13(a) of the Economic Stabilization Regulations, which provides a customary initial percentage markup test and a profit margin test to be applied to proposed price increases. The additional posting requirement of paragraph (b) applies to retailers.

In meeting the "customary initial percentage markup" test, the definition of "customary initial percentage markup", as provided by § 300.5, refers to the markup applied to the "cost of merchandise" and the "purchase price actually paid by the selling person". To the extent that an excise tax is paid by A at the time of purchase to either his supplier or to a government for each unit of product X, it is clearly a "cost of merchandise" to A, and a part of the "purchase price actually paid by the selling person". Therefore, it may be added before computing the initial percentage markup.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-763 Filed 1-17-72;8:51 am]

[Price Commission Ruling 1972-9]

DISTINCTIONS BETWEEN MANUFACTURERS AND RETAILERS

Price Commission Ruling

Facts. Company A manufactures cattle feed that it sells and delivers directly to neighboring farmers who are the ultimate human consumers. Company B manufactures furniture that it sells directly to consumers from a showroom and warehouse on its premises. Company C manufactures automotive equipment and accessories which it sells through a retailing subsidiary. Company C has customarily transferred the products it manufactures to its retailing subsidiary at a price to which the subsidiary applies its percentage markups. All three companies desire to raise the prices of their products.

Issue. Are Companies A, B, and C, "manufacturers" or "retailers" under the definitions in Economic Stabilization Regulations § 300.5?

Ruling. Company A and Company B are manufacturers, even though they sell their products directly to the ultimate consumers. Economic Stabilization Regulations § 300.5 defines manufacturer as a person who carries on the trade or business of making, fabricating, or assembling a product or commodity by manual labor or machinery for sale to another person. Accordingly, Company A and Company B are governed by the provisions of Economic Stabilization Regulations § 300.12 pertaining to manufacturers in determining whether they can increase prices.

For purposes of determining whether it may increase the prices at which it transfers its products to its retailing subsidiary, Company C is considered a manufacturer and, as such, its price increases are governed by Economic Stabilization Regulations § 300.12. For purposes of determining whether it may increase the prices it charges to ultimate consumers, Company C's retailing subsidiary is subject to the regulatory provisions pertaining to retailers. Economic Stabilization Regulation § 300.13. Economic Stabilization Regulation § 300.5 defines retailer to include any retailing subsidiary, division, affiliate, or similar entity that is part of, or is directly or indirectly controlled by, another person. The retailing subsidiary of Company C qualifies as a retailer under this provision and therefore its price increases are governed by Economic Stabilization Regulation § 300.13 pertaining to retailers. Company C's retailing subsidiary is also subject to the base prices posting requirements of Economic Stabilization Regulations § 300.13(b). Company C's total income during its most recent fiscal year, from whatever source derived (including that derived from its retailing subsidiary), would determine whether Company C is a Price Category I, II, or III, firm for prenotification and reporting purposes.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-764 Filed 1-17-72;8:51 am]

[Price Commission Ruling 1972-10]

PRICE INCREASES PURSUANT TO CONTRACTS ENTERED INTO BEFORE AUGUST 15, 1971

Price Commission Ruling

Facts. On January 16, 1971, Company A entered into a contract by which it agreed to sell its product to Company B, with delivery or performance to occur after November 13, 1971. The contract contained an escalation provision whereby the price to be paid by Company B at the time of delivery was to be dependent on increased costs incurred by Company A between the contract's execution date and the time of delivery. Company A entered into a labor agreement on November 19, 1971 which provided for a wage increase of over 14 percent per year. The Price Commission has determined that wage increases, including fringe benefits, agreed to after November 8, 1971, shall not generally be considered allowable costs to the extent they exceed 5.5 percent per year. Company A now wants to add these increased labor costs to its price under the January 16, 1971 contract, without regard to whether or not such increased costs are "allowable" under Price Commission regulations. It claims that its contract falls within § 300.101 of those regulations (formerly designated § 300.203), and that § 300.101 allows price increases to take place pursuant to contracts made before August 15, 1971, without reference to the allowable cost test of § 300.12.

Issue. May a price be increased over the base price, without regard to restrictions on "allowable costs," pursuant to a contract entered into prior to August 15, 1971, which contains a flexible pricing arrangement based on increases in the sellers costs?

