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## HIGHLIGHTS OF THIS ISSUE

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# List of CFR Parts Affected

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

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

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 531—PAY UNDER THE GENERAL SCHEDULE

### Conversion Rules for Rates of Basic Pay

Section 531.205 is amended to reflect actions required by the Economic Stabilization Act Amendments of 1971 and to delete obsolete references concerning Postal employees.

Effective January 1, 1972, § 531.205 is amended as follows:

**§ 531.205 Pay conversion rules for rates of basic pay in the General Schedule adjusted under Public Law 92-210 and Executive Order 11637.**

(a) Except as provided in paragraph (b) of this section the rate of basic pay of an employee subject to the General Schedule shall be initially adjusted effective the first day of the employee's first pay period which begins on or after January 1, 1972, as follows:

(1) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at one of the rates of a grade in the General Schedule, he shall receive the rate of basic pay for the corresponding numerical rate of the grade in effect on and after such date.

(2) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at a rate between two rates of a grade in the General Schedule, he shall be paid the higher of the two corresponding rates of basic pay in effect on and after such date.

(3) If an employee is receiving basic pay immediately before the effective date of this pay adjustment at a rate in excess of the maximum rate of his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by Executive Order 11637 in the maximum rate for his grade.

(4) If an employee, immediately before the effective date of his pay adjustment, is receiving pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of his pay adjustment, plus the amount of increase made by Executive Order 11637 in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of any provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to subdivisions (i) and (ii) of this subparagraph, the amount of the increase authorized by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

(b) Rates of basic pay authorized under section 5303 of title 5, United States Code, paid to an employee subject to the General Schedule shall be adjusted in accordance with § 530.307(b)(1) of this chapter.

(5 U.S.C. Section 5333)

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

[FR Doc.72-852 Filed 1-19-72;8:49 am]

## Title 7—AGRICULTURE

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

### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

### PART 730—RICE

### Subpart—1972-73 Marketing Year

STATE RESERVE ACREAGE, COUNTY ACREAGE ALLOTMENTS AND RESERVE ACREAGES, 1972 CROP RICE

The provisions of §§ 730.1504 and 730.1505 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1972 crop of rice. The purpose of these provisions is to establish (1) State reserve acreages, (2) county acreage allotments and reserve acreages in farm States, and (3) State productivity pool acreages in farm States. The regulations for determination of acreage allotments for 1969 and subsequent crops of rice (§§ 730.61 to 730.87, 33 F.R. 14520, 17764, 34 F.R. 3733, 5629, 35 F.R. 5995, 11454, 36 F.R. 1465, 3253, 11849) (referred to as the "allotment regulations") contain the designation of farm States and producer States and govern allocations of allotments and reserves established by these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on July 27, 1971 (36 F.R. 13838) in accordance with the provisions of 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

The act requires that, insofar as practicable, notices of farm acreage allotment be mailed to the farm operator in sufficient time to be received prior to the holding of the referendum respecting the national marketing quota. Since such referendum will be held during the period January 17 to 21, 1972, it is essential that §§ 730.1504 and 730.1505 be made effective as soon as possible so that the local committees may issue the notices of farm acreage allotment. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1504 and 730.1505 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 730.1504 State reserve acreages.**

The State reserve acreages set forth in the table in this section were established on the basis of recommendations by the State committees. The State reserve for new farms or new producers, if any, and the State reserve in producer States for appeals and corrections, missed producers and adjustments in factored allotments were established in accordance with section 353 of the act.

| State | State reserve acreage for new farms or new producers | State reserve acreages for appeals, etc. in producer States [1] |
|---|---|---|
| Arizona | 7.6 | 0 |
| Arkansas | 0 | ---------- |
| California | 0 | 50 |
| Florida | 32.0 | 38 |
| Illinois | 0 | ---------- |
| Louisiana: | | |
| Farm administrative area | 0 | ---------- |
| Producer administrative area | 0 | 0 |
| Mississippi | 0 | ---------- |
| Missouri | 0 | ---------- |
| North Carolina | 0 | ---------- |
| Oklahoma | 0 | ---------- |
| South Carolina | 0 | 0 |
| Tennessee | 0 | 0 |
| Texas | 0 | 50 |

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "Producer administrative area" in Louisiana.

**§ 730.1505 County acreage allotments and reserve acreages and State productivity pool in farm States.**

The farm acreage allotments for the 1972 crop of rice in the producer States will be established primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm. Therefore, the 1972 State acreage allotments of rice for producer States will be apportioned directly to farms and county acreage allotments

and reserve acreage will not be determined for producer States. The county reserve acreages were established on the basis of recommendations by the State and county committees in the farm States. Such county reserves are available for appeals and corrections, missed farms and adjustments in factored allotments. The State productivity pool is the allotment attributable to history pooled as a result of productivity adjustments in the exchange of rice farm acreage allotments and upland cotton farm acreage allotments under § 730.79(d) of the allotment regulations. Such State productivity pool shall not be allocated to producers, counties and farms. The county acreage allotments in farm States were established by apportioning the State acreage allotment less any State reserve for new farms and less any State productivity pool among the counties in the State in the same proportion that they shared in the total acreage alloted in 1956, as provided by section 353(c)(1) and (6) of the act, except that in the farm administrative area of Louisiana, prior to apportionment among counties, 19 acres were reserved from the State allotment to adjust the county allotment for Rapides Parish for an upward trend in acreage pursuant to section 353(c)(1) of the act. The following table sets forth the county acreage allotments and reserve acreages and State productivity pool in the farm States for the 1972 crop of rice.

ARKANSAS

| County | County acreage allotment | County reserve acreages [1] |
|---|---|---|
| Arkansas | 77,245 | 4.0 |
| Ashley | 6,550 | 0 |
| Chicot | 10,151.5 | 1.5 |
| Clark | 563 | 0 |
| Clay | 8,076 | 0 |
| Conway | 11 | 0 |
| Craighead | 17,548 | 0 |
| Crittenden | 6,887 | 0 |
| Cross | 35,800 | 1.0 |
| Dallas | 72 | 0 |
| Desha | 14,148 | 0 |
| Drew | 4,530 | 0 |
| Faulkner | 467 | 0 |
| Grant | 0 | 34.0 |
| Greene | 5,415 | 0 |
| Hot Springs | 481 | 0 |
| Independence | 884.6 | 0.4 |
| Jackson | 20,915 | 3.0 |
| Jefferson | 18,032.6 | 0.4 |
| Lafayette | 894 | 0 |
| Lawrence | 8,420 | 0 |
| Lee | 8,408 | 0 |
| Lincoln | 8,891 | 0 |
| Little River | 414 | 0 |
| Lonoke | 39,659.7 | 0.3 |
| Miller | 762 | 0 |
| Mississippi | 1,503 | 0 |
| Monroe | 14,797.6 | 0.4 |
| Perry | 1,010 | 0 |
| Phillips | 5,189 | 0 |
| Poinsett | 39,233.8 | 0.2 |
| Prairie | 40,507 | 0 |
| Pulaski | 2,465 | 0 |
| Randolph | 2,358 | 0 |
| St. Francis | 18,971 | 0 |
| White | 1,166 | 0 |
| Woodruff | 20,633 | 0 |
| Productivity pool | 230 | |
| State total | 443,331 | 45.2 |

ILLINOIS

| | | |
|---|---|---|
| Adams | 22 | 0 |
| State total | 22 | 0 |

LOUISIANA, FARM ADMINISTRATIVE AREA

| Parish | Parish acreages allotment | Parish reserve acreages [1] |
|---|---|---|
| Acadia | 93,728 | 70.0 |
| Allen | 25,161 | 10.0 |
| Avoyelles | 2,648.6 | 139.4 |
| Beauregard | 4,689 | 0 |
| Bossier | 67 | 0 |
| Calcasieu | 67,762 | 0 |
| Cameron | 12,595 | 0 |
| Evangeline | 45,547 | 0 |
| Grant | | |
| Iberia | 5,891 | 2.0 |
| Jefferson Davis | 98,021 | 15.0 |
| Lafayette | 10,304 | 15.0 |
| Rapides | 766 | 0 |
| St. Landry | 17,595 | 5.0 |
| St. Martin | 4,184 | 0 |
| St. Mary | 3,808.6 | 200.4 |
| Vermilion | 115,612 | 25.0 |
| Productivity pool | 43 | |
| State reserve | 19 | |
| State total, farm administrative area | 508,923 | 481.8 |

MISSISSIPPI

| County | County acreages allotment | County reserve acreages [1] |
|---|---|---|
| Bolivar | 22,177 | 0 |
| Coahoma | 1,906 | 0 |
| De Soto | 1,291 | 0 |
| Hancock | 186 | 0 |
| Humphreys | 2,135 | 0 |
| Issaquena | 108 | 0 |
| Leflore | 3,761 | 0 |
| Panola | 80 | 0 |
| Quitman | 864 | 0 |
| Sharkey | 1,064 | 0 |
| Sunflower | 4,569 | 0 |
| Tallahatchie | 515 | 0 |
| Tate | 121 | 0 |
| Tunica | 3,456 | 0 |
| Washington | 9,608 | 0 |
| Productivity pool | 17 | |
| State total | 51,858 | 0 |

MISSOURI

| | | |
|---|---|---|
| Butler | 1,820 | 0 |
| Holt | 2 | 0 |
| Lewis | 9 | 0 |
| Lincoln | 38 | 0 |
| Marion | 342 | 0 |
| Mississippi | 98 | 0 |
| New Madrid | 123 | 0 |
| Pemiscot | 650 | 0 |
| Ripley | 432 | 0 |
| St. Charles | 40 | 0 |
| Scott | 123 | 0 |
| Stoddard | 1,600 | 0 |
| State total | 5,286 | 0 |

NORTH CAROLINA

| | | |
|---|---|---|
| Brunswick | 10 | 0 |
| Hyde | 33 | 0 |
| State total | 43 | 0 |

OKLAHOMA

| | | |
|---|---|---|
| McCurtain | 166 | 0 |
| State total | 166 | 0 |

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

(Secs. 344a(h), 353, 375, 79 Stat. 1197, as amended, 52 Stat. 61, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344b(h), 1353, 1375)

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

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

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

[FR Doc.72-791 Filed 1-14-72;4:05 pm]

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

[Navel Orange Reg. 251]

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

### Limitation of Handling

**§ 907.551 Navel Orange Regulation 251.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective

time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 18, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 21, 1972, through January 27, 1972, are hereby fixed as follows:

(i) District 1: 840,000 Cartons.

(ii) District 2: 160,000 Cartons.

(iii) District 3: Unlimited.

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

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

Dated: January 19, 1972.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[FR Doc.72-973 Filed 1-19-72;11:23 am]

## PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

### Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective dates hereof all handling of dried prunes produced in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Dried Prunes Produced in California, as amended (Order No. 993, as amended; 7 CFR Part 993), and as further amended by this order. All of the findings, determinations, terms and conditions of the "Order Amending the Order as Amended, Regulating the Handling of Dried Prunes Produced in California" which was annexed to and made a part of the decision of the Assistant Secretary of Agriculture, July 16, 1971 (F.R. Doc. 71–10345; 36 F.R. 13397), with respect to the proposed amendment of the amended marketing agreement and order regulating the handling of such dried prunes (36 F.R. 22306, November 24, 1971) shall be, and the same hereby are, the findings, determinations, terms and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

**§ 993.0 Findings and determinations.**

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and each previously issued amendment thereof. Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5254; 16 F.R. 8437; 19 F.R. 1301; 22 F.R. 8254; 26 F.R. 475; 30 F.R. 9797.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at San Francisco, Calif., on April 21, 1971, on a proposed amendement of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of dried prunes produced in California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of dried prunes in the production area covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of dried prunes produced in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dried prunes covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1970, through July 31, 1971, handled not less than 50 percent of the volume of such dried prunes covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1970, through July 31, 1971 (which has been determined to be a representative period), have been engaged within the State of California in the production for market of the commodity specified in such amendatory order, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Accordingly, the said order, as amended, is hereby further amended, as hereinafter set forth, to become effective August 1, 1972, except that the amendment of current §§ 993.36(h), 993.41(a), and 993.75 shall become effective 30 days after publication in the FEDERAL REGISTER. The provisions of this subpart currently in effect shall continue in full force and effect except as otherwise provided herein.

*It is, therefore, ordered,* That, on and after the effective dates hereof, all handling of dried prunes produced in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 993.19 *Size.* is revised to read as follows:

**§ 993.19a Size.**

"Size" means either (a) the number of prunes contained in a pound and may be referred to in terms of size ranges, or (b) the diameter of a round opening, expressed in multiples of one thirty-second of an inch, through which prunes pass freely.

2. A new § 993.19b *Undersized prunes.* is added reading as follows:

**§ 993.19b Undersized prunes.**

"Undersized prunes" means prunes which pass freely through a round opening of a specified diameter.

3. Section 993.10 is revised by inserting ", other than pursuant to § 993.49(c)" immediately after "§ 993.49".

4. Section 993.12 is revised by inserting ", other than pursuant to § 993.49(c)," immediately after "§ 993.49".

5. Section 993.21c *Salable prunes.* is revised by inserting ", excluding the quantity of undersized prunes determined pursuant to § 993.49(c)," after "all prunes".

6. Section 993.36(h) is amended by revising "monthly statements" to "quarterly statements".

7. Section 993.41(a) is amended by revising "fourth Tuesday" to "first Tuesday".

8. Section 993.41(b) is revised by redesignating subparagraphs (9) through (14), inclusive, as (10) through (15), inclusive, and inserting a new subparagraph (9) reading as follows:

(9) The quantity of undersized prunes in the crop, itemized as to French prunes and non-French prunes;

9. The first sentence of § 993.49(a) is revised by inserting "and undersized prunes" after "other than substandard prunes" and after "including substandard prunes".

10. Section 993.49 is amended by deleting paragraph (c), including the provisions suspended from operation for the 1968–69 crop year and subsequent crop years by action published in the FEDERAL REGISTER August 24, 1968 (33 F.R. 12032).

11. A new paragraph (c) is added to § 993.49 reading as follows:

**§ 993.49 Incoming regulation.**

* * * * *

(c) The Secretary may establish a size regulation with respect to undersized prunes upon a recommendation of the Committee whenever it determines that supply conditions for a crop year warrant such regulation. Any such size regulation shall provide that the diameter of the round opening for French prunes shall be twenty-three thirty-seconds of an inch, and for non-French prunes twenty-eight thirty-seconds of an inch, or such larger openings as may be prescribed pursuant to § 993.52. The quantity of undersized prunes in each lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

12. Paragraphs (c) and (d) of § 993.50 are revised and a new paragraph (g) is added to read as follows:

**§ 993.50 Outgoing regulation.**

* * * * *

(c) Non-French prunes: No handler shall ship or otherwise make final disposition of any lot of standard prunes or standard processed prunes of the non-French varieties or any lot which includes non-French prunes in excess of a tolerance to be prescribed by the Secretary on recommendation of the Committee, unless the average count of such non-French prunes contained in any such lot is 40 or less per pound. However, under safeguards to be established by the Committee, any lot containing non-French prunes with an average size count of more than 40 prunes per pound may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. A tolerance as to the permitted deviation of sizes about the average count shall be prescribed by the Secretary, upon recommendation of the Committee.

(d) French prunes: No handler shall ship or otherwise make final disposition of any lot of French prunes for human consumption as prunes, or any lot of mixed dried fruit containing French prunes for human consumption as mixed dried fruit, unless the average count of French prunes contained in any such lot is $100 or less per pound. However, under safeguards to be established by the Committee, any lot containing French prunes with an average size count of more than 100 prunes per pound may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. In determining whether any such lot conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the Committee and other available information, modify this tolerance for uniformity of size.

* * * * *

(g) No handler shall ship or otherwise dispose of, for human consumption, the quantity of prunes determined by the inspection service pursuant to § 993.49(c) to be undersized prunes. However, such handler may, at the direction and under the supervision of the Committee, dispose of such quantity of prunes in nonhuman consumption outlets. Prunes so disposed of shall be of the same variety as, and reasonably comparable in size, to such undersized prunes. The handler shall cause the inspection service to make a determination whether the prunes disposed of by the handler in nonhuman consumption outlets meet such requirements. In making the determination with respect to comparability in size, the inspection service shall apply a tolerance permitting a deviation from the size of the applicable opening established pursuant to § 993.49(c). Any such tolerance, together with any rules and regulations to insure proper disposition of the prunes and that such prunes are reasonably comparable to the undersized prunes so received, shall be established by the Committee with the approval of the Secretary. The quantity of prunes determined pursuant to § 993.49(c) shall not be deemed to be within the handler's quota for salable prunes fixed by the Secretary within the meaning of section 8a(5) of the Act.

13. Section 993.52 is revised by inserting ", including the openings prescribed in § 993.49(c)," immediately after "size regulation".

14. In the second sentence of § 993.54, the phrase "the weight obligation of § 993.49(c)" is revised to read "the quantity of undersized prunes determined pursuant to § 993.49(c)".

15. In the first sentence of § 993.56, the phrase "the weight obligation of § 993.49(c)" is revised to read "the quantity of undersized prunes determined pursuant to § 993.49(c)".

16. Section 993.75 is revised to read as follows:

**§ 993.75 Verification of reports.**

For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the Secretary, and the Committee through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

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

Dated: January 14, 1972.

RICHARD E. LYNG,
*Assistant Secretary.*

[FR Doc.72-803 Filed 1-19-72;8:45 am]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

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

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

## PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, MULES, AND ZEBRAS

### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 75, Title 9, Code of Federal Regulations, restricting the interstate movement of horses, asses, mules, and zebras, is hereby amended in the following respects:

In § 75.4, paragraph (a) is amended to read:

**§ 75.4 Notice relating to existence of Venezuelan equine encephalomyelitis and/or the vector of said disease, quarantine and conditions of interstate movement.**

(a) Notice is hereby given that Venezuelan equine encephalomyelitis, a communicable disease of horses, asses, mules, and zebras, and/or the vector of said disease, exists in the State of Texas and that said State is quarantined because of the existence of said disease and/or the vector thereof.

* * * * *

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

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

Venezuelan equine encephalomyelitis is a viral disease of horses and other equidae. The disease is transmitted primarily through several species of mosquitoes and may be transmitted to humans. The mosquito population acquires the infection from horses which are in the incubative stage of the disease and disseminates the infection to new localities.

The disease entered the United States from Mexico and was disseminated extensively in Texas.

The State of Texas was quarantined because of Venezuelan equine encephalomyelitis, effective July 13, 1971 (36 F.R. 13202); the States of Arkansas, Louisiana, New Mexico, and Oklahoma were quarantined because of the existence of vectors of the disease, effective July 19, 1971 (36 F.R. 13677); and the State of Mississippi was quarantined because of the existence of vectors of the disease, effective August 2, 1971 (36 F.R. 14631). The States of Arkansas, New Mexico, and Oklahoma were released from quarantine effective September 10, 1971 (36 F.R. 18507), and the State of Mississippi was released from quarantine effective November 9, 1971 (36 F.R. 21755).

In view of the fact that more than 94 percent of the susceptible equine population has now been vaccinated against Venezuelan equine encephalomyelitis in the State of Louisiana, thus providing a vaccinated buffer zone north of the area in Texas where the disease is known to exist, and in view of the fact that extensive, prolonged, and exhaustive investigation in that State has failed to disclose any evidence indicative of Venezuelan equine encephalomyelitis, the State of Louisiana is hereby released from quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of Venezuelan equine encephalomyelitis, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1972.

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

[FR Doc.72-886 Filed 1-19-72;8:51 am]

## PART 78—BRUCELLOSIS

### Part D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

**§ 78.13 Modified Certified Brucellosis Areas.**

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

*Alabama.* The entire State;
*Alaska.* The entire State;
*Arizona.* The entire State;
*Arkansas.* The entire State;
*California.* The entire State;
*Colorado.* The entire State;
*Connecticut.* The entire State;
*Delaware.* The entire State;
*Florida.* The entire State;
*Georgia.* The entire State;
*Hawaii.* The entire State;
*Idaho.* The entire State;
*Illinois.* The entire State;
*Indiana.* The entire State.
*Iowa.* The entire State;
*Kansas.* The entire State;
*Kentucky.* The entire State;
*Louisiana.* The entire State;
*Maine.* The entire State;
*Maryland.* The entire State;
*Massachusetts.* The entire State;
*Michigan.* The entire State;
*Minnesota.* The entire State;
*Mississippi.* Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Stone, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, and Yazoo Counties;
*Missouri.* The entire State;
*Montana.* The entire State;
*Nebraska.* Adams, Antelope, Arthur, Banner, Blaine, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
*Nevada.* The entire State.
*New Hampshire.* The entire State;
*New Jersey.* The entire State;
*New Mexico.* The entire State;
*New York.* The entire State;
*North Carolina.* The entire State;
*North Dakota.* The entire State;
*Ohio.* The entire State;
*Oklahoma.* The entire State;
*Oregon.* The entire State;
*Pennsylvania.* The entire State;
*Rhode Island.* The entire State;
*South Carolina.* The entire State;
*South Dakota.* The entire State;
*Tennessee.* The entire State;
*Texas.* Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadelupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendell, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Miiam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Red River, Reeves, Refugio, Roberts, Robertson, Real, Rockwell, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somerville, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
*Utah.* The entire State.
*Vermont.* The entire State.
*Virginia.* The entire State;
*Washington.* The entire State;
*West Virginia.* The entire State;
*Wisconsin.* The entire State;
*Wyoming.* The entire State;
*Puerto Rico.* The entire area; and
*Virgin Islands of the United States.* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32, Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29

F.R. 16210, as amended; 36 F.R. 20707, 9 CFR 78.16)

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1–20–72).

The amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Boone County in Nebraska; and Castro, Deaf Smith, and Terry Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of January 1972.

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

[FR Doc.72–888 Filed 1–19–72;8:51 am]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

### Implementation of the National Environmental Policy Act of 1969

On September 9, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 18071) a revision of Appendix D of its regulation in 10 CFR Part 50, effective on publication. Revised Appendix D as published is an interim statement of Commission policy and procedure for the implementation of the National Environmental Policy Act of 1969 (NEPA) in accordance with the decision of the U.S. Court of Appeals for the District of Columbia Circuit in "Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.", Nos. 24,839 and 24,871. The procedures in Appendix D apply to licensing proceedings for nuclear power reactors; testing facilities; fuel reprocessing plants; and other production and utilization facilities whose construction or operation may be determined by the Commission to have a significant impact on the environment. The procedures also apply to proceedings involving certain specified activities subject to materials licensing.

The Commission adopted certain minor amendments to revised Appendix D, published in the FEDERAL REGISTER on September 30, 1971, and November 11, 1971.

The Commission has adopted additional amendments to revised Appendix D relating to the procedures for publishing notices of hearing or opportunity for hearing with respect to proceedings subject to sections B, C, and D.

Those sections deal respectively with procedures applicable to certain facility and materials licenses issued during the period from January 1, 1970, the date of enactment of NEPA, to September 9, 1971, with the procedures applicable to construction permits for certain facilities issued prior to January 1, 1970, for which operating licenses or notice of opportunity for hearing on operating license applications have not been issued, and with procedures applicable to pending hearings and hearings to be noticed in the near future.

Under section B, section C, and section D.3 presently in effect, notices of hearing or opportunity for hearing in the licensing proceedings subject to those sections could not be published until the final detailed statement or supplemental detailed statement had been prepared by the Commission's Director of Regulation or his designee. The basic procedures for implementing NEPA in section A of Appendix D, on the other hand, contain no such restriction. Furthermore, the restriction is inconsistent with the Commission's practice of giving early notice of hearing or opportunity for hearing in facility licensing cases—before completion of the reviews of the application by the AEC staff and the Advisory Committee on Reactor Safeguards. That practice results in extra time between the admission of intervening parties and the beginning of the hearing, thus affording a longer period for the preparation of intervenors' cases and avoiding unnecessary delays. Accordingly, the amendments which follow permit, but do not require, the Commission to issue notices of hearing or opportunity for hearing, as appropriate, for the consideration of NEPA environmental issues in such proceedings, before the final detailed statement has been prepared.

Pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 50, are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER.

In Appendix D, the sixth sentence in section C.2 is deleted, and section B.3, the fifth sentence in section C.2 and the fifth sentence in section D.3 are amended to read as follows:

APPENDIX D—INTERIM STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91–190)

* * * * *

B. *Procedures for review of certain licenses to construct or operate production or utilization facilities and certain licenses for source material, special nuclear material and byproduct material issued in the period January 1, 1970–September 9, 1971.*

* * * * *

3. The Director of Regulation will, in the case of a construction permit for a nuclear power or test reactor or a fuel reprocessing plant, publish in the FEDERAL REGISTER a notice of hearing, in accordance with § 2.703 of this chapter, on NEPA environmental issues as defined in section A.11, which hearing notice may be included in the notice required by paragraph 2. With respect to any other permit or license for a facility of a type described in section A.1, the Director of Regulation will publish a notice in the FEDERAL REGISTER, which may be included in the notice required by paragraph 2, providing that, within thirty (30) days from the date of publication of the notice, the holder of the permit or license may file a request for a hearing and any person whose interest may be affected by the proceeding may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. In any hearing held pursuant to this paragraph, the provisions of sections A.10 and 11 will apply. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which proceedings, or any portions thereof, conducted pursuant to this paragraph will be completed.

C. *Procedures for review of certain construction permits for production or utilization facilities issued prior to January 1, 1970, for which operating licenses or notice of opportunity for hearing on the operating license applications have not been issued.*

* * * * *

2. * * * The Director of Regulation will also publish in the FEDERAL REGISTER a notice, which may be included in the notice setting forth his or his designee's conclusion as respects the continuation, modification or termination of the construction permit or its appropriate conditioning to protect environmental values, providing that within thirty (30) days from the date of its publication, any person whose interest may be affected by the proceeding may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. * * *

* * * * *

D. *Procedures applicable to pending hearings or proceedings to be noticed in the near future.*

* * * * *

3. * * * In addition to the pertinent provisions of paragraphs 1–9 of section A, the provisions of section B.3 will be followed. * * *

* * * * *

(Sec. 102, 83 Stat. 853; secs. 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201)

Dated at Washington, D.C., this 14th day of January 1972.

For the Atomic Energy Commission.

F. T. HOBBS,
*Assistant Secretary of the Commission.*

[FR Doc.72–874 Filed 1–19–72;8:51 am]

# Title 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-26]

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

### Iceland; Coastwise Transportation

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Iceland extends to vessels of the United States, in ports of Iceland, privileges reciprocal to those provided in § 4.93 of the Customs regulations. Therefore, vessels of the Government of Iceland are permitted to transport coastwise empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel; empty instruments of international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)); and stevedoring equipment and material under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, paragraph (b)(1) of § 4.93, Customs regulations, is amended by the insertion of "Iceland" in appropriate alphabetical order in the list of countries under that paragraph. Paragraph (b)(2) of § 4.93, Customs regulations, is also amended by the insertion of "Iceland" in appropriate alphabetical order in the list of countries under that paragraph.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

The finding excepting vessels of Iceland from the prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883) is made in accordance with the requirements of this section and information as to reciprocity furnished by the Secretary of State pursuant thereto. In view of the statutory requirement for an exemption when such reciprocity is found to exist, notice and public procedure under 5 U.S.C. 553 is considered to be unnecessary. Since this finding recognizes an exemption, good cause is found under 5 U.S.C 553(d)(1) for making it effective on the earliest date possible.

*Effective date.* This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1-20-72).

[SEAL] LEONARD LEHMAN,
*Acting Commissioner of Customs.*

Approved: January 7, 1972.

EUGENE T. ROSSIDES,
*Assistant Secretary of the Treasury.*

[FR Doc.72-896 Filed 1-19-72;8:51 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 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

### Fruit Jelly; Standard of Identity; Confirmation of Effective Date of Order

In the matter of amending the identity standard for fruit jelly (21 CFR 29.2) by alphabetically adding "Boysenberry" with a factor of "10.0" to the list of optional fruit ingredients:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701; 52 Stat. 1046, 1055-56, as amended by 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for a hearing were filed in response to the order on the above-identified matter published in the FEDERAL REGISTER of October 20, 1971 (36 F.R. 20292). Accordingly, the amendment promulgated by that order became effective November 20, 1971.

Dated: January 10, 1972.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.72-872 Filed 1-19-72;8:50 am]

SUBCHAPTER C—DRUGS

## PART 148e—ERYTHROMYCIN

### Erythromycin Estolate Tablets

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 148e is amended to provide for certification of the antibiotic erythromycin estolate tablets by adding to Part 148e a new section, as follows:

**§ 148e.36 Erythromycin estolate tablets.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate tablets are composed of erythromycin estolate with one or more suitable and harmless diluents, binders, lubricants, and colorings. Each tablet contains erythromycin estolate equivalent to 500 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The tablets shall distintegrate within 30 minutes. The erthromycin estolate used conforms to the standards prescribed by § 148e.5(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, identity, and crystallinity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of tables into a high-speed glass blender jar with 200 milliliters of methyl alcohol. Blend for 3 to 5 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 3 to 5 minutes. Hydrolyze a portion of this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141.540 of this chapter, using the procedure described in paragraph (e)(1) of that section.

Data supplied by the manufacturer concerning the safety and efficacy of the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since the matter is not controversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER (1-20-72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 10, 1972.

H. E. SIMMONS,
*Director, Bureau of Drugs.*

[FR Doc.72-870 Filed 1-19-72;8:50 am]

## PART 148k—NYSTATIN

### Identity

In a notice published in the FEDERAL REGISTER of July 16, 1971 (36 F.R. 13217), it was proposed that the antibiotic drug regulations be amended to improve the method of sample preparation for the nystatin identity test. Two comments received in response to the proposal objected to the use of methyl alcohol rather than the blank for setting the spectrophotometer to 100 percent transmission.

The proposed method is revised to provide for use of the blank.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 148k.1(b)(5) is revised to read as follows:

**148k.1 Nystatin.**

* * * * *

(b) * * *

(5) *Identity.* Weigh approximately 100 milligrams of the sample into a 200-milliliter, glass-stoppered, volumetric flask. Add 50 milliliters of absolute methyl alcohol and 10 milliliters of glacial acetic acid. When the sample has dissolved, dilute to volume with methyl alcohol. Transfer 2 milliliters of this solution to a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Use the same dilution of acetic acid in methyl alcohol as the blank. Immediately determine the absorption peaks at 230, 291, 305, and 319 nanometers, and the shoulders at 279±2 nanometers, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100 percent transmission with the blank. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 220 nanometers to 350 nanometers. If a nonrecording spectrophotometer is used, the exact positions of the peaks and shoulder be determined for the particular instrument used. The ratio of the two absorbances

$$\left(\frac{A_{230}}{A_{279}}\right)$$

should be not less than 0.90 and not more than 1.25.

*Effective date.* This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 10, 1972.

H. E. SIMMONS,
*Director, Bureau of Drugs.*

[FR Doc.72-871 Filed 1-19-72;8:50 am]

## PART 148x—LINCOMYCIN

### Lincomycin Hydrochloride Injection; Correction

In F.R. Doc. 71-5814 appearing at page 7847 in the issue of Tuesday, April 27, 1971 § 148x.3 is corrected in paragraph (b)(4) to eliminate a technical error, as follows:

**§ 148x.3 Lincomycin hydrochloride injection.**

* * * * *

(b) * * *

(4) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 0.5 milligram of lincomycin per milliliter.

* * * * *

Dated: January 10, 1972.

H. E. SIMMONS,
*Director, Bureau of Drugs.*

[FR Doc.72-873 Filed 1-19-72;8:50 am]

# Title 49—TRANSPORTATION

## Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 35029]

## PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

### Extension of Temporary Suspension

*Order.* At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of December 1971.

Upon consideration of the record in the above-entitled proceeding, and because of REA's financial difficulties at this time.

*It is ordered,* That the order dated November 28, 1969, and modified by order dated October 14, 1970, is hereby further modified as follows:

(1) That the 1914 issue of the Uniform System of Accounts for Express Companies be suspended for an additional year, effective January 1, 1972 and

(2) That REA be permitted to continue to use the system of accounts it submitted in reply to the notice of proposed rule making under Docket No. 35029, published December 31, 1968, for the year 1972. The use of this system for the year 1972 is not to be construed as its formal adoption by the Commission nor that provisions contained therein fully meet all requirements of the Commission's needs and those of other interested parties.

*It is further ordered,* That in all other respects the Commission's order dated November 28, 1969, as modified, remains in full force and effect.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Seecretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

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

[FR Doc.72-881 Filed 1-19-72;8:51 am]

# Proposed Rule Making

## DEPARTMENT OF JUSTICE

### Bureau of Narcotics and Dangerous Drugs

[ 21 CFR Part 308 ]

### CHEMICAL REAGENTS AND DIAGNOSTIC AGENTS

### Exempt Substances

Recently the Bureau of Narcotics and Dangerous Drugs has received a series of petitions and requests for relief from various provisions of the Comprehensive Drug Abuse Prevention and Control Act, Public Law 91–513 (21 U.S.C. 801) concerning chemical substances and reagents not intended for human consumption. At the present time similar chemical substances have already been classified either, (1) as excluded substances under §§ 308.21–308.22 of Title 21 of the Code of Federal Regulations or, (2) as excepted compounds under §§ 308.31–308.32 of the same title. These classification areas do not lend themselves to the convenient classification of many of the substances submitted. In addition, the separation of these substances into two groups creates confusion and conflicts with the purposes of the Act as expressed in the congressional history of the Act and sections 101, 201, and 202 of the Act (21 U.S.C. 801, 811, and 812) which is to provide a comprehensive plan to control abusable drugs and other substances, taking into account the abuse potential of the substance and other factors.

The Attorney General is authorized by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 821 and 871(b)) to promulgate and enforce rules, regulations, and procedures relating to drug abuse prevention. This authority has been redelegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations. Pursuant to this authority, the Director hereby proposes that Part 308 of Title 21 of the Code of Federal Regulations be amended to create a new classification of substances composed of chemical agents and diagnostic reagents not intended for administration to humans or other animals, containing controlled substances which either (1) contain an additional adulterant or denaturing agent so that the resulting mixture has no significant abuse potential or (2) are packaged in such a form or concentration that the particular form, as packaged, has no significant abuse potential. The new classification will be called "exempt chemical substances."

In order to accomplish this, the Director hereby proposes the following amendments to Part 308:

1. Section 308.22 is amended by deleting the reference to Beckman Buffer B–1 and Beckman Buffer B–2, along with the detailed listing of their composition and the reference to the manufacturer or supplier, Spinco Division of Beckman Instruments, Inc.

2. Section 308.32 is amended by deleting the reference to Tetralute I and the reference to both the composition and manufacturer or supplier of the excepted compound which was listed as Miles Laboratories, Inc.

3. Part 308 is amended by adding the following title and sections which are to be inserted in numerical sequence following § 308.22:

EXEMPT CHEMICAL SUBSTANCES

**§ 308.23 Application for classification as exempt chemical substance.**

(a) Any person seeking to have a substance or a mixture containing a controlled substance, which by virtue of its packaging or combination with other adulterating agents, is believed not to have any significant potential for abuse, classified as an exempt chemical substance may apply for an exemption by directing a request to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(b) The criteria which will be used in classifying substances or mixtures as exempt chemical substances are as follows:

(1) The chemical substance may be exempted if it is packaged in such a form and concentration that the packaged quantity does not present any significant potential for abuse and where the substance is intended only for laboratory, industrial, or educational purposes and not for administration to a human being or other animal or where the type of packaging and history of abuse of the same or similar substances indicates that the finished form does not present any significant potential for abuse, and the substance is intended only for laboratory, industrial, or educational use.

(2) The chemical substance may be exempted if the controlled substance constituent is mixed with an adulterant or denaturing agent in such a manner that the resulting mixture does not present any significant potential for abuse and if the resulting mixture is not intended for administration to a human being or other animal.

(c) Both narcotic and nonnarcotic controlled substances are eligible for inclusion as exempt chemical substances. However, any narcotic substance must be formulated in such a manner that it incorporates methods of denaturing or other means so that the substance is not liable to be abused or have ill effects and so that the narcotic substance cannot in practice be removed.

(d) Chemical substances or compositions will not be eligible to be included as exempt chemical substances where they are pure analytical standards for controlled substances unless they contain additional adulterants or denaturing materials so that they may qualify under paragraph (b)(2) of this section.

(e) An application for an exclusion under this section should be made by the manufacturer or importer of the substance, and shall contain the following information:

(1) The name and address of the applicant and the name and address of the manufacturer or importer if different from the applicant;

(2) Each exact trade name or other designation of the substance for which exemption is sought;

(3) The total weight of the proposed exempt substance in its immediate outer container in finished form including the complete qualitative and quantitative composition of the substance or mixture and including all active and inactive and controlled and noncontrolled ingredients;

(4) The form (bottle, packet, soft plastic pillow, agar gel plate, vial, etc.) in which the exempt substance will be distributed with enough detail to readily identify the exempt substance;

(5) The dimensions or capacity of the immediate outer container of the controlled substance;

(6) The proposed labeling for the immediate outer container and the commercial container, if any, of the exempt substance;

(7) A brief statement of the reasons for the exemption and background information on the use to which the substance is to be put;

(8) The date of the request which will be considered the date of the formulation of record with the Bureau.

(f) The Bureau may request additional supporting information concerning abuse potential or use of the substance prior to granting an exemption under this section.

(g) Material which is deemed to be a trade secret or should be other wise protected should be appropriately marked. This information will be retained in confidence by the Bureau.

(h) Within a reasonable period of time after the receipt of an application for an exemption under this section, the Director shall notify the applicant of his acceptance or nonacceptance of the application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraphs (b), (c), (d), (e), and (f) of this section are lacking or are not set forth so as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraphs (b), (c), (d), (e), and (f) of this section. In the event a given trade

name or other designation is reformulated in any respect the manufacturer or importer of the substance will apply for a new exemption. If accepted for filing, the Director shall publish in the FEDERAL REGISTER general notice of his proposed rule making in granting or denying an exclusion, and, in the discretion of the Director, a summary of the subjects and issues involved. The Director shall permit any interested persons to file written comments on or objections to the proposal and shall designate in the notice of the proposed rule making the time during which such filings may be made. After consideration of the application any comments on or objections to his proposed rule making, the Director shall issue and publish in the FEDERAL REGISTER his final order on the application, which shall set forth the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

(i) The Director may at any time revoke any exemption granted pursuant to section 501(b) of the Act (21 U.S.C. 871(b)) by following the procedures set forth in paragraph (h) of this section for handling an application for an exemption which has been accepted for filing.

(j) The exemption of these substances by the Director should not be construed to prevent modification either by removing an exempt chemical substance from this list, by changing the criteria for inclusion as an exempted chemical substance or by changing the number or subject area of provisions of the law or the regulations from which the substances are exempted.

**§ 308.24 Exempt chemical substances.**

(a) The chemical substances listed in paragraph (e) of this section, which meet the criteria set forth in §308.23 (b), (c), and (d) are exempted by the Director from application of sections 302 (persons required to register), 303 (registration requirements), 305 (labeling and packaging requirements), 307 (records and reports of registrants), 308 (order forms), 309 (prescriptions), 1002 (importation of controlled substances), 1003 (exportation of controlled substances), 1004 (transshipment and in-transit shipment of controlled substances) of the Act (21 U.S.C. 822, 823, 285, 827–9, and 952–4) and regulations promulgated pursuant thereto, and § 301.74 (other security controls) of this chapter for administrative purposes only.

(b) The manufacturer of exempt chemical substances must conclude his recordkeeping responsibilities by keeping records on the substances until they leave his possession, custody, or control, to include the names and addresses of the persons to whom the exempt substances are delivered, subject to inspection by authorized Bureau employees. Importers and exporters of narcotic exempt chemical substances must submit semiannual reports of the total quantity of each narcotic substance imported or exported in each calendar half-year within 30 days of the close of the period to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(c) Labeling of exempt chemical substances: An exempt chemical substance must be prominently marked on its commercial container, as that term is defined in § 302.02 of this chapter, including its immediate outer container with its full trade name or other designation and the name of the manufacturer or supplier as they appear in the listing in paragraph (e) of this section. The label must also include in a prominent manner the statement "for industrial use only," or "for chemical use only," or "for in vitro use only—not for human use," or "diagnostic reagent—for professional use only," or a compliable statement, except that the Bureau may determine that a substance because of its composition and use need not be enclosed in an outer wrapper (immediate outer container) or that because of its size or configuration it need not contain this labeling information except on its commercial container. The designation of the name of the exempt chemical substance on the label must correspond with the listing of the trade name or other designation in this section so that the product can be readily identified by its label as a substance listed as an exempt substance. No symbol designating the schedule in which the controlled substance is listed, as specified in § 302.03 of this chapter, is required, nor is it necessary to list the components of the exempt substance on the label. Materials exempted in bulk will be labeled as the Bureau directs. Exempt chemical substances which have been reformulated but which retain their original trade name or other designation will indicate a new formulation date on all labels required by this section.