Ruling. No. Section 300.101 does not apply to contracts with flexible pricing arrangements based on fluctuations in a seller's costs. The reference to "the price specified" in contracts entered into prior to August 15, 1971, was intended to apply to sellers who had made long-term contracts at a specified price and who were therefore "locked into" that price regardless of whether their costs might subsequently increase. To exempt contracts such as that of Company A from the strictures of the "allowable cost" test would have the effect of exempting a large number of sellers from a critically important principle of the Economic Stabilization Program by providing them with permission, denied to other sellers, to increase costs and pass them on in the form of higher prices, regardless of whether or not those costs are "allowable" under Price Commission regulations. Such favored treatment was not intended and is not permitted. A use of § 300.101 to circumvent the restrictions concerning allowable cost increases would also be prohibited by § 300.60. If the application of this ruling to Company A results in a serious hardship or gross inequity, Company A may apply for an "exception by ruling" pursuant to Price Commission regulations § 300.511.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-765 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-11]

SHIPPING RATES

Price Commission Ruling

Facts. A shipping company whose rates are regulated by the Federal Maritime Commission filed proposed rate increases with that Commission in the spring of 1971. The Maritime Commission, pending its investigation, suspended those rates for the full 4-month statutory period permitted by law. The rates would have gone into effect by reason of lapse of the statutory suspension period on August 30, 1971, but for the issuance of Executive Order No. 11615 on August 15, 1971, establishing a 90-day freeze on price increases.

Issue. Under Economic Stabilization Regulations, § 300.16, may the shipping company place its increased rates in effect after November 13, 1971, without the Federal Maritime Commission having made the appropriate certification?

Ruling. No. The purpose of § 300.16 is to ensure that rate increases by regulated public utilities are consistent with the anti-inflationary purposes of the Economic Stabilization Program. Paragraph (b) of this section applies to all rate increases authorized prior to November 14, 1971, but not permitted to go into effect by the 90-day freeze, whether such increases had been authorized by agency approval, or by lapse of a suspension period, or other operation of law. In such cases, the increased rates may not take effect until the regulatory agency or other appropriate legal authority has reviewed the increases with regard to their consistency with the purposes of the Economic Stabilization Act of 1970, as amended, and certified that the rate increases or adjusted increases are consistent with such purposes.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-766 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-12]

CRITERIA FOR DEFINING WAGE INCREASES AS ALLOWABLE COSTS

Price Commission Ruling

Facts. On November 18, 1971, Company A, a coal company, agreed to pay a wage increase to its employees of approximately 16 percent per year, including replenishment of a welfare fund. Company A wants to raise its prices to reflect in full this wage increase, on the grounds that the increase is an "allowable cost" within the meaning of Price Commission regulations, § 300.5. Company A is not a prenotification firm.

Issue. Is the wage increase which exceeds the general guidelines of 5.5 percent per year granted by Company A an allowable cost within the meaning of Price Commission regulations, § 300.5?

Ruling. For a Company which agreed to a general wage increase after the guidelines of 5.5 percent per year for wage increases had been announced on November 8, 1971, increased "allowable costs" for the purpose of justifying a price increase shall not generally include increased wage payments, including fringe benefits, in excess of 5.5 percent per year. This interpretation does not apply to either payments to replenish major deficiencies in a welfare fund which are necessary to protect the pensions of men already retired or to wage increases for workers making less than minimum wage standards of general applicability. Nor does it preclude a company from obtaining an "exception by ruling" as provided by Price Commission regulations, § 300.511, if the company can demonstrate that not counting the increased wage costs in excess of 5.5 percent with respect to its particular situation constitutes a gross inequity.

GUIDANCE FOR APPLICATION

In complying with this ruling, Company A and other coal companies which are not prenotification firms should adhere to the following principles:

1. *Calculation of allowable increases.* (a) To reflect the portion of wage increases up to 5.5 percent, coal prices may be increased pursuant to the following calculations: (1) Determine the percentage that the prior level of total labor cost (including welfare and replenishment payments) bore to the average sales price per ton during the period beginning with the last price increase and ending the date of the labor cost increase; (2) multiply that percentage by 5.5 percent; (3) the resulting percentage figure indicates the allowable price increase, exclusive of that allowed under (b), below.

(b) The company may also reflect in its price a required 11.8 cents per ton increase in its payment to the welfare fund, calculated as follows: (1) Determine the percentage that the prior level of welfare fund costs (e.g., 40 cents per ton) bore to the sales price per ton; (2) determine the percentage of the prior level of welfare fund payments (e.g., 40 cents per ton) represented by the 11.8 cents per ton increase; (3) multiply the percentage determined under (b)(1) above by that determined under (b)(2); (4) the resulting percentage figure indicates the allowable price increase justified for welfare fund replenishment costs.