(d) Criminal penalties continue to be attached to these substances in accordance with the schedule in which the controlled substance is classified. Criminal sanctions will be applied where the exempt chemical substance is found outside of normal distribution channels of these substances or where the substance is being distributed for any drug use. Controlled substances which have been removed from their immediate outer containers continue to be exempt so long as they are destined for their intended nondrug use in the immediate future.

(e) The following substances in the form and quantity listed, and with the composition of record with the Bureau on the date indicated, are designated as exempt chemical substances for the purposes set forth above:

| Product name and catalog number | Form | Date of formulation | Manufacturer or supplier |
|---|---|---|---|
| Beckman Buffer B–1 | Packet: 12.14 Gm | 4–24–71 | Spinco Division, Beckman Instruments, Inc. |
| Beckman Buffer B–2 | Packet: 18.16 Gm | 4–24–71 | Do. |
| Tetralute I | Bottle: 4.90 Gm | 7–29–70 | Miles Laboratories. |
| Adsorbed Plasma Reagent No. B4233–1 and No. B4233–2. | Bottle: 1 ml | 8–16–71 | Dade Division, American Hospital Supply Corp. |
| Owren's Veronal Buffer No. B4234–25. | Bottle: 15 ml | 8–16–71 | Do. |
| Phosphatase Substrate No. B5312–1 and No. B5312–5. | Bottle: 73 mg. dry powder | 8–16–71 | Do. |
| Serum Reagent No. B4233–1 and No. B4233–2. | Bottle: 1 ml | 8–16–71 | Do. |
| Thrombin Reagent (Bovine) No. B4233–15. | Bottle: 1 ml | 8–16–71 | Do. |
| Thyroxine Buffer No. B5630–1 | Bottle: 5 ml | 8–16–71 | Do. |
| Barbital Buffer B–1 No. 96772 | Vial: 12.12 grams per 7 dram vial. | 9–15 71 | Harleco Division, American Hospital Supply Corporation. |
| Barringer & Woodard Buffered Substrate No. 23695. | Vial: 0.73 gram per 15 x 45 mm. vial. | 9–15–71 | Harleco Division, American Hospital Supply Corp. & SGA Scientific Corp. |
| Buchler Instrument Buffer B–2 Double Strength, pH 8.6, 0.075m No. 93834. | Vial: 36.36 grams | 9–15–71 | Harleco Division, American Hospital Supply Corp. & Buchler Instruments, Inc. & SGA Scientific, Inc. |
| Buffer Barbital pH 8.6 No. 96804 | Vial: 1.52 grams per 15 x 45 mm. vial. | 9–15–71 | Harleco Division, American Hospital Supply Corp. |
| Buffer Barbital pH 8.8 No. 7691 | Vial: 11.76 grams per 10 dram vial. | 9–15–71 | Harleco Division, American Hospital Supply Corp. and SGA Scientific, Inc. |
| Buffer Salt-Barbital Acetate Mixture pH 8.6 No. 3787. | Vial: 14.7 grams per 29.5 x 80 mm. vial. | 9–15–71 | Do. |
| Buffer Salt Mixture pH 8.8 No. 7644. | Vial: 17.85 grams per 29.5 x 80 mm. vial. | 9–15–71 | Do. |
| Buffer Salt Mixture Spinco B–1, pH 8.6, 0.05 Ionic Strength No. 394. | Vial: 12.12 grams per 29.5 x 80 mm. vial. | 9–15–71 | Harleco Division, American Hospital Supply Corp., SGA Scientific, Inc., and Meloy Laboratories. |
| Buffer Salt Mixture Spinco B–2, pH 8.6, 0.075 Ionic Strength No. 3948. | Vial: 18.18 grams per 29.5 x 80 mm. vial. | 9–15–71 | Harleco Division, American Hospital Supply Corp. & SGA Scientific, Inc. |
| Buffered Barbital Sodium Chloride, pH 7.5, No. 64647. | Vial: 14.7 grams per vial | 9–15–71 | Do. |
| Buffered Substrate Glycerophosphate Bodansky, No. 23681. | Vial: 0.924 grams per 15 x 45 mm. vial. | 9–15–71 | Do. |
| Buffered Veronal, pH 7.5, No. 64322. | Vial: 16.48 grams per vial | 9–15–71 | Do. |
| Gilcreas & Davis Buffered Substrate, No. 23701. | Vial: 1.228 grams per 15 x 45 mm. vial. | 9–15–71 | Do. |
| King & Armstrong Buffered Substrate, No. 23721. | Vial: 1.14 grams per 15 x 45 mm. vial. | 9–15–71 | Do. |
| Roe & Whitmore Buffered Substrate, No. 23686. | Vial: 0.854 grams per 15 x 45 mm. vial. | 9–15–71 | Do. |
| Scientific Products Buffer Salt Mixture B–2, No. 93953. | Vial: 18.18 grams per 10 dram vial. | 9–15–71 | Harleco Division American Hospital Supply Corp. & SGA Scientific Inc. and Scientific Products, Division American Hospital Supply Corp. |

| Product name and catalog number | Form | Date of formulation | Manufacturer or supplier |
|---|---|---|---|
| Shinowara, Jones & Reinhart Buffered Substrate, No. 23738. | Vial: 0.945 grams per 15 x 45 mm. vial. | 9-15-71 | Harleco Division, American Hospital Supply Corp. & SGA Scientific Inc. |
| Thymol Barbital Buffer, McLagan Modified, pH 7.8, No. 29944. | Vial: 1.256 grams per 15 x 45 mm. vial. | 9-15-71 | Do. |
| Thymol Buffer 100 ml.=100 mg., Huerga & Popper, No. 29959. | Vial: 0.964 grams per 15 x 45 mm. vial. | 9-15-71 | Do. |
| Thymol Buffer pH 7.8, MacLagan, No. 29949. | Vial: 1.02 grams per vial | 9-15-71 | Do. |
| Thymol Buffer pH 7.55, Mateer, No. 29951. | Vial: 0.96 grams per 15 x 45 mm. vial. | 9-15-71 | Do. |
| Zinc Sulfate pH 7.5 (Kunkel), No. 64050. | Vial: 0.514 grams per vial | 9-15-71 | Do. |
| Barbiturate Standards Set, No. 64898. | Vial: 9 x 3 ml. of 8 single and 1 mixed at 15 mg. per dl. | 10-22-71 | Harleco Division, American Hospital Supply Corp. |
| pH 8.5 Buffer Powder Pillows, No. 920-85. | Pillow: 0.5 gm. each | 11-30-71 | Hach Chemical Co. |
| pH 8.3 Buffer Powder Pillows, No. 898-98. | Pillow: 1 gram each | 11-30 71 | Do. |
| Zincover II Powder Pillows, No. 2017. | do | 11-30-71 | Do. |
| Buffered Substrate, Glycerophosphate, Roe & Whitmore, pH 9.6, No. 20060. | Vial: 0.855 grams per 100 ml | 11-30-71 | Do. |
| Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart, pH 10.9, No. 20063. | Vial: 0.925 grams per 100 ml | 11-30-71 | Do. |
| Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart—Stock, No. 20061. | Vial: 1.85 grams per 100 ml | 11-30-71 | Do. |
| Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart, pH 5.0, No. 22062. | Vial: 0.925 grams per 100 ml | 11-30-71 | Do. |
| Zinc Reagent No. 2, No. 704 | Pillow: 10 mg. each | 6-23-71 | Dearborn Chemical Division, W.R. Grace & Co. |
| Zn-1P No. 723 | do | 11-30-71 | Nalco Chemical Co. |
| Zn-2P No. 723 | do | 11-30-71 | Do. |
| Lederle Serum Toxicology Control Drugs A No. 2940-69. | Vial: 1.4 mg. in 10 ml | 11-19-71 | Lederle Laboratories. |
| Lederle Urine Toxicology Control Drugs I No. 2950-61. | Vial: 0.925 mg. in 25 ml | 11-19-71 | Do. |
| DGV Buffer, 5x No. 2606-37 | Vial: 72 mg. in 20 ml | 11-19-71 | Do. |
| Lederle Abnormal Urine Control, No. 2920-80. | Vial: 25 mg. in 25 ml | 11-19-71 | Do. |
| Supplemental Urine Clinical Chemistry Control, Dried, No. 045-425. | Vial: 25 ml | 8-31-71 | Hyland Laboratories Division, Travenol Laboratories, Inc. |
| Partial Thromboplastin, Dried, No. 035-801 and No. 035-799. | Vial: 1 ml. and 5 ml | 8-31-71 | Do. |
| Partial Thromboplastin, Liquid, No. 035-825 and No. 035-830. | Vial: 0.1 ml | 8-31-71 | Do. |
| PTC Reagent, Dried, No. 035-802 | Vial: 1 ml | 8-31-71 | Do. |
| Diluting Fluid No. 035-807 and No. 035-808. | Vial: 10 ml | 8-31-71 | Do. |
| Buffer No. 030-130 and No. 030-150 | Vial: 250 ml | 8-31-71 | Do. |
| Agar Gel Plates No. 030-189 and No. 030-190. | Package: 8 plates—25 ml. per plate. | 8-31-71 | Do. |
| Agar Gel Plates No. 030-130 and No. 030-150. | Package: 10 plates—25 ml. per plate. | 8-31-71 | Do. |
| Agar Gel Plates No. 085-300, and No. 030-321, and No. 030-322. | do | 8-31-71 | Do. |
| Buffer No. 030-321 and No. 030-322 | Vial: 250 ml | 8-31-71 | Do. |
| Barbital Buffer Mixture Angiotensin I Immutope Kit No. 09501. | Vial: 6.055 grams | 7-20-71 | E. R. Squibb and Sons, Inc. |
| AuSure Barbital Buffer Powder No. B79209. | Vial: 1.51 grams | 7-28-71 | Do. |
| AuSure CEP Plate No. B78209 | Plate: 40 cc per plate | 9-16-71 | Do. |
| Hapindex, Agar Gel Plate, No. 740000. | Plate: 43 ml. per plate | 9-21-71 | Ortho Diagnostic. |
| Activated ThromboFAX No. 731000. | Bottle: 3.2 ml | 9-21-71 | Do. |
| Ortho Abnormal Plasma Coagulation Control. | Packet: 96.5 mg | 9-21-71 | Do. |
| Barbital Buffer Salt Mixture, No. 0752-04. | Vial: 50 cc | 11- 4-71 | Schwarz/Mann Division, Becton Dickinson and Co. |
| Barbital-Acid Buffer Salt, No. 1173. | Bottle: 4 oz | 11- 4-71 | SGA Scientific, Inc. |
| Thymol Turbidity Test Set No. 3105. | Packet: 1 Gm | 11- 4-71 | Do. |
| High Resolution Buffer-Tris Barbital Buffer No. 51104. | Vial: 10 dram | 12-22-71 | Gelman Instruments Co. and Mallard, Inc. |
| DGV Solution | Vial: 100 cc | 12-28-71 | Industrial Biological Laboratories, Inc. |
| Barbital-Sodium Buffer Salt, No. 11731. | Bottle: 4 oz | 11- 4-71 | SGA Scientific, Inc. |

The Director proposes that the narcotic substances now listed in § 308.24(e) now incorporate appropriate methods of denaturing or other means so that the substances are not liable to be abused or have ill effects and so that the harmful substance cannot in practice be removed.

The Director proposes that the above listed substances will be classified as exempt chemical substances and exempted from provisions of Title 21 of the Code of Federal Regulations set forth in proposed § 308.24(e) of that title only upon the publication of a final order pursuant to this proposed order. Additional substances classified as exempt chemical substances at a later date will be included in § 308.24(e) by amendment of that list.

Any manufacturer or supplier whose substances are listed in § 308.24(e) of these proposed regulations who have not complied with the provisions of § 308.23(e) (1) through (8), and especially paragraph (e)(6) which requires submission of proposed labeling of both the immediate outer container and the commercial container, if any, to the Bureau, must do so within 20 days of the date of publication of this notice. Failure to submit all of this information will result in the possible delay in listing of the substances. The Bureau must have a complete background file on each substance at the time of finalization of the listing of the substance. This information should be submitted directly to Assistant Director for Scientific Support, Frederick M. Garfield, Bureau of Narcotics and Dangerous Drugs, 1405 Eye Street NW., Washington, DC 20537.

The effective date of the overall operation of these new regulations as well as the exemption of the listed chemical substances will be upon publication of the final order with regard to these regulations in the FEDERAL REGISTER, except that the provisions with regard to labeling contained in § 308.24(c) will apply only to exempt chemical substances manufactured after 180 days from the publication of the final order with regard to these regulations in the FEDERAL REGISTER.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received no later than 30 days after publication of this proposal in the FEDERAL REGISTER.

Dated: January 11, 1972.

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

[FR Doc.72-787 Filed 1-19-72;8:45 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 19 ]

## CHEESE PRODUCT IDENTITY STANDARDS

### Buttermilk as Optional Ingredient

Notice is given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606, proposing that the definition and identity standards for pasteurized process cheese food, pasteurized process cheese spread, pasteurized neufchatel cheese spread with other foods and cold-pack cheese food (21 CFR 19.765, 19.775, 19.783, and 19.787) be amended to provide for buttermilk as an optional dairy ingredient in these foods by adding it to the lists of ingredients heretofore provided.

Grounds given in support of the proposal are: (1) Buttermilk is regarded as a nutritious, wholesome food that is

widely used as an ingredient in bread, candy, bakery goods, and frozen desserts.

(2) The use of buttermilk solids instead of nonfat dry milk in the manufacture of cold-pack cheese gives a smooth textured product with greater resistance to fat separation.

(3) Research has shown that buttermilk solids may be used in place of nonfat dry milk in the manufacture of process cheese foods and spreads.

If the proposal is adopted, it will be required that this optional dairy ingredient be declared on the label of the food by the common name "buttermilk" in accordance with §§ 19.765(f), 19.775 (g), 19.783(d), and 19.787(f) of the respective standards.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 10, 1972.

VIRGIL O. WODICKA,
*Director, Bureau of Foods.*

[FR Doc.72-869 Filed 1-19-72;8:50 am]

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## Office of Education

## [ 45 CFR Part 121 ]

## PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

### General Provisions and Assistance to States

Pursuant to the authority contained in the Education of the Handicapped Act (84 Stat. 175, 20 U.S.C. 1401), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 121 of Title 45 of the Code of Federal Regulations by redesignating it (as herein revised) as Subpart B of Part 121 (45 CFR 121), and by adding a new Subpart A. As amended, Part 121 would read as set forth below.

The proposed Subpart B would provide the requirements for assistance and for Federal financial participation authorized under Part B of the Education of the Handicapped Act (84 Stat. 178, 20 U.S.C. 1411). Part B provides assistance to States for initiating, expanding, and improving programs and projects which are designed to meet the special educational and related needs of handicapped children at the preschool, elementary school, and secondary school levels.

The proposed new Subpart A would provide definitions and general provisions applicable to all programs authorized under the Education of the Handicapped Act. Such programs include assistance to States for education of handicapped children; regional resource centers; centers and services for deaf-blind children; early education for handicapped children; research, innovation, training, and dissemination activities in connection with centers and services for the handicapped; training and recruitment of personnel for the education of the handicapped; research; instructional media; and special programs for children with specific learning disabilities. The proposed general provisions contained in Subpart A would govern with respect to these programs, construction, acquisition of equipment, copyrights and patents, retention of records, payments and adjustments, reports, withholding of funds, coordination, financial interests of officials, civil rights, and parental involvement.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Bureau of Education for the Handicapped, U.S. Office of Education, Seventh and D Streets SW., Room 2100 ROB, Washington, DC 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered.

Dated: November 26, 1971.

S. P. MARLAND, Jr.,
*Commissioner of Education.*

Approved: January 14, 1972.

ELLIOT L. RICHARDSON,
*Secretary, Health, Education, and Welfare.*

## PART 121—PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

**Subpart A—Definitions; General Provisions**



**Subpart B—Assistance to States for Education of Handicapped Children**

REQUIREMENTS FOR ASSISTANCE



FEDERAL FINANCIAL PARTICIPATION



AUTHORITY: The provisions of this Part 121 issued under the Education of the Handicapped Act (84 Stat. 175, 20 U.S.C. 1401), unless otherwise noted.

### Subpart A—Definitions; General Provisions

**§ 121.1 Scope.**

Except as otherwise provided in this part, the provisions contained in this subpart apply to all programs authorized under the Education of the Handicapped Act (Public Law 91–230, Title VI). (20 U.S.C. 1401)

**§ 121.2 Definitions.**

As used in this part:

(a) "Acquisition" includes purchases, lease or lease-purchase.

(b) "Act" means the Education of the Handicapped Act (Title VI of Public Law 91–230).

(b–1) "Budget period" means the interval of time into which an approved activity is divided for budgetary purposes. It is generally the period of time during which the grantee must obligate or expend the awarded funds.

(c) "Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of environmental disadvantage.

(d) "Commissioner" means the U.S. Commissioner of Education.

(e) "Construction" means:

(1) Erection of new or expansion of existing structures, including the acquisition and installation of equipment therefor; or

(2) Acquisition of existing structures not owned by any agency or institution making application for assistance under this part; or

(3) Remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or

(4) Acquisition of land in connection with the activities in subparagraphs (1), (2), and (3) of this paragraph; or

(5) A combination of any two or more of the foregoing.

(f) "Department" means the U.S. Department of Health, Education, and Welfare.

(g) "Elementary school" means a day or residential school which provides elementary education, as determined under State law, and "Elementary school level" means the educational level at which elementary education is provided, as determined under State law.

(h) "Equipment" includes machinery and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational and related services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies which are consumed in use or which may not reasonably be expected to last longer than 1 year.

(i) "Fiscal Year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(j) "Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or other health impaired children who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services.

(k) "Institution of higher education" means an educational institution in any State which—

(1) Admits as regular students only individuals having a certificate of graduation from high school, or recognized equivalent of such certificate;

(2) Is legally authorized within such State to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph, or if not so accredited, is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided however*, That in the case of an institution offering a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(l) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(m) "Nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(n) "Preschool level" means the educational level from a child's birth to the time at which elementary education is provided as determined under State law.

(o) "Private elementary or secondary schools" means schools which provide elementary or secondary education, as determined under State law (but not including any education provided beyond grade 12) and which are controlled by other than a public agency.

(p) Except for the purposes of §§ 121.1, 121.3(a), 121.4 and 121.13, "Program" means an overall plan with respect to funds made available under any part of the Act during a fiscal year, which plan is intended to be put into effect by the recipient of such assistance (including State and local educational agencies under part B) through one or more projects.

(q) "Project" means an activity, or set of activities, proposed by an applicant for assistance under any part of the Act (including State and local educational agencies under part B) and designed to meet the purposes of such part.

(r) "Public agency" means a legally constituted organization of government under public administrative control and direction.

(s) "Research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(t) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12, and "Secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under State law.

(u) "Secretary" means the Secretary of Health, Education, and Welfare.

(v) "Seriously emotionally disturbed children" does not include children who are socially maladjusted but not emotionally disturbed. In distinguishing between such children, the following criteria may be used to determine those children who are seriously emotionally disturbed: Those children who exhibit one or more of the following characteristics over a long period of time and to a marked degree:

(1) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(3) Inappropriate types of behavior or feelings under normal circumstances;

(4) General pervasive mood of unhappiness or depression; or

(5) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems.

(w) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(x) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools, or if there is no such

agency, or officer, an agency or officer designated by the Governor or by State law. (20 U.S.C. 1401)

**§ 121.3 Construction of necessary facilities.**

(a) *Scope.* This section is applicable to any program under the Act (1) which the Commissioner determines, pursuant to section 605 of the Act, will be improved by permitting funds authorized for such program to be used for the construction of necessary facilities, and (2) with respect to which he authorizes the use of such funds for such construction.

(b) *Definition.* For the purposes of this section, the term "facilities" means one or more structures in one or more locations, constructed pursuant to this section.

(c) *Manner of construction.* Such construction must be functional, undertaken in an economical manner, and not elaborate in design or extravagant in the use of materials in comparison with facilities of a similar type constructed in the State (or other applicable geographic area) within such period as may be designated by the Commissioner as appropriate for the purposes of this paragraph.

(d) *Assurances.* Where applications are submitted under the Act for programs or projects which involve construction, such construction shall be approved by the Commissioner (or the State educational agency in the case of part B of the Act), only if the application contains the following assurances and provisions:

(1) The applicant has or will have a fee simple or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the expected useful life of the facility;

(2) In developing plans for school facilities, the local and State codes with regard to fire and safety will be observed, and in situations where local and State codes do not apply, recognized codes shall be observed;

(3) The applicant shall comply with whatever procedures may be established by the Department to implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C)) and Executive Order No. 11514 (42 U.S.C. 4321 note). The applicant shall also comply with whatever policies and procedures are established by the Department to implement Executive Order No. 11507 (42 U.S.C. 4331 note) with regard to the prevention of air and water pollution.

(4) The grantee will furnish progress reports and such other information relating to the proposed construction and the grant as the Commissioner (or the State educational agency in the case of part B of the Act) may require;

(5) Reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities;

(6) Approval by the Commissioner (or the State educational agency, in the case of part B of the Act) of the final working drawings and specifications will be obtained before the proposed construction is advertised or placed on the market for bidding; the construction will go to final completion in accordance with the application and approved drawings and specifications; the applicant will submit to the Commissioner or the State educational agency, as the case may be, for prior approval changes that materially alter the scope or costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the proposed construction or a part thereof until the applicable requirements of the Act and this part have been met.

(7) The applicant possesses legal authority to apply for and receive the grant or loan, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing board, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required;

(8) Sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility (where applicable), and sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes for which constructed;

(9) Except as otherwise provided by State or local law, all contracting for construction (including the purchase and installation of built-in equipment) shall be on a lump sum fixed-price basis, and contracts will be awarded on the basis of competitive bidding with award of the contract to the lowest responsive and responsible bidder. The provision for exceptions based on State and local law set forth in paragraph (f) of this section will not be invoked to give local contractors or suppliers a percentage preference over nonlocal contractors bidding for the same contract. Such practices are precluded by this assurance;

(10) Except as otherwise provided by law, all laborers and mechanics employed by contractors and subcontractors on construction assisted under the Act, including minor remodeling, will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5) and 29 CFR Part 1, and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work House Standards Act (40 U.S.C. 327–332); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3; and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c). Such contracts shall also include the applicable provisions of Executive Order 11246, as amended (Nondiscrimination in Construction Contract Employment), and the applicant shall otherwise comply with the requirements of section 301 of said Executive order. The contractor shall furnish performance and payment bonds, each in the amount of the full contract price; and provide, during the life of the contract, for adequate fire, public liability, property damage, and workmen's compensation insurance;

(11) The applicant will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved drawings and specifications; and will furnish progress reports and such other information as the Commissioner (or the State educational agency, in the case of part B of the Act) may require;

(12) An assurance of compliance with title VI of the Civil Rights Act of 1964 (Form HEW 441) applying to the facility described in this application was filed or is attached to this application;

(13) It will maintain grant or contract accounting records (identifiable by grant or contract number), including all records relating to the receipt and expenditure of Federal grant or contract funds and to the expenditure of the non-Federal share of the cost of a project (if any), for 3 years after the completion of the project if an audit is conducted by or on behalf of the Department within that period, or in the case where no audit is performed, for 5 years; except that should audit questions arise with respect to the grant or contract, the records will be maintained until all such questions are resolved. Representatives of the Federal Government or the State educational agency, as the case may be, shall have access at all reasonable times to the grantee's records and to work whenever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection;

(14) The facility will be operated and maintained in accordance with the requirements of applicable Federal, State, and local agencies for the maintenance and operation of such facilities;

(15) The applicant will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified by other standards prescribed by the Secretary or the U.S. Administrator of General Services. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor; and

(16) The applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the Commissioner or the State educational agency, as the case may be, that funds have been awarded, and the project will be prosecuted to completion with reasonable diligence.

(e) *Avoidance of flood hazards.* In the planning of the construction of facilities involving the use of funds under the Act, any agency, institution, or organization receiving assistance under the Act for such construction, will in accordance with the provisions of Executive Order

No. 11296 of August 10, 1966 (31 F.R. 10663) and such rules and regulations as may be issued by the Secretary to carry out those provisions, evaluate flood hazards in connection with such facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(f) *Competitive bidding.* All contracts for construction to be assisted under the Act shall be awarded to the lowest qualified bidder on the basis of open competitive bidding, except that, if one or more items of construction are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the Commissioner (or the State educational agency in the case of part B of the Act), and is designed to assure construction in an economical manner consistent with sound business practice, such alternate procedure may be followed.

(g) *Federal recovery in cases of nonconforming use.* If within 20 years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid under this part, the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the U.S. district court for the district in which the facility is situated. (20 U.S.C. 1232b, 1401, 1404)

**§ 121.4 Acquisition of equipment.**

(a) *Scope.* This section is applicable to any program under the Act (1) which the Commissioner determines, pursuant to section 605 of the Act, will be improved by permitting funds authorized for such program to be used for the acquisition of equipment, and (2) with respect to which he authorizes the use of such funds for such acquisition of equipment.

(b) *Accountability.* Subject to such other provision which the Commissioner may make pursuant to law, any agency, institution, or organization receiving assistance under the Act pursuant to a program described in paragraph (a) of this section shall maintain inventories of equipment acquired by it with funds provided under the Act, and costing more than $300 per unit, for the expected useful life of the equipment or until its disposition, whichever is earlier. The records of such inventories shall be subject to the record retention requirements of § 121.6.

(c) *Disposition.* Proceeds from the sale of any equipment acquired with funds provided under the Act and the net proceeds from the rental of such equipment (where such sale or rental is authorized), will be disposed of, at the discretion of the Commissioner, in either one of the following two ways:

(1) Returning the funds to the Federal Government (i) by reducing the level of expenditures from support funds in an amount equal to the Federal share of such income, (ii) by treating the funds as a partial payment to a succeeding (continuation) award, or (iii) by payment to miscellaneous receipts of the Treasury, or

(2) Using the funds to further the purposes of the program from which the award was made.

(d) *Custodial responsibility for equipment.* Each agency, institution, and organization receiving assistance under the Act shall make reasonable provision for the maintenance and repair of equipment acquired with such funds, and shall be responsible for replacing or repairing (with funds of such agency, institution, or organization) equipment which is lost, damaged, or destroyed due to the negligence of such agency, institution, or organization. (20 U.S.C. 1401, 1404)

**§ 121.5 Copyrights and patents.**

(a) Any material of a copyrightable nature produced through a program supported under this part shall be subject to the copyright policy of the U.S. Office of Education set forth in its Copyright Guidelines of May 9, 1970 (35 F.R. 7317) or any modification thereof in effect at the time of the award.

(b) Any material of a patentable nature produced through a program supported under this part shall be subject to the provisions of Parts 6 and 8 of this title.

(c) All grants made, or contracts or other arrangements entered into under the Act shall contain a provision incorporating the substance of this section. (20 U.S.C. 1401)

**§ 121.6 Retention of records.**

(a) *Records.* Each agency, institution, and organization receiving assistance under the Act shall keep intact and accessible all records relating to the receipt and expenditure of such funds (and to the expenditure of the recipient's contribution to the cost of any program funded under section 623 of the Act) including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award. Such records shall be retained for 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time; or if such audit has not occurred by that time:

(1) Until the recipient of such assistance is notified of the completion of such audit, or

(2) For 5 years following the end of the budget period, whichever is earlier.

(b) *Audit questions.* The records involved in any claim or expenditure which has been questioned by the Federal audit shall be further retained until resolution of any such audit questions.

(c) *Audit and examination.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other books, documents, papers and records of the recipient that are pertinent to a grant or contract under which assistance is received pursuant to this part. (20 U.S.C. 1232c(b), 1401)

**§ 121.7 Payments.**

(a) *Payment methods and adjustments.* Payments pursuant to grants, contracts, or other arrangements under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

(b) *Violations.* A payment under any such grant, contract, or other arrangement for expenditures which fail to meet the requirements of any of the applicable provisions of the Act or of this part may be taken into account in the determination of any such overpayments and and any adjustments relating thereto.

(c) *Current needs.* Funds paid pursuant to a grant, contract, or other arrangement under the Act, for amounts expended by an agency, institution, or organization to carry out its function under such grant, contract, or other arrangement, will be limited to the amount necessary to meet current needs for disbursement.

(d) *Adjustment of records.* Each agency, institution, or organization receiving assistance under this part, in its maintenance of program expenditure accounts, records, and reports shall promptly make any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, resulting from Federal or State administrative reviews and audits or otherwise. Such adjustments shall be set forth in any financial reports required to be filed with the Commissioner. (20 U.S.C. 1232d, 1401)

**§ 121.8 Reports.**

(a) Each agency, institution, or organization receiving assistance pursuant to a grant, contract, or other arrangement under this part shall submit, in accordance with procedures established by the Commissioner:

(1) Following the end of each fiscal year for which such assistance was received, a report of the total expenditures made under such grant, contract, or other arrangement, during such fiscal year; and

(2) Such other reports as are required by the Commissioner to carry out his functions under the Act. (20 U.S.C. 1232c, 1401)

**§ 121.9 Withholding of funds.**

(a) The approval of a State plan under part B of the Act, the approval of a grant, or the entering into a contract or other arrangement, under the Act, and any payment pursuant thereto, shall not be deemed to waive the right of the Commissioner to withhold funds by reason of the failure of an agency, institution, or organization receiving assistance

under the Act to observe, either before or after such administrative action, any Federal requirements.

(b) No official, agent, or employee of the Office of Education or the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of these regulations or other relevant statute or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Commissioner's right to enforcement of said provisions in accordance with their terms. (20 U.S.C. 1401, 43 Dec. Comp. Gen. 31 (1963))

**§ 121.10 Coordination.**

(a) Each program or project assisted under the Act (including State plans under part B of the Act), shall be developed so as to be in coordination with other public and private programs for the education of handicapped children or for similar purposes. Such coordination shall be continuous during the period in which such project or program remains in effect.

(b) In the coordination with such other programs, the comingling of Federal funds provided to assist a program or project under the Act with funds under such other programs is not authorized, but the simultaneous use of funds under such other programs to finance identifiable portions of a single program or project is permitted. (20 U.S.C. 1401)

**§ 121.11 Financial interest prohibited.**

A person who is a public official, officer, or member of, or who is otherwise associated with an agency, institution, or organization receiving financial assistance under this part, may not participate in an administrative decision with respect to a program or project so assisted, if such decision can be expected to result in any benefit or remuneration, including, without limitation, a royalty, commission, contingent fee, brokerage fee, or other benefit, to him or to any member of his immediate family. (20 U.S.C. 1401)

**§ 121.12 Civil rights.**

Federal financial assistance provided under the Act and this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Public Law 88-352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. (42 U.S.C. 2000d)

**§ 121.13 Parental involvement and dissemination.**

(a) *Scope.* This section is applicable to any program under the Act in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes.

(b) *Regulations.* Upon making a determination pursuant to paragraph (a) of this section, the Commissioner will promulgate regulations with respect to such program setting forth criteria designed to encourage such participation.

(c) *Local educational agencies.* If the program for which such determination is made provides for payments to local educational agencies, applications for payments shall

(1) Set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public. (20 U.S.C. 1232d)

## Subpart B—Assistance to States for Education of Handicapped Children

REQUIREMENTS FOR ASSISTANCE

**§ 121.100 Scope.**

The provisions contained in this subpart apply to programs and projects assisted under part B of the Act. (20 U.S.C. 1411)

**§ 121.101 Purpose of assistance.**

Payment of Federal funds to a State under part B of the Act shall be solely for the purpose of assisting such State in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels. (20 U.S.C. 1411)

**§ 121.102 State plan—general.**

(a) *Submission.* Any State which desires to receive grants under part B of the Act shall submit to the Commissioner, through its State educational agency, (1) a State plan (not part of any other plan) meeting the requirements of this part, and (2) the description of projected activities required under § 121.104. Each such State plan and all amendments thereto shall be submitted to the Commissioner by a duly authorized officer of the State educational agency. Each State plan shall designate the official authorized to submit plan materials.

(b) *Amendments.* The administration of the program carried out in a state under part B of the Act shall conform to the approved State plan of such State under such part. The State educational agency shall promptly notify the Commissioner of any material change in the content or administration of such program and any change in pertinent State law or in the organization, policies, or operations of the State educational agency affecting such program. The Commissioner may require that any such changes be promptly reflected in appropriate amendments to the plan.

(c) *Certificates by the State educational agency and attorney general.* Each State plan and each amendment thereto submitted pursuant to this subpart shall be accompanied by (1) a certificate by the officer of the State educational agency authorized to submit the plan certifying that (i) the plan or amendment has been adopted by the State educational agency in accordance with paragraph (d) of this section and § 121.108, and (ii) such plan (or plan as amended), will constitute the basis for the operation and administration of the activities to be carried out in that State under part B of the Act; and (2) a certificate by the State Attorney General or other appropriate State legal officer that (i) the State educational agency has authority under State law to submit the plan and to administer or to supervise the administration of the plan, (ii) such agency has authority under State law to carry out, directly or through local educational agencies, the activities described therein, and (iii) all plan provisions are consistent with State law.

(d) *Governor's comments.* Prior to the submission to the Commissioner of any State plan under this subpart, or of any amendment thereto, or of any periodic description of projected activities submitted pursuant to § 121.104, the State educational agency shall afford the Governor of such State an opportunity to comment on the relationship of such State plan (or amendment or description) to comprehensive and other State plans and programs. The Governor shall be afforded a period of not less than 45 days in which to make such comments. Any such comments, or, if the Governor makes no comments, a statement to that effect, shall be attached to such plan, amendment, or report when the same is submitted to the Commissioner (OMB Circular A-95)

(e) *Approval by the Commissioner.* The Commissioner will approve each State plan, or amendment thereto, which he determines meets the requirements and purposes of part B of the Act and the applicable regulations in this part, and will notify the State educational agency of the granting, conditioning, or withholding of approval in each such case. No final action with respect thereto, other than one of approval, will be taken by the Commissioner, unless he first affords the State educational agency reasonable notice of his proposed action and, in connection therewith, affords such agency a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements and purposes.

(f) *Withholding.* Whenever the Commissioner, after reasonable notice and opportunity for hearing, finds (1) that the State plan has been so changed that it no longer complies with the provisions of part B of the Act or the applicable regulations in this part, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or regulation or with any requirements set forth in the application of a local educational agency

approved pursuant to such plan, the Commissioner will notify the State agency that further payments will not be made to the State under part B of the Act (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State educational agency shall not make further payments under part B of the Act to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner will make no further payments to the State under part B of the Act (or will limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under part B of the Act shall be limited to local educational agencies not affected by the failure, as the case may be).

(g) *Effective date of State plan.* The effective date of the State plan shall be the date established by the Commissioner after his review of the State plan. (20 U.S.C. 1413)

**§ 121.103 State plan—provisions and assurances.**

(a) *Use of funds.* A State plan submitted in accordance with this subpart shall set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this subpart will be expended—

(1) Either directly or through individual, or combinations of, local educational agencies (including interdistrict, intercommunity, regional, State-local and interstate arrangements), solely to initiate, expand, or improve programs and projects (including preschool programs and projects)—

(i) Which are designed to meet the special educational and related needs of handicapped children throughout the State, and

(ii) Which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and

(2) (i) For the proper and efficient administration of the State plan (including State leadership activities and consultative services), and

(ii) For planning on the State and local level.

(b) *Special provisions and descriptions.* Each such State plan shall also—

(1) Set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this subpart will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local, and private funds;

(2) Provide for (i) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this subpart, including reports of the objective measurements required by paragraph (c)(3) of this section and (ii) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this subpart;

(3) Provide that the State educational agency (as designated in such plan) will be the sole agency for administering or supervising the administration of the plan; and

(4) Contain a statement of policies and procedures which will be designed to insure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(c) *Assurances.* Each such State plan shall also provide assurances satisfactory to the Commissioner—

(1) That, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private preschool programs and private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this subpart;

(2) That the control of funds provided under this subpart, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this subpart, and that a public agency will administer such funds and property;

(3) That effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(4) That such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subpart to the State, including any such funds paid by the State to local educational agencies;

(5) That funds paid to the State under this subpart shall not be made available for handicapped children eligible for assistance under section 103(a)(5) of title I of the Elementary and Secondary Education Act of 1965; and

(6) That effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects and for adopting, where appropriate, promising educational practices developed through such projects. (20 U.S.C. 1413)

**§ 121.104 Description of projected activities.**

A State educational agency receiving a grant under this subpart shall submit to the Commissioner, at such time, for such period, and in such detail as he may required, a description of the projected activities for the education of handicapped children which are proposed to be carried out in the State under this subpart. (20 U.S.C. 1413(a)(7))

**§ 121.105 Programs and projects.**

(a) *Administration.* Programs and projects initiated, expanded, or improved under this subpart will be administered either (1) directly by the State educational agency to the extent consistent with the limitations in § 121.103(c)(5), or (2) by local educational agencies with the approval and under the supervision of the State educational agency. These include joint projects or programs under § 121.107.

(b) *Applications.* Funds paid to the State under this subpart shall be made available for carrying out programs and projects in accordance with the State's approved plan only upon application therefor (and any amendments thereto) approved by the State educational agency and containing such information as such State agency may require.

(c) *Content of projects.* In order to meet the special educational and related needs of handicapped children, projects under part B of the Act must provide one or more of the following services—

(1) Educational services to handicapped children which are in addition to, distinct from, or a modification of, educational services provided to children who are not handicapped, or

(2) Other services which are (i) directly related to the provision of educational services, (ii) designed to overcome or ameliorate the handicaps of handicapped children, and (iii) necessary to enable handicapped children to benefit from the educational services available to them.

(d) *Scope of projects.* (1) Each project under this subpart shall provide, within itself or within the educational program which is supplemented by such project, direct instructional services to handicapped children.

(2) Where essential services related to meeting the major objectives of a project for handicapped children directly served in such project cannot be secured elsewhere, such services shall be provided by the project or by the educational program which the project supplements.

(3) For the purposes of this subpart, the term "program" includes the composite of all educational services provided through Federal, State, local, or other funding (i) for all of the handicapped children in a given school, or (ii) for all children in a given school with a specific type or specific types of handicap.

(e) *Design of programs and projects.* Programs and projects assisted or carried out under this subpart shall

(1) Be of sufficient size, scope, and quality, taking into consideration the special educational needs of handicapped children, as to give reasonable promise of substantial progress toward meeting those needs;

(2) Be designed in such a manner as to (i) focus upon groups of children with

a specific type or specific types of handicap and (ii) concentrate on a limited number of handicapped children, as to give reasonable promise of promoting to a marked degree improvement in the educational attainment, motivation, behavior, or attitudes of such children;

(3) Contain a statement of objectives which are child-centered and set forth in terms of expected changes in the achievement or performance of a specified group of handicapped children;

(4) Be based upon a specific plan to achieve such objectives;

(5) Include effective procedures which have been adopted for evaluating at least annually the effectiveness of the program or project in meeting the special educational needs of, and providing related services for, handicapped children. In carrying out such evaluation, in addition to an assessment of the extent to which and the manner in which other major project objectives have been met, (i) projects which provide within themselves direct instructional services shall be evaluated on the basis of appropriate objective measurements of educational achievement of the children served, and (ii) projects which do not provide direct instructional services within themselves shall be evaluated in terms of their impact on the educational program or programs which are supplemented by such projects; and

(6) Be planned in coordination with other public and private programs for the education of handicapped children or for similar purposes in the area to be served by the program or project and in the State.

(f) *Project amendment.* Amendments to applications approved pursuant to paragraph (a) of this section shall be submitted to the State educational agency for approval in the same manner as the original applications. Whenever there is (1) an adjustment of more than 10 percent upward or downward in the total budget or in a line item of the budget for an approved project, (2) a change in the project period, or (3) a substantial change in one or more of the proposed project activities, an amendment must be approved pursuant to this paragraph before such adjustment or change may be made.

(g) *Parental involvement.* Applications submitted pursuant to paragraph (e) of this section shall:

(1) Set forth such policies and procedures as will insure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public. (20 U.S.C. 1232d, 1413)

**§ 121.106 Provision of services to handicapped children enrolled in private schools.**

(a) *Determinations.* Determinations with respect to the special educational and related needs of handicipped children enrolled in private preschool programs and private elementary and secondary schools, the number of such children who will participate in programs and projects under this subpart, the types of services which will be provided for them, and other matters related to the assurance required by § 121.103(c)(1) shall be made after consultation with persons knowledgeable as to the needs of such children, on a basis comparable to that used in providing for the participation, in programs and projects assisted or carried out under this subpart, of handicapped children enrolled in public preschool programs and elementary and secondary schools.

(b) *Services.* Programs and projects assisted or carried out under part B of the Act shall be designed to include, to the extent consistent with the number of eligible handicapped children enrolled in private preschool programs and private elementary and secondary schools in the geographical area served by the program or project, services which will aid in meeting the special educational and related needs of such children. Those services may be provided through such arrangements as dual enrollment, educational radio and television, and the provision of mobile equipment, and may include professional and subprofessional services.