(c) In making the above calculations, it may be helpful to utilize Price Commission Form PC-1.

2. *Effective date.* The price increase may take effect the date the allowable cost increases were first incurred. It may be applied to all products as to which the company would customarily have charged an increased price if it had announced a price increase to go into effect on that date.

3. *Long-term contracts.* With respect to long-term contracts subject to flexible pricing formulas based on costs, the price for each may not be increased over the base price by an amount greater than that calculatd under paragraph 1 above. This includes contracts which were executed prior to August 15, 1971.

4. *Application to different products, different marketing areas and different classes of customer.* The increase may be applied to the freeze period ceiling of the company's different coal products as sold in different marketing areas, or to different classes of customers: *Provided,* That the increase may not be applied unreasonably disproportionately to different products or classes of customers or different marketing areas.

5. *Sales for export.* These limitations on the pass-through of increased costs do not apply to sales for export, which are exempt from the Economic Stabilization regulations.

6. *Exceptions by ruling.* If the application of this ruling to Company A results in a serious hardship or gross inequity, Company A may apply for an "exception by ruling" pursuant to Price Commission regulations § 300.511.

Ordinarily, it will be considered a serious hardship or gross inequity for this purpose if the application of this ruling to a long-term contract places the company concerned in a distinctly unfavorable profits position with respect to the contract.

This ruling supplements Price Commission Ruling No. 1971–3.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.
General Counsel,
Department of the Treasury.

[FR Doc.72–767 Filed 1–17–72;8:52 am]

[Price Commission Ruling 1972–13]

ALLOWABLE PRICE INCREASES REFLECTING COST INCREASES

Price Commission Ruling

Facts. A is a manufacturer of product X. From July 16 to August 14, 1971, he incurred costs of $100 per unit in making X. The highest price he charegd for X in a substantial number of transactions during that period was $125 per unit. Allowable costs in effect on November 14, 1971 and cost increases incurred after November 14, 1971, reduced to reflect productivity gains, have increased A's cost per unit to $110.

Issue. How much may A now charge for product X under the Economic Stabilization Regulations?

Ruling. A may now charge $137.50 per unit of X. Section 300.12 of the Economic Stabilization Regulations permits manufacturers to increase prices over the base price only to reflect allowable costs in effect November 13, 1971 and cost increases being incurred after November 13, 1971, reduced to reflect productivity gains, and only to the extent that the price increase does not result in a higher profit margin than that which prevailed during the base period. Since A's allowable costs have increased 10 percent, A is entitled to increase his price by an equivalent 10 percent, or $12.50 per unit, provided that such an increase does not cause A's profit margin to exceed his profit margin during the base period.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–768 Filed 1–17–72;8:52 am]

[Price Commission Ruling 1972–14]

HIGHER FEE UNDER NEW CONTRACT FOR CURRENT TRANSPORTATION SERVICES BY BUS COMPANY

Price Commission Ruling

Facts. A bus company entered into a binding contract with a school district on August 14, 1971, to provide transportation services to students for an established fee. Services were to begin on September 15, 1971. The new contract provided for a fee higher than that under the preexisting contract and resulted in higher profit margin for the bus company than it had in prior years. The bus company had no other school transportation contracts.

Issue. May the bus company charge the higher fee under the new contract for its current transportation services?

Ruling. The bus company may charge the higher fee for current transportation services. The bus company is a service organization and therefore may increase its prices over the base price only to reflect increased allowable costs, under § 300.14 of the Economic Stabilization Regulations. The "base price" with respect to sales of services is the highest price charged by the person to a specific class of purchasers in a substantial number of transactions involving that service during the "freeze base period", under § 300.405(a) of the Economic Stabilization Regulations. In this case, the "freeze base period" means the period beginning July 16, 1971, and ending August 14, 1971, under § 300.5 of the Economic Stabilization Regulations. Since the new contract for services was signed prior to August 15, 1971, it was a "transaction" as defined in § 300.5 of the Economic Stabilization Regulations. Since this was the only transaction during that period with school districts, a "specific class of purchasers", it was clearly a "substantial number of transactions", and therefore establishes the new contract price as the base price.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.
General Counsel,
Department of the Treasury.