(c) *Personnel and equipment.* (1) Public school personnel may be made available in other than public school facilities only to the extent necessary to provide the special educational and related services required by the handicapped children for whose needs such services were designed, and only when such services are not normally provided at the private school. The State or local educational agency providing educational and related services to children in private programs or schools shall maintain administrative control and direction over such services.

(2) The special educational and related services provided with funds under part B of the Act for eligible handicapped children enrolled in private programs or schools shall not include the payment of salaries of teachers or other employees of private programs or schools except for services performed outside their regular hours of duty and under public supervision and control, nor shall such services include the use of equipment purchased with part B funds, other than mobile or portable equipment, on private school premises or the construction of private school facilities.

(3) Subject to the provisions of § 121.128, mobile or portable equipment may be used on private school premises only for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by eligible handicapped children enrolled in private programs or schools.

(d) *Prohibition of segregation.* Any program or project to be carried out in public facilities and involving joint participation by eligible handicapped children enrolled in private programs or schools and handicapped children enrolled in public schools shall include such provisions as are necessary to avoid classes that are separated by the program or school enrollment or religious affiliations of such children. (20 U.S.C. 1413)

(e) *Inventories of equipment.* Each State and local educational agency shall maintain an inventory of all equipment acquired with funds under part B of the Act and placed in the temporary custody of persons in a private school. Such inventories shall be maintained until the equipment is discharged from such custody, and, if costing $300 or more per unit, for the expected useful life of the equipment or until its disposition. (20 U.S.C. 1413)

**§ 121.107 Coordination.**

(a) Each State educational agency shall, before approving programs and projects of local educational agencies under part B of the Act, (1) determine that the local educational agency has developed its program or project in coordination with other public and private programs for the education of handicapped children or for similar purposes in the area served by such local educational agency, and (2) require that the local educational agency will, in the conduct of approved programs and projects, coordinate its activities under the State plan with such other programs.

(b) State and local educational agencies may enter into cooperative arrangements with other State and local agencies, including those in another State, to carry out joint programs, projects, or activities necessary and appropriate to carrying out the purposes of part B of the Act. (20 U.S.C. 1413)

**§ 121.108 Publication and opportunity for comment.**

(a) *Presubmission.* Prior to its submission by the State educational agency to the Commissioner, each State plan shall be made public as a separate document, and a reasonable opportunity shall be given by that agency for comment thereon by interested persons. The Commissioner will not approve any State plan until such publication has been made and such opportunity for comment has been given. Methods of public notice of the proposed plan shall include notices and bulletins distributed by the State educational agency to local educational agencies and other agencies involved in the education of handicapped children and news releases to, or advertising in, key newspapers or other news media throughout the State.

(b) *Postsubmission.* Each State plan as finally approved by the Commissioner shall also be made public by the State educational agency in the same manner as that required under paragraph (a) of this section, and shall be made readily

accessible upon request to any interested person in the State.

(c) *Statement of publication.* Upon its submission to the Commissioner by the State educational agency, each State plan shall be accompanied by a statement describing the method by which, and the extent to which, the plan has been and, when approved, will be made public.

(d) *Interested persons.* For the purposes of paragraph (a) of this section, interested persons include not only public officials, public employees, and other persons involved in the education of handicapped children, but also (1) persons who are themselves handicapped, (2) parents of a handicapped child or handicapped children, and (3) the general public. (20 U.S.C. 1413(c)(1))

**§ 121.109 Adoption of complaint procedures.**

(a) *Procedures.* A State educational agency shall adopt effective procedures for reviewing, investigating, and acting upon any allegations of substance, which may be made by local educational agencies or private individuals or organizations, of actions by State or local educational agencies contrary to the provisions of part B of the Act or the applicable regulations in this part.

(b) *Publication.* Such procedures shall be made public by methods specifically designed to inform interested persons (as defined in § 121.108(d)).

(c) *Designation of officer.* The State educational agency shall designate the officers who will receive such complaints and comments, who will make initial dispositions regarding them, and who will review such dispositions. The names, office addresses, and telephone numbers of such officers shall be published together with such procedures.

(d) *Report.* The State educational agency shall submit to the Commissioner, together with the annual description of projected activities required under § 121.104, a report disclosing any allegations of the nature described in paragraph (a) of this section, a summary of the result of any investigations made or hearings held with respect to those allegations, and a statement of the disposition by the State educational agency of those allegations. It is recognized that the responsibility with respect to the resolution of such matters rests, in the first instance, in the State educational agency. (20 U.S.C. 1413)

FEDERAL FINANCIAL PARTICIPATION

**§ 121.126 Allotments.**

Funds alloted to a State pursuant to section 612(a)(2) of the Act, from appropriations made pursuant to section 611 of the Act, may be used only for the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels by State educational agencies pursuant to § 121.127(a)(1) and local educational agencies pursuant to § 121.127(b)(1), except that not more than 5 percent of the amount alloted to a State for any fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, may be expended by the State educational agency for planning and for proper and efficient administration of the State plan pursuant to § 121.127(a)(2) and by local educational agencies for planning at the local level pursuant to § 121.127(b)(2). (20 U.S.C. 1413(a)(1))

**§ 121.127 Allowable expenditures.**

(a) *State educational agencies.* Funds under part B of the Act may be used by the State educational agency for such expenditures as are reasonably necessary (1) for the conduct by it of programs or projects for the education of handicapped children (including evaluation and dissemination of the results thereof), and (2), subject to the limitations in § 121.126, for (i) administration of the State plan and for planning at the State level, including planning or assisting in the planning of programs or projects for the education of handicapped children; (ii) approval, supervision, monitoring, and evaluation of local programs and projects for the education of handicapped children; (iii) technical assistance to local educational agencies with respect to the measurements of educational achievement and evaluation of the effectiveness of programs and projects pursuant to § 121.106; (iv) dissemination and utilization of the results of educational research and demonstrations; and (v) other State leadership activities and consultative services.

(b) *Local educational agencies.* Funds made available under part B of the Act to local educational agencies may be used by those agencies for such expenditures as are reasonably necessary for activities directly related to (1) the conduct of programs and projects for the education of handicapped children which are approved by the State educational agency (including the evaluation and dissemination of the results thereof), and (2) the planning of such programs and projects.

(c) *Categories.* Categories of allowable expenditures referred to in paragraphs (a) and (b) of this section shall be determined in accordance with, and governed by, the principles and procedures set forth in OMB Circular No. A–87 (Exhibit X–5–60–1 of the Department Grants Administration Manual), and shall include, but not be limited to the following:

(1) Salaries, wages, and other personal service costs of permanent and temporary staff employees and consultants for the performance of services reasonably necessary for the program under part B of the Act, including the costs of regular contributions of employers to retirement, workmen's compensation, and welfare funds, and payments for leave earned with respect to time so spent;

(2) Insurance coverage, to the extent consistent with the general policies of the State or local educational agency and with sound business practice; and the bonding of employees who handle part B funds;

(3) Communications;

(4) Utilities;

(5) Data processing services;

(6) The purchase of consumable supplies, including stationery;

(7) Printing and acquisition of printed and published materials;

(8) Travel and transportation expenses;

(9) Acquisition (by purchase, lease, or lease-purchase) and maintenance and repair of necessary equipment;

(10) Maintenance and repair of property acquired with Part B funds, to the extent necessary to keep such property in an efficient operating condition;

(11) Minor alterations in previously completed building space used or to be used in the program under part B of the Act when such alterations are needed to make effective use of equipment;

(12) The rental of space in privately and publicly owned buildings to the extent such space is in fact used for activities under part B of the Act, subject to the following provisions:

(i) The expenditures for the space are necessary and properly related to the activities of the programs;

(ii) The State or local educational agency will, during the period of occupancy, receive the benefits of the expenditures commensurate with such expenditures;

(iii) The amounts paid are not in excess of comparable rental in the particular locality;

(iv) Expenditures represent a current cost;

(v) In the case of publicly owned buildings, like charges are made to other State or local agencies occupying similar space for similar purposes;

(13) Establishing and maintaining accounting, auditing, and other information systems required for the management of projects assisted under part B of the Act;

(14) Subject to the limitations in §§ 121.3 and 121.129, the construction of school facilities essential to the successful carrying out of approved programs or projects.

(d) *Religion.* None of the funds under part B of the Act may be used for religious worship or instruction. (20 U.S.C. 1404, 1413, 1414, OMB Circular A–87)

**§ 121.128 Title to and control over property and funds.**

(a) *Incidental use.* The incidental use of property acquired with funds provided under this subpart for purposes other than those provided in part B of the Act is permitted only for related educational purposes on public premises and only so long as such a use does not interfere with the use of such property in a program or project carried out under part B of the Act.

(b) *Private schools.* Use of funds provided under part B of the Act and property derived therefrom shall not inure to the benefit of any private school. Equipment acquired with funds under

part B of the Act may be placed on private school premises for a limited period of time, but the title to and administrative control over such equipment must be retained and exercised by a public agency. In exercising that administrative control, the public agency shall not only keep records of, and account for, the equipment but shall also assure itself that the equipment is being used solely for the purposes of the program or project, and remove the equipment from the private school premises when necessary to avoid its being used for other purposes or when it is no longer needed for the purposes of the program or project.

(c) *Public agency control.* The State educational agency will obtain from a local educational agency administering a program or project under part B of the Act a satisfactory assurance that the funds provided under part B of the Act, and property derived therefrom, will at all times be under the control of, and be administered by, a public agency in accordance with the provisions of the Act and the regulations in this part.

(d) *Custody.* The State Treasurer (or if there is no State Treasurer, the officer designated by the State to exercise similar functions for the State) shall be responsible for receiving, and for the proper safeguarding, of all Federal funds granted to the State under the Act. (20 U.S.C. 1404, 1413 (a) (2), (3), (8))

**§ 121.129 Construction.**

A program or project for the education of handicapped children under part B of the Act may not include the construction of school facilities with funds provided under such part unless such construction (a) is demonstrated as essential to assure the success of that program or project and (b) complies with other requirements of part B of the Act and the regulations in this part with respect to construction. (20 U.S.C. 1404, 1413)

**§ 121.130 Equipment.**

(a) Funds provided under this subpart may not include expenditures for equipment unless (1) such equipment is demonstrated as essential to the provision of services to handicapped children, and (2) the recipient of such funds has a staff trained to use the requested equipment or has made provision for adequate staff training in the use of such equipment.

(b) In the purchase of equipment pursuant to this section, if a financial advantage is realized through bargains, rebates, discounts, bonuses, free pieces (not devoted to the project as approved), or other circumstances, the fair value of such financial advantage shall not be an allowable expenditure under § 121.127. (20 U.S.C. 1404, 1413)

**§ 121.131 Use of Federal funds and liquidation of obligations by State or local educational agencies.**

(a) *Period for use.* Federal funds under part B of the Act made available to State and local educational agencies for a fiscal year shall remain available for use by such State and local educational agencies in accordance with paragraph (c) of this section during that fiscal year. Grants for construction of school facilities shall remain available for use for that purpose for a reasonable period of time as determined pursuant to § 121.3(c).

(b) *Carryovers.* In accordance with section 405(b) (20 U.S.C. 1225(b)) of the General Education Provisions Act (Public Law 90-247), title IV, as amended), any Federal funds made available under part B of the Act to State and local educational agencies, which funds are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which they were made available, shall remain available for obligation and expenditure during such succeeding fiscal year.

(c) *Determinations of use.* For the purpose of this section a use of funds under part B of the Act by a State or local educational agency will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work. However, the use of funds for personal services, for services performed by public utilities, for travel, and for the rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(d) *State plan.* Federal funds under part B of the Act, except funds made available expressly for the development of State plans, shall not be available for use with respect to binding commitments (other than those relating to personal services, utility services, travel, or the rental of equipment or facilities) entered into, or with respect to personal services, utility services, travel, or the rental of equipment or facilities rendered or performed by a State educational agency, prior to the effective date of the State plan.

(e) *Liquidation.* Obligations entered into by State and local educational agencies and payable out of funds under part B of the Act shall be liquidated during the fiscal year following the fiscal year in which such funds are obligated in accordance with this section unless prior to the end of that following fiscal year the State educational agency reports to the Commissioner the reasons why certain obligations cannot be timely liquidated and, on the basis thereof, the Commissioner extends the time for so liquidating those obligations. (20 U.S.C. 1413, 1225)

**§ 121.132 State fiscal control and audit.**

All expenditures by State and local educational agencies of Federal funds under part B of the Act shall be audited either by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other subdivision of the United States. Such State and local audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Copies of audit reports shall be made available to the State agency to assure that proper use has been made of the funds expended. The results of such audits will be used to review State agency records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits. (20 U.S.C. 1232c, 1413)

**§ 121.133 Proration of costs.**

Funds under part B of the Act are available only with respect to that portion of any expenditures which is attributed to an activity under the State plan. The State educational agency shall provide for a basis for identifying and a method to be used in prorating expenditures in determining those attributable solely to State plan activities. The State agency shall include in the description of its projected program activities submitted to the Commissioner pursuant to § 121.104, its projected expenditures for salaries attributable to State plan activities. The State agency must also maintain records (documented on an after-the-fact basis) to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, and equipment. (20 U.S.C. 1232c, 1413, 1414)

**§ 121.134 Maintenance of level of support.**

In developing policies and procedures required to be set forth in a State plan pursuant to § 121.103(b)(1), the State educational agency shall take into consideration the total or per capita amount of State, local, and private school funds budgeted for expenditures in the current fiscal year for the education of handicapped children as compared with the total or per capita average amount of State, local, and private school funds actually expended for the education of handicapped children in the two most recent fiscal years for which the information is available, with allowances made for decreases in enrollment of handicapped children, contributions of large sums of money from outside sources on a short-term basis, and unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities. (20 U.S.C. 1413)

**§ 121.135 Reallotment.**

(a) *General.* The amount of any State's allotment under part B of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment, from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under part B of the Act for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and

the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this section during a year shall be deemed part of its allotment under part B of the Act for that year.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment by the Commissioner under part B of the Act, each State agency administering a program under part B of the Act shall, if requested, submit to the Commissioner by such date or dates as he may specify a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. The statement or statements shall contain such further information as the Commissioner may request for the purpose of making reallotments. (20 U.S.C. 1412(c))

[FR Doc.72-863 Filed 1-19-72;8:49 am]

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

## [ 46 CFR Part 137 ]

[CGFR 72-7]

## SUSPENSION AND REVOCATION PROCEEDINGS

### Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw item PH 1e-71 of the Coast Guard's notice of proposed rule making 71-11 (36 F.R. 3426; February 24, 1971) wherein the Coast Guard solicited comments on amendments under consideration in Part 137 of Title 46 of the Code of Federal Regulations involving a number of procedural changes.

The reason for the withdrawal is the appointment of an Ad Hoc Committee to rewrite the entire Part 137, Suspension and Revocation Procedures. The scope of the present undertaking is broader and deeper. It supersedes as well as embraces the previous partial amendments.

The rule making action is thus postponed rather than terminated.

In consideration of the foregoing, the item PH 1e-71 of the notice of proposed rule making published in the FEDERAL REGISTER (36 F.R. 3426; February 24, 1971) and circulated as item 1e, entitled "Suspension and Revocation Procedure," is hereby withdrawn.

This withdrawal is issued under the authority of 46 U.S.C. 170, 375, 391a, 416; 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b).

Dated: January 14, 1972.

W. F. REA III,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.*

[FR Doc. 72-845 Filed 1-19-72;8:48 am]

# ENVIRONMENTAL PROTECTION AGENCY

## [ 40 CFR Part 6 ]

## ENVIRONMENTAL IMPACT STATEMENTS

### Procedures for Preparation

The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of April 23, 1971, requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the agency decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions.

The Environmental Protection Agency is proposing a new Part 6 to establish Agency policy and procedures for the identification and analysis of the environmental impact of Agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated. Final regulations will be published after the receipt and consideration of public comments and will consist of general Agencywide guidelines and an appendix of detailed procedures for affected program areas. The summary being published at this time is an integrated version of the general guidelines and the substance of the appendix.

The Environmental Protection Agency invites all interested persons who desire to submit written comments or suggestions concerning the preparation of final regulations to do so in triplicate to the Management and Organization Division, Office of Administration, Environmental Protection Agency, Washington, D.C. 20460. Such submissions should be received by February 1, 1972, to allow time for appropriate consideration and possible inclusion in the final regulations. Copies of the submissions will be available for examination by interested persons in Room 3224, Waterside Mall, Fourth and M Streets SW., Washington, D.C., upon their receipt.

Dated: January 14, 1972.

WILLIAM D. RUCKELSHAUS,
*Administrator.*

Subpart A—General



AUTHORITY: The provisions of this Part 6 issued under secs. 102 and 103, 83 Stat. 854.

### Subpart A—General

**§ 6.1 Purpose and policy.**

(a) The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of April 23, 1971 (36 F.R. 7724), requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the Agency decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions.

(b) This part establishes Environmental Protection Agency policy and procedures for the identification and analysis of the environmental impact of Agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated.

**§ 6.3 Definitions.**

(a) "Environmental assessment" is a formal evaluation process to determine whether a proposed Agency action is expected to have a significant impact on the environment.

(b) "Notice of intent" is a memorandum announcing to Federal, State, and local agencies, and to interested public organizations and individuals, that a draft environmental impact statement will be prepared and processed.

(c) "Environmental impact statement" is a report which identifies and analyzes in detail the environmental impacts of an Agency action.

(d) "Negative declaration" is a written announcement which indicates there will be no significant impact upon the quality of the environment if the proposed agency action is undertaken.

(e) "Environmental impact appraisal" is an abbreviated document, based on an environmental assessment and supporting a negative declaration, which describes a proposed Agency action, its expected environmental impact, and the basis for the conclusion that no significant impact is anticipated.

(f) "Responsible official" is the individual responsible for conducting assessments and, if necessary, for the preparation of an environmental impact statement and other associated documents.

**§ 6.5 Summary of the environmental impact statement process.**

(a) *Environmental assessment.* An environmental assessment shall be made of activities and proposed or recommended actions of the Environmental Protection Agency. This process shall consist of a thorough study of the program or project, identifying and evaluating the expected and potential environmental impacts of the action. The purpose of this assessment is to determine whether a significant impact is anticipated and the preparation of an environmental impact statement required. The Agency has overall responsibility for this process, although its grantees and contractors may contribute to the process through written environmental assessments or analyses they have submitted.

(b) *Notice of intent and impact statements.* Where the environmental assessment process does indicate a significant environmental impact, a notice of intent shall be published, and a draft environmental impact statement shall be prepared and distributed. After external coordination and evaluation of the comments received, a final environmental impact statement shall be prepared and distributed. To the maximum extent practicable, no administrative action shall be taken with respect to any activity with significant impact until ninety (90) calendar days after release of a draft statement and thirty (30) calendar days after release of a final statement.

(c) *Negative declaration and environmental impact appraisal.* When the environmental assessment process does not indicate a significant impact, a negative declaration to this effect shall be issued. An environmental impact appraisal, which summarizes this decision and the reasons therefor, shall remain on file permanently and shall be available for public inspection.

**§ 6.7 Applicability.**

(a) *Actions covered.* This part applies to all Agency legislative proposals, direct Agency activities, and activities of others supported directly or indirectly by the Agency, except as noted in paragraph (b) of this section.

(b) *Actions excluded.* The following actions are not subject to the requirements of this part:

(1) Environmentally protective regulatory activities.

(2) Administrative procurements (e.g., general supplies).

(3) Contracts for personal services.

(4) Normal personnel actions.

(5) Legislative proposals originating in another Agency.

(6) Legislative proposals not relating to or affecting the matters within EPA's primary areas of responsibility.

(c) *Retroactive application.* (1) This part shall apply to uncompleted and continuing Agency actions initiated prior to the promulgation of these procedures except for the above exclusions. Where substantial funds have not been released and modifications of or alternatives to the Agency action are still available, an environmental impact statement shall be prepared for each project found to have significant environmental consequences.

(2) If an impact statement is required for a waste water treatment facility construction grant project, the grantee will be notified in writing to this effect. No grant monies will be released for new work undertaken after this written notice until an impact statement is completed and the project is modified to conform with any changes suggested during the impact statement process that the Agency deems necessary.

(d) *Application to legislative proposals.* Except as noted in paragraph (b) (5) and (6) of this section, environmental impact statements shall be prepared for recommendations or favorable reports relating to legislation. Because of the nature of the legislative process, however, impact statements for legislation must be prepared and reviewed with the procedures followed in the development and review of the legislative matter. These procedures are described in Office of Management and Budget Circular No. A–19; separate procedures, therefore, have not been provided in this part. Where appropriate, legislative statements will contain the information required in § 6.45.