[FR Doc.72–769 Filed 1–17–72;8:52 am]

[Price Commission Ruling 1972–15]

PRENOTIFICATION FIRM

Price Commission Ruling

Facts. Company A, a prenotification firm, manufactures a product from a raw agricultural product exempt from price controls under Economic Stabilization Regulations § 101.32(a). Company A has customarily priced its product in a manner immediately responsive to the frequent and customary market price fluctuations of the raw agricultural product from which it makes its product. Under Economic Stabilization Regulations § 300.51(f), when, and to the extent authorized by the Price Commission, Company A may increase the price of its product to the extent of any significant market price increase in the price of the raw agricultural product.

Issue. May Company A increase the price of its product under Economic Stabilization Regulations § 300.51(f) only dollar-for-dollar?

Ruling. Yes. Under Economic Stabilization Regulations § 300.51(f), a prenotification firm that has customarily priced an item in a manner immediately responsive to frequent and customary market price fluctuations of the raw materials which it uses in that item, may, when and to the extent authorized by the Price Commission, increase the price of that item to the extent of any significant market price increase of those raw materials without regard to paragraphs (a) through (d) of Economic Stabilization Regulations § 300.51. Price increases authorized by Economic Stabilization Regulations § 300.51(f) are limited to dollar-for-dollar increases. Prenotification firms may not add to the increased cost of the raw material, their usual margins or markups.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.
General Counsel,
Department of the Treasury.

[FR Doc.72–770 Filed 1–17–72;8:52 am]

[Price Commission Ruling 1972–16]

INSURANCE ON GOODS IN TRANSIT

Price Commission Ruling

Facts. Retailer R secures insurance on goods in transit which have been shipped to it by a supplier.

Issue. Can Retailer R include the cost of this insurance in its "transportation charges to be allocated to the merchandise."

Ruling. Section 300.5 of the Economic Stabilization Regulations defines customary initial percentage markup to include "The markup applied to the cost (purchase price actually paid by the selling person and transportation charges to be allocated to the merchandise) * * *" The phrase "transportation charges to be allocated to the merchandise" includes all transportation charges, i.e. all direct or indirect costs incurred in the transportation of merchandise, provided that such transportation charges were considered as a part of the cost of the merchandise to which the previous customary initial percentage markup was applied. The previous customary initial

markup is the markup applied to the merchandise when it was initially offered for sale during the period beginning on August 15, 1971, and ending on November 13, 1971, or at the retailer's option during its last fiscal year ending before August 15, 1971. Section 300.13(a)(1) of the Economic Stabilization Regulations.

Insurance charges on goods in transit are considered an indirect cost incurred in the transportation of merchandise. Therefore if Retailer R had applied its previous customary initial percentage markup to a cost of merchandise which included allocated insurance charges on goods in transit it can now apply the same customary initial percentage markup to a cost which includes such charges.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Internal Revenue Service,
Chief Counsel.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-771 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-17]

CUSTOMARY INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. Retailer R purchases 50 units of product X for $1 per unit on an f.o.b. destination shipping basis and terms of 2 percent 10 days net 30. The retailer pays for product X within 10 days and takes advantage of the cash discount of 2 percent. Retailer R also purchases 50 units of product Y for $1 per unit on an f.o.b. shipping point of origin basis and terms of net 30 days. The freight charges on item Y paid by the retailer to his common carrier totaled $8.

Issue. To what amount may retailer R apply his customary initial percentage markup in determining his allowable selling price?

Ruling. Section 300.5 of the Economic Stabilization Regulations defines "customary initial percentage markup" to mean, "The markup applied to the cost (purchase price actually paid by the selling person and transportation charges to be allocated to the merchandise) of merchandise when first offered for sale, determined on an item, product line, department, store or other pricing unit basis, according to the person's customary pricing practice." The retailer may therefore apply his customary initial percentage markup to 98 cents for product X ($1 minus 2 percent of $1) and to $1.16 for product Y ($1 plus 16 cents transportation allocated to each unit).

If a retailer or wholesaler operates his own transportation department, rather than using public transportation, the cost of that department related to incoming merchandise may be allocated to the cost of that merchandise if the allocation is done in accordance with generally accepted accounting principles consistently applied.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-772 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-18]

INCREASE OF PRICE TO COMPLY WITH STATE'S FAIR TRADE LAW

Price Commission Ruling

Facts. A is a retailer in a "fair trade law" State who customarily sells product X at the "fair trade" price. The manufacturer of product X instituted price increases in June 1971 and the "fair trade" price increases became effective in July, 1971. A mistakenly neglected to increase his price on product X during July and August. On August 15, 1971, Executive. Order 11615 stabilized prices, and A was unable to comply with the fair trade law because to do so would violate the provisions of that Executive order.

Issue. May A now increase his price on product X to comply with his State's fair trade law under the Economic Stabilization Regulations?

Ruling. A may now increase his prices to the extent that price increases are allowed under the Economic Stabilization Regulations. Article VI of the U.S. Constitution (the "Supremacy Clause") and court decisions thereunder subordinate State statutes to conflicting Federal statutes. The Economic Stabilization Regulations, promulgated by the Cost of Living Council, Price Commission and Pay Board under the authority of Executive Order 11627, which was in turn issued under the authority of the Economic Stabilization Act of 1970, therefore override any State laws with which they conflict. Thus A may increase his prices only to the extent allowed by the Economic Stabilization Regulations.

On the facts given, the manufacturer instituted price increases prior to the freeze. If that price increase caused A's customary initial percentage markup on product X to be less than his customary initial percentage markup during its last fiscal year ending before August 15, 1971, A may now increase his selling price in accordance with Economic Stabilization Regulations § 300.13(a): *Provided,* That A will not thereby increase its profit margin over that which prevailed during the base period, and also provided that A has complied with the posting requirement of § 300.13(b). To the extent that State laws are not inconsistent with the Economic Stabilization Regulations, they should control A's pricing policies.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-773 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-19]

PROPERTY TAXES

Price Commission Ruling

Facts. Company A is a manufacturer. Among the expenses it charges against its sales in computing its yearly profit margin are the overhead expenses of its factory building. One of those expenses is the property tax imposed on the factory building. The property tax rate has recently been increased.

Issue. Are property taxes on the factory building allowable costs for purposes of determining whether Company A can increase its prices?

Ruling. A manufacturer may charge a price in excess of the base price only to reflect allowable costs in effect on November 14, 1971, and cost increases incurred after November 14, 1971, reduced to reflect productivity gains: *Provided, however,* That the effect of all of a manufacturer's price changes is not to increase its profit margin as a percentage of sales, before income taxes, over that which prevailed during the base period. As defined in § 300.5, "allowable costs" means any cost, direct or indirect unless disallowed by the Price Commission. As defined in § 300.5, "profit margin" means the ratio that net profit bears to gross sales as reported on the person's published financial statement and in accordance with generally accepted accounting principles consistently applied. For purposes of determining net profits, extraordinary items and taxes on income shall not be taken into account. Since property tax expenses are an indirect cost which has not been disallowed by the Price Commission, they are allowable costs within the definition provided by the Regulations. Moreover, property taxes must be included in the profit margin computations in order to consistenly apply generally accepted accounting principles. Therefore, property taxes on the factory building are allowable costs for purposes of determining whether Company A can increase its prices.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-774 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-20]

INCREASED PRICES ON CERTAIN PRODUCTS

Price Commission Ruling

Facts. Company A as a manufacturer with annual sales exceeding $100 million. It submitted a prenotification form requesting approval to increase its prices on certain products, and the Price Commission approved the increases effective as af December 3, 1971. On December 3, the company has in its inventory a supply of the items upon which the price increase has been approved; another supply of the same items is in the hands of other companies who distribute the products. Company A also has a long-term contract to supply the same items to Company B which it entered into prior to December 3.

Issue. To which items may Company A apply the approved price increase?

Ruling. A seller may charge the increased price on all products upon which it customarily would have applied an increased price if it had announced a price increase to go into effect on the date it received approval for a price increase from the Price Commission, provided that in no case may the increased price be applied to products in the possession of a potential purchaser, regardless of who is the legal owner of such products on the approval date.

A long-term contract is as subject to the rules and regulations issued by the Price Commission, the Economic Stabilization Act of 1970, as amended, as is any other price-setting transaction.

Therefore, Company A may increase its prices as to the items it is holding in its own inventory and the items to be delivered under the long-term contract provided that the terms of the contract allow such increases.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-775 Filed 1-17-72;8:53 am]

[Price Commission Ruling 1972-21]

SELLING PRICES OVER BASE PRICES

Price Commission Ruling

Facts. Company A is a retailing firm which does not intend to increase any of its selling prices over the base prices.

Issue. Must company A comply with the base prices posting requirement of the Economic Stabiliziation Regulations even if it does not intend to increase prices over the base prices?