(e) *Application to annual budget estimates.* An annual listing of those Agency actions which will require the preparation of environmental impact statements shall be compiled each year as specified in Office of Management and Budget Bulletin No. 72–6. Agency components shall submit with their budget estimates a listing of those projects for which they expect to prepare impact statements. Applicable portions of Subpart B of this part shall be utilized to assess projects to determine if they will have a significant impact.

**§ 6.9 General responsibilities.**

(a) *Responsible official.* (1) Conducts environmental assessments and determines where significant environmental impacts are expected to occur.

(2) When significant environmental impacts occur, prepares and distributes draft statements, coordinates their internal and external review, and prepares and distributes final statements.

(3) When no significant environmental impacts occur, prepares and processes negative declarations and environmental appraisals.

(b) *Office of Federal Activities.* (1) Provides agencywide policy guidance and assures that Agency components establish and maintain adequate administrative procedures to comply with this part.

(2) Monitors the overall timeliness and quality of the Agency effort to comply with this part.

(3) Provides assistance to "responsible officials" as required.

(4) Coordinates the training of personnel involved in the review and preparation of environmental impact statements.

(5) Acts as Agency liaison with the Council on Environmental Quality and other Federal and State entities on matters of Agency policy and administrative mechanisms to facilitate external review of Agency environmental impact statements.

(6) Advises the Administrator and Deputy Administrator on projects or activities which significantly affect more than one Agency component, are highly controversial, are of national significance, or "pioneer" Agency policy.

(c) *Office of Public Affairs.* (1) Advises the "responsible official" on matters pertaining to negative declarations, notices of intent, press releases, and other public notification procedures.

(2) Assists the public by answering queries on the impact statement process and on specific impact statements, and by filling requests for copies of specific documents.

(3) Analyzes the present procedures for public participation, and develops and recommends to the Office of Federal Activities a program to improve those procedures and increase public participation.

(d) *Office of Congressional Affairs.* Provides the necessary liaison with Congress.

(e) *Offices of the Assistant Administrators.* (1) Provide specific policy guidance to their respective program offices and assure that those offices establish and maintain adequate administrative procedures to comply with this part.

(2) Monitor the overall timeliness and quality of their respective components' efforts to comply with this part.

(3) Provide technical assistance to "responsible officials" as required.

(4) Act as liaison between their components and the Office of Federal Activities and between their components and other Assistant Administrators on matters of agencywide policy and procedures.

(5) Advise the Administrator and Deputy Administrator, through the Office of Federal Activities, on projects or activities within their respective areas of responsibility which are highly controversial, are of national significance, "pioneer" Agency policy, or involve more than one Agency component.

(f) *Budget Operations Division, Office of Resources Management.* The Budget Operations Division, Office of Resources Management, prepares from the submissions of Agency components a listing of those Agency actions, covered by the budget estimates, which will require the preparation of environmental impact statements, as specified in Office of Management and Budget Bulletin No. 72–6 (see § 6.7(e)).

(g) *The Legislative Counsel.* The Legislative Counsel coordinates the preparation of impact statements required on legislative proposals or reports on legislation (see § 6.7(d)).

**§ 6.11 Timing for proposed Agency actions.**

To the maximum extent practicable, no administrative action shall be taken sooner than ninety (90) calendar days after a draft statement has been distributed or sooner than thirty (30) calendar days after the final statement has been distributed. If the final statement is filed within ninety (90) calendar days after the draft statement has been circulated and made public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

## Subpart B—Procedures

**§ 6.21 Guidelines for determining when to prepare an impact statement.**

The following general guidelines shall be used when assessing an Agency action to determine if it will have a significant impact on the environment and therefore require an impact statement.

(a) *Significant environmental effects.* (1) Although there is some latitude in defining "significant effect" on the quality of the human environment, it is mandatory that "significant effects" encompass both adverse and beneficial effects.

(2) Significant effects should include environmental consequences of both a primary and secondary nature. Primary effects (e.g., siltation during construction of waste treatment facilities) should not be given greater consideration than secondary effects (e.g., land use), which often have more far reaching environmental consequences.

(b) *Individually small but cumulatively large actions.* The total expected environmental impact of precedent-setting actions and individually small, but cumulatively large actions, shall be identified and considered fully.

(c) *Controversial or nationally significant actions.* An environmental impact statement shall be prepared and processed when an Agency action is likely to be highly controversial or nationally significant.

(d) *Specific criteria for preparing impact statements on waste water treatment facilities and water quality management plans.* For the following specific situations, an impact statement shall always be prepared and processed:

(1) When the project or plan is highly controversial for any reason, including the degree of treatment, method of final waste disposal, or the location of a plant or facility. In the case of location, where controversy centers only on the disruption incident to construction and serious effort is made to restore the environs as much as possible, an impact statement is not required.

(2) When a project or plan defaces (either by physical presence or odor) a residential development or a recognized scenic area, on either public or private lands. An impact statement shall not be required if the physical alteration is unobtrusive, or a permanent industrial facility already exists in the area and the proposed project will not constitute a commitment of substantial additional land to industrial use, providing all other effects are unobtrusive.

(3) When a facility is to be sited on public land (or on private land in an urban area, which because of its natural beauty and wilderness state has potential or is being considered for public park development), and the loss of aesthetics incurred through construction and maintenance of the facility substantially reduces its value as a public park.

(4) When the treated effluent being discharged will meet water quality standards applicable to the receiving waters but the public is using these waters for activities that require a classification higher than their present classification.

(5) When a project will result in a substantial displacement of population.

(6) When the environmental impact is the result of a number of projects impacting upon the same resource, as when a number of projects individually divert water from one river basin into another, or discharge effluent into the ocean instead of using the effluent to recharge the ground water aquifer.

(7) When an existing plant is being refurbished to improve its treatment capabilities and the additions involve controversy or substantial additional impacts. However, where there is no substantial new land use, noise, or odor, an impact statement shall normally not be required.

(8) When the project or plan will result in the installation of a major interceptor line that will provide service to undeveloped areas or permit expansion of already developed areas, and the effects that this will have on residential and commercial growth have not been adequately considered in the interim or final plan encompassing the project, or in the grant application and associated documents.

**§ 6.23 Environmental assessment.**

(a) Proposed Agency actions shall be subjected to the environmental assessment process. This process shall be a continuing one and should commence at the earliest possible point in the development of the project. It shall consist of a thorough study of the proposed program or project which identifies and evaluates the expected and potential environmental impacts of the action and alternatives to it. It will determine whether a significant impact is anticipated from the proposed action.

(b) When making this determination, a general class of actions occurring within a common time frame may be treated as a single action if their individual environmental effects and alternatives are substantially similar. Individual projects that may be highly controversial or are nationally significant shall not be treated collectively.

(c) In order to assist the "responsible official" in assessing the proposed action, applicants for a grant or contract may be required to submit with their original application an environmental analysis or written assessment. In all cases, water quality management plans submitted for approval, applications for waste water treatment facility grants, and other Agency grants or contracts that will affect the environment outside the facility in which the work is being performed must include a written environmental assessment which answers the basic questions outlined in § 6.45. Although this analysis may be utilized by the Agency in the preparation of an impact statement or negative declaration, responsibility for the technical accuracy of such documents rests with the Agency.

(d) Applicants for grants or contracts shall submit an additional environmental analysis or written assessment when new impacts are anticipated, or implementation of the proposal or project does not conform with the original proposal. The agency will use this assessment to determine if there will be any new significant impacts as a result of the changes.

**§ 6.25 Notices of intent.**

(a) *General.* (1) When an environmental assessment indicates a significant impact will occur, a notice of intent, announcing that an impact statement will be prepared, shall be submitted to the local newspaper. The notice shall briefly describe the Agency action, its location, and the issues involved (see Exhibit 1). Preferably, such a notice should be submitted immediately after completion of an environmental assessment that indicates a significant impact. In addition, notices of intent should be sent to potentially interested individuals or groups who are not routinely sent copies of all impact statements to determine who desires to receive a copy of the impact statement after it is prepared. Those who request a copy of a particular impact statement will be sent one at the same time as those organizations and individuals who are routinely sent copies of all impact statements.

(2) The purpose of a notice of intent is to involve other government agencies and interested, affected, or technically competent public groups as early as possible in the planning and evaluation of Agency actions which embody significant environmental impacts. This device should facilitate coordination during the preparation of a draft impact statement and assure that environmental values will be identified and weighed from the outset, rather than accommodated by adjustments at the end of the decision-making process.

(b) *Specific actions.* The specific actions that should be taken with respect to notices of intent are as follows:

(1) When the assessment process indicates there will be a significant impact, prepare a notice of intent as soon as practicable.

(2) Forward copies of the notice of intent to:

(i) The appropriate State and local agencies and to the appropriate State, regional, and metropolitan clearinghouses.

(ii) Environmental and conservation action groups and other concerned or affected organizations or individuals that have shown interest in such projects in the past.

(iii) The Office of Federal Activities and to the Office of Public Affairs.

(iv) The headquarters impact statement coordinator for the program office to which the originating office reports. When the originating office is a Regional Office and the action is related to water quality management, the copies should be forwarded to the Planning and Interagency Programs Division, Office of Water Programs.

(v) The Office of Congressional Affairs for distribution to the pertinent congressional delegation. The pertinent congressional delegation consists of the Congressmen in whose districts the proposed project will occur or have effects and the U.S. Senators in whose States the proposed project will occur or have effects.

(3) Submit to a local newspaper which has adequate circulation to cover the area that will be affected by the project, a brief news release (see Exhibit 2) informing the public that an impact statement will be prepared on a particular project. News releases may be submitted to other media as appropriate.

**§ 6.27 Draft impact statements.**

(a) *General.* (1) The "responsible official" for the project shall prepare a draft environmental impact statement as soon as practicable after the release of the notice of intent. The draft statement shall be circulated to other offices within the Agency with collateral interest in or technical expertise related to the action. Afterwards, the draft statement shall be circulated to Federal, State, and local agencies with special expertise or jurisdiction by law, and to interested, affected, or expert segments of the general public. If the responsible official determines that a public hearing on the project is warranted, the hearing will be held after preparation of the draft statement and in accordance with the requirements of § 6.63. Comments from both the hearing and written replies shall be incorporated in the final environmental impact statement.

(2) Draft impact statements should be prepared at the earliest practicable point in the project development. Where a plan or program has been developed, and submitted to the Agency for approval, the relationship between the plan and the subsequent projects encompassed by it shall be evaluated to determine the preferable and most meaningful point in time for preparing an impact statement. Where practicable, an environmental impact statement will be drafted for the total program at the overall planning stage. Subsequently, component projects included in the plan will not require individual statements unless they deviate substantially from prior plans, are highly controversial or nationally significant, or unless the plans do not provide sufficient detail to fully assess significant impacts of individual projects. Plans shall be reevaluated periodically by the applicant and reviewed by the responsible official to monitor the cumulative impact of the component projects and to preclude the plans' obsolescence.

(b) *Specific actions.* The specific actions that should be taken with respect to draft impact statements are as follows:

(1) Before transmitting the draft statement to the Council on Environmental Quality, the "responsible official" shall:

(i) Notify by phone the Office of Federal Activities and the headquarters impact statement coordinator for the program office to which the originating office reports that a draft impact statement has been prepared. When the originating office is a Regional Office and the project is related to water quality management, the Regional Administrator will notify by phone the Office of Federal Activities and the Planning and Interagency Programs Division, Office of Water Programs, that the draft impact statement has been prepared.

(ii) Send two (2) copies of the draft statement to each of the appropriate offices in subdivision (i) of this subparagraph.

(2) If neither of the appropriate offices requests any changes within a ten (10) calendar day period after notification, the "responsible officials" shall:

(i) Send ten (10) copies of the draft environmental impact statement to the Council on Environmental Quality.

(ii) Inform the Office of Public Affairs of the release and the regional plans for local press release.

(iii) Notify the Office of Congressional Affairs so they will be able to answer any queries from Congress on the matter.

(iv) Provide copies of the draft statement to:

(*a*) The Office of Congressional Affairs for distribution to the members of the pertinent congressional delegation.

(*b*) The Office of Public Affairs. Sufficient copies to meet the anticipated initial public demand should be provided.

(*c*) The appropriate field offices of reviewing Federal agencies that have special expertise or jurisdiction by law with respect to any impacts involved (the field offices are expected to reply directly to the originating Agency office). The Council on Environmental Quality Guidelines (section 7 and Appendices II–III thereof) specify those agencies to which draft statements will be sent for official review and comment. Two copies of the impact statement should be provided each field office. Commenting agencies shall have at least thirty (30) calendar days to reply; afterwards, it shall be presumed that, unless a time extension has been requested, the agency has no comment to make. EPA will grant extensions where practical, not to exceed fifteen (15) calendar days.

(*d*) The appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses. The time limits for review and comment shall be the same as those available to Federal agencies.

(*e*) Interested environmental and conservation action groups. The time limits for review and comment shall be the same as those available to Federal agencies.

(v) Submit to the local newspaper and other appropriate media a news release (see Exhibit 2) that the draft statement is being released and where copies may be obtained.

(vi) Send two (2) copies of the summary sheet to the Office of Management and Budget, Organization and Management Systems Division.

**§ 6.29 Final impact statements.**

(a) Final statements shall consider fully the suggestions, criticisms, and comments raised through the review process for possible modification of the final action. In all cases, final statements shall specifically address the comments and criticisms raised, particularly where the Agency position is at variance with issues surfaced or recommendations provided.

(b) Notification and distribution will be as specified for draft statements, except that in the case of Federal and State agencies and environmental and conservation action groups, only those who responded to the draft statement will be sent a copy of the final statement.

**§ 6.31 Negative declaration and environmental impact appraisal.**

(a) *General.* When an environmental assessment indicates no significant impact, a negative declaration shall be issued (see Exhibit 3). Concurrently, an environmental impact appraisal supporting the negative declaration shall be prepared. The appraisal (see Exhibit 4) describes the proposed activity and its impact, and documents the reasons for concluding that there will be no significant impact. This appraisal shall remain with internal records for the activity or action, and shall be available for public inspection.

(b) *Specific actions.* The specific actions that should be taken with respect to negative declarations and environmental impact appraisals are as follows:

(1) *Negative declarations.* (i) When the assessment process indicates that there will not be a significant impact, issue a negative declaration as soon as practicable.

(ii) The negative declaration shall be distributed in the same fashion as the notice of intent, except that copies shall be sent only when practicable to environmental and conservation action groups and other concerned or affected organizations or individuals that have shown an interest in such projects in the past.

(iii) Where practicable, submit to the local newspaper and other appropriate media a brief news release (see Exhibit 2) informing the public that an impact statement will not be prepared on a particular project.

(2) *Environmental impact appraisal.* (i) Have the appraisal available when the negative declaration is released.

(ii) Forward a copy to the headquarters impact statement coordinator for the program office to which the originating office reports. (Not applicable to Regional Offices.)

(iii) Have copies on file in the originating office for public inspection upon request.

## Subpart C—Content of Environmental Impact Statements

### § 6.41 Cover sheet.

The cover sheet shall indicate the type of statement (draft or final), the official project name, the responsible Agency office, the date, and the signature of the responsible official. The format is shown in Exhibit 5.

### § 6.43 Summary sheet.

The summary sheet shall conform to the format prescribed in Appendix 1 of the April 23, 1971, Council on Environmental Quality Guidelines. The format is shown in Exhibit 6.

### § 6.45 Body of statement.

The body of the impact statement shall contain seven sections. Each shall identify, develop, and analyze the pertinent issues and the pros and cons of alternative courses of action. Impact statements shall not be justification documents for proposed Agency funding or actions. Rather, they shall be objective evaluations of actions and their alternatives in light of all environmental considerations. Environmental impact statements shall be prepared using a systematic, interdisciplinary approach. Statements shall incorporate all relevant analytical disciplines and shall provide meaningful and factual data, information, and analyses. The presentation should be simple and concise, yet include all facts necessary to permit independent evaluation and appraisal of the beneficial and adverse environmental effects of alternative actions. Statements shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and evaluate the environmental impact of an Agency action.

(a) *Description of the proposed action.* Describe the recommended or proposed action, its purpose, where it is located, its time setting, and its interrelationship with other projects or proposals. To prevent piecemeal decisionmaking, the project shall be described in as broad a context as possible. The relationship to other projects and proposals shall be discussed, including not only other Agency activities, but also those of other governmental and private organizations. Development and population trends in the project area shall also be included. Maps, photos, and artist sketches should be incorporated where they help depict the environmental setting. If not enclosed, supporting references and documents should be identified.

(b) *Environmental impact of the proposed action.* (1) Describe the primary and secondary environmental impacts, both beneficial and adverse, anticipated from the action. The scope of the description shall include both short- and long-term impacts. It shall include specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced by the proposed action in population distribution, population concentration, the human use of land (including commercial and residential development), and other aspects of the resource base such as water and public services. The time frames in which these impacts are anticipated should be included as well.

(2) Remedial, protective, and mitigative measures which will be taken as part of the proposed action shall be identified. These measures to prevent, eliminate, reduce, or compensate for any environmentally detrimental aspects of the proposed action shall include those of the Agency and others, e.g., its contractors and grantees. Adverse impacts which cannot be substantially avoided will be considered in greater detail in the next section.

(c) *Adverse impacts which cannot be avoided should the proposal be implemented.* Describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced to an acceptable level but not eliminated. For those which cannot be reduced, their implications and the reasons why the action is being proposed, notwithstanding their effect, shall be described in detail. Where abatement measures can reduce adverse impacts to acceptable levels, the basis for considering these levels adequate and the effectiveness and costs of the abatement measures shall be specified. In particular, this analysis shall detail the aesthetically or culturally valuable surroundings, human health, standards of living, or environmental goals set forth in section 101(b) of the National Environmental Policy Act which would be sacrificed. Also, it shall describe the parties affected (including any minority communities) and any objection raised by them.

(d) *Alternatives to the proposed action.* Develop, describe, and objectively weigh alternatives to any proposed action which involves significant tradeoffs among the uses of available environmental resources. The analysis shall be structured in a manner which allows comparisons of: (1) Environmental and financial cost differences among equally effective alternatives, or (2) differences in effectiveness among equally costly alternatives. Where practicable, benefits and costs should be quantified or else described qualitatively in a way which will aid in a more objective judgment of their value. Where such an analysis is prepared, it shall be appended to the statement. The analysis of different courses of action shall include alternatives capable of substantially reducing or eliminating any adverse impacts, even at the expense of reduced project objectives. The specific alternative of taking no action always must be evaluated. This analysis shall evaluate alternatives in such a manner that reviewers independently can judge their relative desirability. In addition, the reasons why the proposed action is believed by the Agency to be the best course of action shall be explained.

(e) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Describe the cumulative and long-term effects of the proposed action which either significantly reduce or enhance the state of the environment for future generations. In particular, the desirability of Agency actions shall be weighed to guard against short-sighted foreclosure of future options or needs. Special attention shall be given to effects which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. Who is paying the "environmental cost" versus who is gaining the "benefits" over time shall be identified. In addition, the reasons the proposed action is believed by the Agency to be justified now, rather than reserving a long-term option for other alternatives, including no use, shall be explained.

(f) *Irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Describe the extent to which the proposed action curtails the diversity and range of beneficial uses of the environment. Uses of renewable and nonrenewable resources during the initial and continued phases of the action shall be specified. In this regard, construction and facility uses are basically irreversible since a large commitment of resources makes removal or nonuse thereafter unlikely. Such primary impacts and, particularly, secondary impacts (e.g., opening areas to further development) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the action. Any irretrievable and significant commitments of resources shall be evaluated to assure that such current consumption is justified.

(g) *A discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process.* Final statements (and draft statements if appropriate) shall summarize the comments and suggestions made by reviewing organizations and shall describe the disposition of issues surfaced (e.g., revisions to the proposed action to mitigate anticipated impacts or objections). In particular, they shall address in detail the major issues raised when the Agency position is at variance with recommendations and objections (e.g., reasons specific comments and suggestions could not be accepted, and factors of overriding importance prohibiting the incorporation of suggestions). Reviewer's statements should be set forth in a "Comment" and discussed in a "Response." In addition, the source of all comments should be clearly identified and copies of the comments should be attached to the final statement.

## Subpart D—Public Participation

### § 6.61 General.

Public participation is an integral part of the Agency planning process. It consists of continuous, two-way communication keeping the public fully informed about the status and progress of studies

and findings, and actively soliciting comments from all concerned and affected groups and individuals.

§ 6.63 Public hearings.

(a) Public hearings on draft impact statements shall be held where the originating official determines that the action will have a significant impact on the environment and a public hearing would facilitate the resolution of conflict or significant public controversy.

(b) When public hearings are held, the draft statement prepared by the originating office shall serve as an outline for discussion. A summary of the issues raised, conflicts resolved and unresolved, and any other significant portion of the general discussion shall be appended to the draft statement for incorporation as a separate section of the final statement. Formal public notice of the hearing shall be given immediately after distribution of the draft statement for review and comment. This notice shall be given wide coverage. Draft statements shall be available to the public at least fifteen (15) calendar days prior to the time of such hearings. The Agency shall endeavor to comply with requests for extensions of time for the submission of comments, not to exceed fifteen (15) calendar days, when hearings are held.

(c) When a public hearing has been held by another Federal, State, or local agency on an Agency action, additional hearings need not necessarily ensue.

(d) For waste water treatment facilities and water quality management plans, a record of a public hearing must be included with the grant application or the plan except when the requirement for such a hearing is waived by a Regional Administrator.

§ 6.65 Comments on draft and final statements.

(a) Draft impact statements and negative declarations shall be made available to the public to assure the fullest practical provision of timely public information and understanding of Federal plans and programs. This shall be accomplished through public hearings, notices of intent, press releases, distribution of draft and final statements to public organizations for comment, and availability of statements to private individuals.

(b) Final environmental impact statements shall be furnished to all citizen groups and conservation/environmental groups which submitted comments on the draft impact statement. This is to enable public organizations to comment on the final statement to the Agency or the Council on Environmental Quality, if they so desire, within the thirty (30) calendar day period prior to Agency administrative action on the proposal.

§ 6.67 Availability of documents.

Draft and final environmental impact statements, negative declarations, and environmental impact appraisals shall be made available for public review at the following locations:

(a) The originating office.

(b) The Office of Public Affairs for draft and final impact statements only.

EXHIBIT 1—PAGE 1

NOTICE OF INTENT TRANSMITTAL MEMORANDUM FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

GENTLEMEN: In accordance with the guidelines for the preparation of environmental impact statements, attached is a notice of intent to prepare such a statement for the proposed Agency action specified below:

_____
(Official Project Name)

_____
(City, State)

_____
(Impact Statement No.)

If your organization needs additional information or wishes to participate in the preparation of the draft environmental impact statement, please advise the (appropriate office, city, State).

Very truly yours,

_____
(Appropriate EPA Official)

(List Federal, State, and local agencies to be solicited for comment.)

(List public action groups to be solicited for comment.)

EXHIBIT 1—PAGE 2

NOTICE OF INTENT FORMAT

*Notice of Intent—Environmental Protection Agency*

1. Project location:
   City _____
   County _____
   State _____
2. Estimated projected costs:
   Federal share _____
   Contract _____ Grant _____ Other _____
   Applicant share (if any)
   (Name) _____ $_____
   Other (specify) _____ $_____
   Total _____ $_____
3. Period covered by project:
   Beginning date _____
   (original date, if project covers more than 1 year)
   Length of time (weeks, months, or years) _____
   Approximate ending date _____
4. Estimated application filing date _____

EXHIBIT 2

NEWS RELEASE FORMAT

*Notice to the Public From the Environmental Protection Agency*

This announcement is to inform the public that the Environmental Protection Agency (originating office, address) (will prepare, will not prepare, has prepared) a (draft, final) environmental impact statement on the following project:

_____
(Official Project Name)

_____
(City, State)

This notice is to implement the Agency's policy to inform the public to the maximum possible extent of environmental actions it is taking.

EXHIBIT 3

NEGATIVE DECLARATION FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

GENTLEMEN: In accord with the procedures for the preparation of environmental impact statements, an environmental assessment has been performed on the proposed Agency action below:

_____
(Official project name)

_____
(City, State)

The assessment process did not indicate a significant environmental impact from the proposed action. Consequently, an environmental impact statement will not be prepared.

An environmental impact appraisal, which summarizes the assessment and the reasons why a statement is not required, is on file at the above office and will be available for public scrutiny upon request.

Sincerely,

_____
(Appropriate EPA Official)

EXHIBIT 4

ENVIRONMENTAL IMPACT APPRAISAL FORMAT

A. *Identify Project.*
   Name of Applicant: _____
   Address: _____
   Project Number (if assigned): _____
   Location of Project: _____
   B. *Summarize Assessment.*
   1. Brief description of project: _____

   2. Probable impact of the project on environment: _____

   3. Any probable adverse environmental effects which cannot be avoided: _____

   4. Alternatives considered with evaluation of each: _____

   5. Relationship between local short-term uses of environment and maintenance and enhancement of long-term productivity: _____

   6. Any irreversible and irretrievable commitment of resources: _____

   7. Public objections to project, if any, and their resolution: _____

   8. Agencies consulted about the project: _____

   State representative's name: _____
   Local representative's name: _____
   Other: _____

C. *Reasons for concluding there will be no significant impacts.*

Discuss topics 2, 3, 5, 6, and 7 above and how the alternative (topic 4) selected will avoid any major public objections or significant impacts, thereby making an impact statement unnecessary.

_____
(Signature of responsible official)

_____
(Date)

EXHIBIT 5

COVER SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Draft, Final)

Environmental Impact Statement

---

(Describe title of project or plan)

Prepared by

---

(Responsible Agency Office)

Approved by

---

(Responsible Agency official)

---

(Date)

EXHIBIT 6

SUMMARY SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Check one)
( ) Draft.
( ) Final Environmental Statement.

Environmental Protection Agency

---

(Responsible Agency Office)

1. Name of action. (Check one)
Administrative action. ( )
Legislative action. ( )

2. Brief description of action indicating what States (and counties) particularly affected.

3. Summary of environmental impact and adverse environmental effects.

4. List alternatives considered.

5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

[FR Doc.72-834 Filed 1-19-72;8:47 am]

# FEDERAL POWER COMMISSION

[ 18 CFR Part 250 ]

[Docket No. R-433]

## RESERVE DEDICATIONS IN THE TEXAS GULF COAST AND SOUTHERN LOUISIANA AREAS

### Notice of Extension of Time

JANUARY 11, 1972.

Reserve Dedications in the Texas Gulf Coast and Southern Louisiana Areas, Docket No. R-433.

On January 5, 1972, Humble Oil & Refining Co. (Humble) filed a motion for a conference or, in the alternative, an extension of time to and including February 15, 1972, within which to file comments in the above-designated matter. On January 7, 1972, Amoco Production Co. filed a telegram in support of Humble's motion and requesting, in any event, an extension of time.

Upon consideration, notice is hereby given that the time is extended to and including January 31, 1972, within which any interested person may submit data, views, comments, and suggestions in writing concerning the notice of proposed rule making issued December 1, 1971 (36 F.R 23635, December 11, 1971). This action is without prejudice to the request for a conference.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-828 Filed 1-9-72;8:46 am]

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Austin, Gregory Lynn, 2302 Southwest 74th Street, No. 133, Oklahoma City, OK, convicted on May 7, 1963, in the District Court of Oklahoma County, Oklahoma.

Brown, Larnie, 7640 Helen Street, Detroit, MI, convicted on January 31, 1950, and on April 1, 1940, in the Detroit Recorder's Court, Detroit, Mich.

Cameron, Boone Emerson, Jr., Route 4, Box 749, Port Angeles, WA, convicted on June 11, 1957, by the Superior Court of Clallam County, Washington.

Christopher, Vernon, 1849 Sedgwick Avenue, Bronx, New York, convicted on October 6, 1950, by the Supreme Court, County of Bronx, New York.

Costlow, Ronald Minor, 23103 58th Street West, Mountlake Terrace, WA, convicted on November 19, 1957, by the Superior Court of the State of Washington for San Juan County.

Daniels, Leon Thomas, Sr., 1197 Grand Concourse, Bronx, New York, convicted on January 21, 1929, by the Berkshire County Superior Court, Pittsfield, Mass.

Edwards, George Otis, 6808 18th Street NE., Seattle, WA, convicted on March 20, 1968, by the Superior Court for King County, Washington.

Glover, Beauford F., 116 North Second Street, Saginaw, MI, convicted on March 19, 1948, by the Court of Special Sessions, Essex County, N.J.; and on February 2, 1962, by the Common Pleas Court for Richland County, Ohio.

Gore, John Allen, Sr., Route 2, Box 845, High Ridge, Mo., convicted on February 19, 1964, by the Craighead County Circuit Court, Jonesboro District, Ark.

Greengo, David P., 2355A South Ninth Street, Milwaukee, WI, convicted on May 9, 1968, by the Circuit Court of Milwaukee County, Criminal Division, Branch 12, Milwaukee, Wis.

Guokas, Robert William, 7421 Winona Court, Westminster, CO, convicted on August 30, 1957, by the U.S. District Court, in and for the District of Nebraska.

Higdon, James F., 108 37th Avenue North, Nashville, TN, convicted on October 19, 1965, by the U.S. District Court for the Middle District of Tennessee, Nashville Division.

Himes, Ronald J., 1249 Juliet Avenue, St. Paul, MN, convicted on June 26, 1961, by the U.S. District Court for the District of Minnesota, Third Division.

Irby, William Thomas, 61 East Greendale Street, Detroit, MI, convicted on February 8, 1952, by the Shiwasse County Circuit Court, Corunna, Mich.

Jackson, Harry Vinton, Jr., 111 Cloverdale Apartments, Watertown, NY, convicted on October 16, 1943, by the County Court of Jefferson County, Watertown, N.Y.

Lampereur, Terry B., Rural Route 4, Chilton, WI, convicted on March 4, 1970, by the Brown County Court, Branch 2, at Green Bay, Wis.

Lingo, Walter Keith, 410 Eighth Avenue SW., Cedar Rapids, IA, convicted on July 2, 1958, and on May 18, 1964, by the District Court of Iowa, in and for Linn County, at Cedar Rapids, Iowa.

Lucas, Paul Douglas, 1420 24th Street, Detroit, MI, convicted on August 8, 1959, in the Detroit Recorder's Court, Detroit, Mich.

Lynd, James, 540 Phelps Avenue, Kalamazoo, MI, convicted on April 25, 1960, by the Circuit Court for the County of Kalamazoo, Michigan.

Martineau, Dennis George, 116 Fifth Street, Leominster, MA, convicted on December 20, 1966, in the Ayer District Court, Massachusetts.

Moran, Edward P., 66–15 Garfield Avenue, Woodside, NY, convicted on January 14, 1947, in the Court of General Sessions in New York City.

Perotti, Larry James, 2193 Rhodes Road, Sedro Woolley, WA, convicted on February 5, 1968, in the Superior Court of the State of Washington for Skagit County.

Perry, Elbert 4537 Livernois Street, Detroit, MI, convicted on October 7, 1963, in the Dallas County Circuit Court, Selma, Ala.

Pitts, Horace G. W., Highway 78, Post Office Box 456, Potts Camp, MS, convicted on October 3, 1934, in the U.S. District Court for the Eastern District of Louisiana.

Price, Thomas Floyd, 549 C Street, Ashland, OR, convicted on April 6, 1967, in the Circuit Court for Jackson County, Oregon.

Robinson, Walter Henry, 1420 Old Virginia Beach Road, Virginia Beach, VA, convicted on April 21, 1941, by the U.S. District Court, in and for the Eastern District of North Carolina, Wilmington Division, North Carolina.

Scarveles, George, 47 Hillside Avenue, Milford, CT, convicted on July 26, 1968, in the U.S. District Court for the Eastern District of New York.

Snyder, Wilbur Earl, 602 West Stop Eleven Road, Indianapolis, IN, convicted on November 9, 1962, by the Municipal Court of Marion County, Indiana.

Spann, Franklin, 538 East Euclid Street, Detroit, MI, convicted on May 28, 1965, in the Recorder's Court of the City of Detroit, Michigan.

Stamey, William Scott, Route 4, Taylorsville, NC, convicted on June 17, 1971, in the U.S. District Court, Western District of North Carolina.

Stearns, Richard Lee, 2821 Garfield Avenue South, Minneapolis, MN, convicted on November 17, 1967, by the State District Court, in and for Meeker County, Litchfield, Minn.

Stonestreet, Paul A., 17194 Steele Street, Detroit, MI, convicted on September 24, 1943, and on March 13, 1950, in the Recorder's Court for the City of Detroit, Michigan.

Thaggard, T. L., 1092 Rosedale Drive, Montgomery, AL, convicted on November 20, 1964, in the U.S. District Court for the Middle District of Alabama.

Valdes, Antonio Parra, 1325 Ojai Road, Santa Paula, CA, convicted on December 23, 1948, by the Superior Court of Ventura County, California; and on January 20, 1950, by the Superior Court of California, in and for the County of Fresno, California.

Walker, Edwin Elmer, Mussey Road, Scarboro, ME, convicted on November 6, 1958, in the Superior Court for the County of Carroll, New Hampshire.

Williams, Willie Charles, 5705 Montclair Street, Detroit, MI, convicted on June 8, 1937, in the Recorder's Court for the City of Detroit, Michigan.

Womack, Enloe Afton, 1206 Winnemucca Street, South Lake Tahoe, CA, convicted on April 29, 1969, by the U.S. District Court, in and for the Northern District of San Francisco, California.

Young, Eric Robert, Post Office Box 108, Crownsville, MD, convicted on June 23, 1971, in the Municipal Court of Baltimore, Maryland.

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

[SEAL] REX D. DAVIS,
*Director, Alcohol, Tobacco and Firearms Division.*

[FR Doc.72-849 Filed 1-19-72;8:48 am]

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## Office of the Secretary

### SHOEBOARD FROM THE UNITED KINGDOM

### Notice of Intent To Discontinue Antidumping Investigation

JANUARY 13, 1972.

Information was received on November 19, 1970, that shoeboard from the United Kingdom was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 2, 1971, on page 6119.

I hereby announce an intent to discontinue the antidumping investigation of shoeboard from the United Kingdom.

*Statement of Reasons On Which This Notice of Intent To Discontinue Antidumping Investigation Is Based.* The investigation revealed that the proper basis of comparison is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. price for exportation to the United States the included inland freight charges, or by deducting ocean freight, marine insurance, and the

inland freight in the United Kingdom from the c.i.f. price for exportation to the United States.

Home market price was based upon a weighted average of the delivered prices. From this price a deduction was made for inland freight charges.

Comparison between purchase price and the adjusted home market price revealed that purchase price was lower than the adjusted home market price. However, it has been determined that importations of shoeboard from the United Kingdom have not been more than insignificant, and terminated prior to the receipt of the November 19, 1970, submission, with little or no likelihood of such sales being resumed.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

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

[FR Doc.72-899 Filed 1-19-72;8:51 am]

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[Treasury Dept. Additional Duty Order 4]

## WOOL AND MANMADE FIBERS

### Articles Exempt From Additional Duty Under Tariff Schedules of the United States

Pursuant to the authority vested in the Secretary of the Treasury by Headnote 4(a) subpart C of part 2 of the appendix to the Tariff Schedules of the United States, I hereby determine that it is consistent with safeguarding the balance of payments position of the United States to establish exemptions from the additional duty provided for in Subpart C as set forth in Headnote 5 thereof, which I hereby amend as follows:

Paragraph (g) is amended to read:

(g) Articles, irrespective of country of origin, described in the categories established for the administration of the Long-Term International Cotton Textile Arrangement published in the FEDERAL REGISTER for Saturday, October 9, 1971 (36 F.R. 19722).

A new paragraph, designated as paragraph (i), is added reading as follows:

(i) Articles exported to the United States on or after October 1, 1971, irrespective of country of origin, which are described in the textile and apparel categories for wool and manmade fibers published in a notice in the FEDERAL REGISTER for Saturday, October 9, 1971 (36 F.R. 19722), or as such notice may, subject to the prior approval of the Secretary of the Treasury, be amended.

This modification of Headnote 5 is published in the FEDERAL REGISTER pursuant to Headnote 4(b) to Subpart C.

Dated: December 18, 1971.

[SEAL] JOHN B. CONNALLY,
*Secretary of the Treasury.*

[FR Doc.72-898 Filed 1-19-72;8:51 am]

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# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## CALIFORNIA

### Notice of Proposed Withdrawal and Reservation of Land

JANUARY 14, 1972.

The Corps of Engineers, U.S. Department of the Army has filed an application, Serial No. R 4583, for the withdrawal of land described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for its use in connection with the Boulder Gulch Recreation Area at Isabelle Lake in Kern County, Calif.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

The Department's regulations, 43 CFR 2351.4(c) provides 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 land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as required 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 land involved in the application is:

A parcel of land situated in the SE¼ SE¼ of sec. 7, T. 26 S., R. 33 E., MDM, California, described as follows:

Beginning at the section corner common to secs. 7, 8, 17, and 18 said township and range, marked by a found 3-inch x 3-inch Redwood Hub in a rock mound; thence, westerly along section line common to secs. 7 and 18, 749.32 feet to the easterly right-of-way line of State Highway No. 15ϸ as recorded with the Bureau of Land Management as Parcel 63628 to Department of Public Works, State of California; thence, along said easterly right-of-way line N. 10°18′ E., 465.99 feet; thence, N. 13°52′35″ E., 400.78 feet; thence, N. 7°17′53″ E., 477.39 feet to the intersection of said easterly line and the northerly line of the SE¼SE¼ of said sec. 7; thence, leaving said easterly right-of-way, east along said northerly line of said SE¼SE¼ 508.43 feet to the northeast corner of said SE¼SE¼; thence, S. 0°02′07″ E. along the section line common to said secs. 7 and 8, 1,321.08 feet to the point of beginning, containing 18.82 acres, more or less, in Kern County.

WALTER F. HOLMES,
*Assistant Land Office Manager,*

[FR Doc.72-829 Filed 1-19-72;8:46 am]

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## Office of Hearings and Appeals

[Docket No. M 72-28]

## IMPERIAL COAL CO.

### Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)) notice is given that the Imperial Coal Co. has filed a petition to modify the application of 30 CFR 75.1701, 35 F.R. 17925, to its Imperial Mine.

30 CFR 75.1701 is a repetition of section 317(b) of the Act, 30 U.S.C. section 877(b) (1970), so the petition really seeks a modification of the statutory provision. Section 317(b) reads as follows:

(b) Whenever any working place approaches within 50 feet of abandoned areas in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within 200 feet of any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within 200 feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least 20 feet in advance of the working face of such working place and shall be continually maintained to a distance of at least 10 feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing working face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled not more than 8 feet apart in the rib of such working place to a distance of at least 20 feet and at an angle of 45°. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of miners in such place.

Petitioner asserts that mining operations at the mine are in retreat and that the mine will be permanently closed this spring. In order to complete retreat procedures it is necessary to remove all pillar coal in the old workings. Petitioner has done so for a considerable length of time without drilling holes near the old workings and has been removing pillars without any danger. Petitioner states that it knows by its certified maps exactly where mining operations are carried on with reference to abandoned areas and old workings. It asks that it be allowed to continue its present method of removing pillars and barriers between old workings without complying with the drilling requirements of section 317(b).

Parties interested in the petition shall file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
*Acting Director,*
*Office of Hearings and Appeals.*

JANUARY 13, 1972.

[FR Doc.72-850 Filed 1-19-72;8:48 am]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## ORGANIZATION AND DELEGATIONS

### Statement Regarding Redelegations on Temporary Basis

The notice published in 36 F.R. 21529 with respect to delegations of authority within the Department of Agriculture stated that delegations of authority to those agencies and offices reporting directly to the Secretary or Under Secretary had been reconfirmed for a 90-day period, effective October 20, 1971. Such 90-day period is hereby extended for an additional 90 days.

Dated: January 17, 1972.

EARL L. BUTZ,
*Secretary of Agriculture.*

[FR Doc.72-889 Filed 1-19-72;8:51 am]

# DEPARTMENT OF COMMERCE

## Office of Import Programs

## ARMY MATERIALS AND MECHANICS RESEARCH CENTER ET AL.

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

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

*Decision.* Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

*Reasons.* Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications. Section 602.5(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 70-00683-01-46500. Applicant: Army Materials & Mechanics Research Center, Arsenal Street, Watertown, Mass. 02172. Article: Ultramicrotome and Knifemaker, LKB 8800A. Date of denial without prejudice to resubmission: March 24, 1971.

Docket No. 70-00718-89-43000. Applicant: Brown University, Department of Geological Sciences, Rhode Island Hall, Providence, R.I. 02912. Article: 3 magnetometers, Type MF1-100. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 70-00755-33-46500. Applicant: Medical College of Ohio at Toledo, Department of Physiology, Post Office Box 6190, Toledo, OH 43614. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: March 24, 1971.