Ruling. Yes. Economic Stabilization Regulations § 300.13(b) provides that, before January 2, 1972, all retailers, including those which do not intend to increase prices, must display prominently in their places of sale, base prices with respect to (1) All nonexempt food products; and, (2) those 40 items in each department which had the highest dollar sales volume during their last fiscal year, or those items which accounted for at least 50 percent of their total dollar sales in each department during that fiscal year, whichever is less. For a retailer with sales of less than $100,000 in its last fiscal year, those 40 items which had the largest dollar sales volume during that fiscal year, or those items which accounted for at least 50 percent of its total sales during that year, whichever is less, must be posted before January 2, 1972.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-776 Filed 1-17-72;8:53 am]

[Price Commission Ruling 1972-22]

CUSTOMARY INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. Retailer R purchases 50 units of product X for $1 per unit, FOB destination, net 30 days, from an importer of that merchandise who is required to pay customs duties and an import surcharge to the Federal Government. The $1 invoice price per unit includes 25 cents per unit for these charges.

Issue. May retailer R apply his customary initial percentage markup to the full $1 price per unit of product X?

Ruling. Section 300.5 of the Economic Stabilization Regulations defines "customary initial percentage markup" so as to permit the markup to be applied to the cost, i.e. purchase price actually paid by the selling person and to transportation charges to be allocated to the merchandise. The "price actually paid" includes customs duties, surcharges and excise taxes levied by the Federal Government on the merchandise which by law are not required to be borne in a specific amount or ratio to price by the ultimate consumer. A retailer or wholesaler may apply his customary initial markup to such items whether he pays the duty, surcharge or excise tax to another person or to the Federal Government.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-777 Filed 1-17-72;8:53 am]

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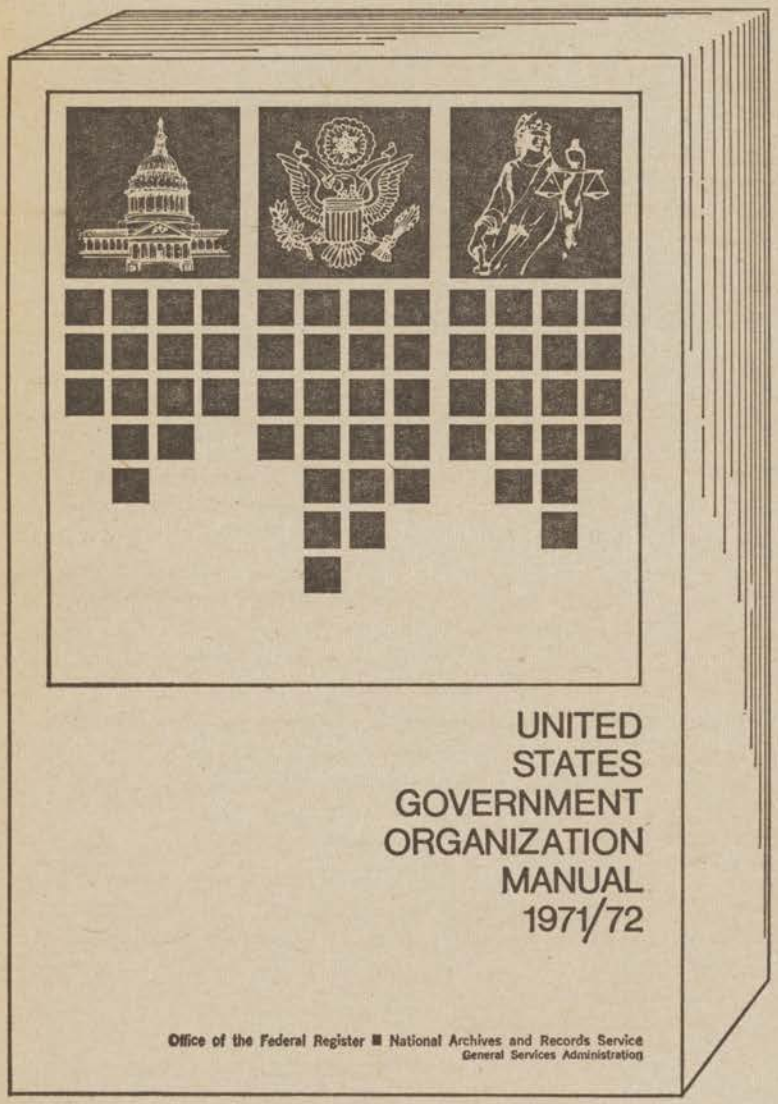

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