Docket No. 70-00760-01-77030. Applicant: Southern Connecticut State College, Department of Chemistry, 501 Crescent Street, New Haven, CT 06515. Article: NMR spectrometer, Model R-20A. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 70-00766-01-77030. Applicant: University of North Carolina, Chapel Hill, N.C. 27514. Article: NMR spectrometer, Model JNM-C-60HL. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 70-00771-01-77030. Applicant: Midwestern University, 3400 Taft, Wichita Falls, TX 76308. Article: NMR spectrometer, Model R-20. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 70-00793-01-10100. Applicant: Tufts University School of Medicine, Division of Protein Chemistry, 136 Harrison Avenue, Boston, MA 02111. Article: Reaction apparatus. Date of denial without prejudice to resubmission: January 13, 1971.

Docket No. 71-00009-56-73700. Applicant, Texas A. & M. University, Department of Oceanography, College Station, Tex. 77843. Article: Auto-lab Model 601 MKIII inductive salinometer. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 71-00011-56-17500. Applicant: ESSA/Atlantic Oceanographic and Meteorological Laboratories, 901 South Miami Avenue, Miami, FL 33130. Article: Current meter, Model 4. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 71-00028-01-42900. Applicant: University of Wyoming, Post Office Box 3314, Laramie, WY 82070. Article: Superconducting magnet. Date of denial without prejudice to resubmission: January 13, 1971.

Docket No. 71-00040-33-46500. Applicant: Creighton University School of Medicine, 2500 California Street, Omaha, NE 68131. Article: Ultramicrotome, OM U2. Date of denial without prejudice to resubmission: January 18, 1971.

Docket No. 71-00097-98-30600. Applicant: Fairleigh Dickinson University, 1000 River Road, Teaneck, NJ 07666. Article: Hydrostatic pressure and center of pressure apparatus. Date of denial without prejudice to resubmission: January 18, 1971.

Docket No. 71-00164-83-25100. Applicant: University of Delaware, Department of Geology, Newark, Del. 19711. Article: Perspektomat-P-40, Model D (stereographic drafting device). Date of denial without prejudice to resubmission: January 13, 1971.

Docket No. 71-00268-16-61800. Applicant: Greater Johnstown School District, 501-509 Chestnut Street, Johnstown, PA 15906. Article: Planetarium Model Apollo. Date of denial without prejudice to resubmission: March 3, 1971.

SETH M. BODNER,
*Director,*
*Office of Import Programs.*

[FR Doc.72-864 Filed 1-19-72;8:49 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### FMC CORP.

### Notice of Withdrawal of Petition for Food Additives

Pursuant to 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), American Viscose Division, FMC Corp., Marcus Hook, Pa. 19061, has withdrawn its petition (FAP 1B2704), for which notice of filing was published in the FEDERAL REGISTER of August 3, 1971 (36 F.R. 14279), proposing that § 121.2536 *Filters, resin-bonded* (21 CFR 121.2536) be amended to provide for the safe use of polyethylene terephthalate in the manufacture of resin-bonded filters for food-contact use.

Dated: January 11, 1972.

VIRGIL O. WODICKA,
*Director, Bureau of Foods.*

[FR Doc.72-866 Filed 1-19-72;8:50 am]

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### WESTON CHEMICAL, INC.

### 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 2B2759) has been filed by Weston Chemical, Inc., 103 Spring Valley Road, Montvale, N.J. 07645, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of distearyl pentaerythritol diphosphite as an antioxidant and/or stabilizer in the manufacture of polyolefin plastics intended for food contact use.

Dated: January 11, 1972.

VIRGIL O. WODICKA,
*Director, Bureau of Foods.*

[FR Doc.72-868 Filed 1-19-72;8:50 am]

## Office of the Secretary

### HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

### Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), as amended, is hereby amended with regard to section 3-20, *Organization and Functions,* as follows:

Revise the mission statement of the Center for Disease Control (3G00) by substituting the following center head and succeeding paragraph:

CENTER FOR DISEASE CONTROL (3G00)

(1) Plans, conducts, coordinates, supports, and evaluates a national program for the prevention and control, including interstate spread, of communicable and vector-borne diseases and other preventable conditions—including those related to malnutrition—through (a) surveillance, (b) research and development, (c) epidemiologic studies, (d) consultation and training, (e) public information and education, (f) technical assistance, (g) community demonstrations, and (h) control of importation and interstate shipment of etiologic agents and vectors; (2) directs and enforces foreign quarantine activities and regulations; (3) provides consultation and assistance in upgrading the performance of clinical laboratories and evaluates and licenses clinical laboratories engaged in interstate commerce; (4) provides consultation to international organizations and other nations in the control of preventable diseases, and administers international activities for the eradication or control of malaria, malnutrition, measles, smallpox, and other preventable conditions; and (5) administers a nationwide educational and monitoring program in the field of smoking and health.

Also, after the end of the paragraph entitled *Malaria Program (3G55),* insert a new paragraph with sidehead:

*National Clearinghouse for Smoking and Health (3G56).* (1) Provides leadership and direction for a national program to reduce death and disability due to smoking; (2) acts as coordinator for Department activities related to smoking and health, maintaining liaison, through the Office of the Administrator or directly as deemed appropriate by HSMHA, with other Federal agencies and with official and voluntary groups concerned with the problem; (3) participates in the activities of the National Interagency Council on Smoking and Health; (4) provides consultation to State and Local Interagency Councils and to industrial and local groups in developing coordinated community approaches to smoking control programs; (5) prepares an annual report to Congress reviewing the medical and scientific evidence on the health consequences of smoking; (6) collects, organizes, and disseminates scientific information, maintaining the comprehensive Clearinghouse literature collection; (7) works with groups and organizations, within and outside government, carrying out cooperative programs of public information and education for use in all media; (8) works with health and education programs on smoking and health, including innovative methods of developing health education in the schools; and (9) plans and carries out studies to furnish a better understanding of the dynamics of smoking behavior, and to evaluate program progress and effectiveness.

Also, revise the mission statement of the Regional Medical Programs Service (3R00) by substituting the following center head and succeeding paragraph:

REGIONAL MEDICAL PROGRAMS SERVICE (3R00)

Serves as the focal point in the Health Services and Mental Health Administration (HSMHA) for improving personal health care through development of the quality of performance by the providers of care, placing special emphasis on continuing education of established professional health personnel and on cooperative arrangements among providers of care: (1) Supports grants and contracts to encourage the development of regional cooperative arrangements among medical centers, research institutions, hospitals, the health professions, and other providers of care which show promise of leading to the regionalization of health resources and enhancement of the capabilities of providers of care at the community level; (2) furnishes professional and technical assistance and advice to the regional medical programs, States, and local communities; (3) conducts programs focused primarily on developing, testing, and evaluating methods at the community level for closing the health care gap; and (4) administers a specialized pilot program in the field of kidney disease.

Also, delete the paragraph entitled *National Clearinghouse for Smoking and Health (3R57).*

Dated: January 14, 1972.

RODNEY H. BRADY,
*Assistant Secretary for Administration and Management.*

[FR Doc.72-862 Filed 1-19-72;8:49 am]

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

[CGFR 72-9]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials

used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from November 12, 1971, to November 18, 1971 (List No. 34–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for Use on Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.049/261/0, special approval for a 16- x 16- x 2½-inch plastic foam rectangular cushion, U.S.C.G. Specification Subpart 160.049 and Underwriters' Laboratories, Inc., Marine Department (UL/MD) report No. MQ107, manufactured by Wellington Puritan Mills, Monticello Highway, Madison, Ga. 30650, effective November 18, 1971. (It supersedes Approval No. 160.049/261/0 dated August 30, 1971 to show minor changes.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/17/0, West Products Corp. Model No. 2217 "Sea-Line" flashlight, waterproof, Type I, size 2 (2-cell), identified by Bright Star Industries assembly dwg. No. 3F–1878–A dated December 21, 1966, each flashlight shall be plainly marked with the name of the distributor (West Products Corp.), Sea-Line No. 2217, and the above approval number, manufactured by West Products Corp., Post Office Box 707, Newark, N.J. 07101, effective November 16, 1971. (It is an extension of Approval No. 161.008/17/0 dated January 11, 1967.)

Approval No. 161.008/18/0, West Products Corp. Model No. 2224 "Sea-Line" flashlight, waterproof, Type I, size 3 (3-cell), identified by Bright Star Industries assembly dwg. No. 3F–1879–A dated December 22, 1966, each flashlight shall be plainly marked with the name of the distributor (West Products Corp.), Sea-Line No. 2224, and the above approval number, manufactured by West Products Corp., Post Office Box 707, Newark, N.J. 07101, effective November 16, 1971. (It is an extension of Approval No. 161.008/18/0 dated January 11, 1967.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/15/1, Marine Veneer, an inorganic heavy density panel identical to that described in Johns-Manville letter of March 3, 1947, approved as meeting Class B–15 requirements on an inch for inch basis with a minimum thickness of ½-inch Marinite 23 or 36 core, formerly J–M Marine Veneer, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective November 12, 1971. (It supersedes Approval No. 164.008/15/1 date February 24, 1967 to show minor changes.)

Approval No. 164.008/29/1, "Marinite-23", inorganic composition board type bulkhead panel, identical to that described in Protexol Testing Laboratory Report No. 193 dated February 24, 1950, approved as meeting Class B–15 requirements in a ¾-inch thickness, when veneered with combustible material not meeting the requirements of 46 CFR Subpart 164.012 the restrictions of Subpart 72.05–15 apply, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective November 12, 1971. (It supersedes Approval No. 164.008/29/1 dated February 27, 1967 to show minor changes.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/100/0, Porter Style "(RWL–100) 9350–67 Custom-Lag" treated asbestos cloth incombustible material as described in H. K. Porter Co., Inc., letter dated January 18, 1967, in a weight of 0.75 through 3.5 pounds per square yard, manufactured by H. K. Porter Co., Inc., Thermoid Division, Post Office Box 10516, Charlotte, NC 28201, effective November 15, 1971. (It is an extension of Approval No. 164.009/100/0 dated January 20, 1967.)

Approval No. 164.009/101/0, Porter Style "(RWL–100) 9350–86 Custom-Lag" treated asbestos cloth incombustible material as described in H. K. Porter Co., Inc., letter dated January 18, 1967, in a weight of 0.75 through 3.5 pounds per square yard, manufactured by H. K. Porter Co., Inc., Thermoid Division, Post Office Box 10516, Charlotte NC 28201, effective November 15, 1971. (It is an extension of Approval No. 164.009/101/0 dated January 20, 1967.)

Dated: January 11, 1972.

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

[FR Doc.72-846 Filed 1-19-72;8:48 am]

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[CGFR 72-8]

## EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from November 10, 1971, to December 1, 1971 (List No. 33–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT APPARATUS FOR MERCHANT VESSELS

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain buoyant apparatus and Approval No. 160.010/17/1 was therefore terminated effective November 10, 1971.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.015/60/0 expired and was terminated effective December 1, 1971.

LIFEFLOATS FOR MERCHANT VESSELS

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain life floats and Approvals Nos. 160.027/5/1, 160.027/6/1, 160.027/7/1, 160.027/8/1, and 160.027/9/1 were therefore terminated effective November 10, 1971.

LIFEBOATS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufactures certain lifeboats and Approvals Nos. 160.035/236/2 and 160.035/401/3 were therefore terminated effective November 17, 1971.

FLASHLIGHTS, ELECTRIC, HAND

The Fulton Manufacturing, Division of Chromalloy American Corp., Wauseon, Ohio 43567, no longer manufactures certain hand electric flashlights and Approval No. 161.008/14/0 was therefore

terminated effective November 10, 1971.

The Bright Star Industries, 600 Getty Avenue, Clifton, NJ 07011, no longer manufactures certain hand electric flashlights and Approvals Nos. 161.008/15/2 and 161.008/16/2 were therefore terminated effective November 11, 1971.

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

The Tate Engineering, Inc., 516 South Eutaw Street, Baltimore, MD 21201, Approval No. 162.017/93/0 expired and was terminated effective November 30, 1971.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED, FOR MERCHANT VESSELS

The Clayton Manufacturing Co., Post Office Box 550, El Monte, CA 91734, Approval No. 162.026/1/0 expired and was terminated effective December 1, 1971.

Dated: January 11, 1972.

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

[FR Doc.72-847 Filed 1-19-72;8:48 am]

## Office of the Secretary

### ASSISTANT SECRETARY OF TRANSPORTATION FOR ADMINISTRATION

#### Delegation of Authority Regarding Receipt and Disbursement of Certain Gifts

The Assistant Secretary of Transportation for Administration is hereby delegated authority under section 9(m) of the Department of Transportation Act (80 Stat. 946; 49 U.S.C. 1657(m)) with respect to monetary gifts made to the Department on behalf of the Youths Highway Safety Advisory Committee. Funds received under this delegation may be utilized only to support the activities of the Youths Highway Safety Advisory Committee and disbursements in excess of $100 may be made only upon the recommendation of the Committee. This authority may be redelegated within the Office of the Secretary.

This delegation is made pursuant to the authority of section 9(e) of the Department of Transportation Act (80 Stat. 944; 49 U.S.C. 1657(e)).

This delegation is effective immediately and terminates on October 1, 1972.

Issued in Washington, D.C., on January 13, 1972.

JAMES M. BEGGS,
*Acting Secretary of Transportation.*

[FR Doc.72-843 Filed 1-19-72;8:47 am]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-237]

### COMMONWEALTH EDISON CO.

#### Notice of Issuance of Provisional Operating License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Provisional Operating License No. DPR-19 dated December 22, 1969. The license presently authorizes the Commonwealth Edison Co. to receive, possess, and use at any time, in its Dresden Nuclear Power Station Unit No. 2, up to 5,000 kilograms of contained uranium-235 in connection with operation of the facility. The amendment revises the license (paragraph 2B) to authorize the receipt, possession and use at any time up to 6,000 kilograms of contained uranium-235 in connection with operation of the facility.

The Commission has found the application for the amendment dated December 7, 1971, complies with the provisions of the Atomic Energy Act of 1954, as amended (the Act), and of the rules and regulations of the Commission. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated December 7, 1971, and (2) the amendment, which is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 13th day of January 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-814 Filed 1-19-72;8:45 am]

### PHILADELPHIA ELECTRIC CO.

#### Order Setting Second Prehearing Conference

In the matter of Philadelphia Electric Co. (Limerick Generating Station Units 1 and 2), Dockets Nos. 50-352, 50-353.

At the prehearing conference held on January 5, 1972, consideration was given to a second prehearing conference and February 2 was designated for that conference. Due to schedule requirements of other cases, it is necessary to change the second prehearing conference in this proceeding to February 9, 1972. Upon inquiry of all attorneys, this change of date is convenient to their schedules.

*Wherefore, it is ordered,* In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that a second prehearing conference in this proceeding shall convene at 10 a.m. on Wednesday, February 9, 1972, in Courtroom A, Montgomery County Courthouse, Swede and Airy Streets, Norristown, Pa.

Issued: January 14, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
*Chairman.*

[FR Doc.72-816 Filed 1-19-72;8:45 am]

### PUBLIC SERVICE ELECTRIC AND GAS CO.

#### Order Setting Second Prehearing Conference

In the matter of Public Service Electric and Gas Co. (Newbold Island Nuclear Generating Station Units 1 and 2), Dockets Nos. 50-354, 50-355.

At the prehearing conference held on January 6, 1972, consideration was given to a second prehearing conference and February 16 was designated for that conference. Due to schedule requirements of other cases, it is necessary to change the second prehearing conference in this proceeding to February 23, 1972. Upon inquiry of all attorneys, this change of date is convenient to their schedules.

*Wherefore, it is ordered,* In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that a second prehearing conference in this proceeding shall convene at 10 a.m. on Wednesday, February 23, 1972, at the Holiday Inn, 240 West State Street, Trenton, N.J.

Issued: January 14, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
*Chairman.*

[FR Doc.72-815 Filed 1-19-72;8:45 am]

# CIVIL AERONAUTICS BOARD

[Docket No. 23105]

### AIR CAICOS LTD.

#### Notice of Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in this matter scheduled to begin at 10 a.m., in Room 503, on January 17, 1972, is hereby indefinitely postponed.

Dated at Washington, D.C., January 14, 1972.

[SEAL] JOSEPH L. FITZMAURICE,
*Hearing Examiner.*

[FR Doc.72-876 Filed 1-19-72;8:49 am]

[Docket No. 23652]

## GOLDEN WEST AIRLINES, INC., AND LOS ANGELES AIRWAYS, INC.

### Notice of Hearing Regarding Acquisition Agreement et al.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 7, 1972, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Harry H. Schneider.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on September 24, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 17, 1972.

[SEAL] HARRY H. SCHNEIDER,
*Hearing Examiner.*

[FR Doc.72-875 Filed 1-19-72;8:49 am]

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[Docket No. 20993; Order 72-1-31]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Specific Commodity Rates

Issued under delegated authority January 12, 1972.

Agreement adopted by Traffic Conference 3 and the Joint Conferences of the International Air Transport Association relating to specific commodity rates. Docket 20993, Agreement CAB 22332, R-28, R-51, and R-52.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 and the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

Among other things, the agreement names additional specific commodity rates (under existing commodity descriptions), which were adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 29, 1971. These rates reflect reductions from the general cargo rates and are set forth in the attachment hereto.[1]

Pursuant to authority duly delegated by the Board in the Board's economic regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Agreement CAB 22332, R-51 and R-52 is adverse to the public interest or in violation of the Act, provided that eventual approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered,* That:

Action on Agreement CAB 22332, R-51 and R-52, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

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

[FR Doc.72-877 Filed 1-19-72;8:49 am]

# CIVIL SERVICE COMMISSION

## DEPARTMENT OF COMMERCE

### Notice of Grant of Authority To Make Noncareer Executive Assignments

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

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

[FR Doc.72-855 Filed 1-19-72;8:48 am]

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## OFFICE OF ECONOMIC OPPORTUNITY

### Notice of Grant of Authority To Make Noncarrer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Associate Director for Congressional Relations, Office of Congressional and Public Affairs.

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

[FR Doc.72-856 Filed 1-19-72;8:48 am]

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## OFFICE OF ECONOMIC OPPORTUNITY

### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Intergovernmental Relations Division, Office of Program Review.

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

[FR Doc.72-857 Filed 1-19-72;8:48 am]

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## OFFICE OF ECONOMIC OPPORTUNITY

### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Community Development Division, Office of Program Development.

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

[FR Doc.72-858 Filed 1-19-72;8:48 am]

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[1] The portion of Agreement CAB 22332 which is designated as R-28 pertains to the cancellation of a specific commodity rate (209 cents per kg., minimum weight 100 kgs.) for traffic moving from Seoul to New York under Item 6681 ("False Eye Lashes"), and was promulgated in an IATA letter dated Sept. 9, 1971. However, inasmuch as the cancellation of said rate would have effected an increase by rendering applicable the higher general cargo rate, action by the Board was held in abeyance because of price stabilization policies encompassed within Executive Order 11615. By letter dated Dec. 30, 1971, IATA has notified the Board that the basic cargo rate agreement, under which the rate cancellation was filed, has expired. Accordingly, no action by the Board is required on Agreement CAB 22332, R-28, which is filed as part of the original document.

## OFFICE OF ECONOMIC OPPORTUNITY

### Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of the General Counsel.

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

[FR Doc.72-859 Filed 1-19-72;8:49 am]

## OFFICE OF ECONOMIC OPPORTUNITY

### Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Chief, Research Division, Office of Planning Research and Evaluation.

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

[FR Doc.72-860 Filed 1-19-72;8:49 am]

# DELAWARE RIVER BASIN COMMISSION

## COMPREHENSIVE PLAN

### Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 26, 1972, in the South Auditorium of the ASTM Building, 1916 Race Street, Philadelphia, PA, commencing at 2 p.m. The subjects of the hearing are as follows:

I. Proposal to amend the Comprehensive Plan in accordance with Article 11 of the Delaware River Basin Compact so as to include the following projects:

(a) Warren County-Paulins Kill Sewer Authority: A waste treatment plant to serve the Village of Columbia, Warren County, N.J. The facility will be located at the confluence of the Paulins Kill and the Delaware River. It is designed to provide treatment for 50,000 gallons per day and to remove 90 percent of $BOD_5$. Treated effluent will discharge to the Paulins Kill River.

(b) Warren County-Paulins Kill Sewer Authority: A regional sewerage project consisting of a sewage treatment plant and pumping station serving the area of Blairstown, Warren County, N.J. The treatment plant will be phased out in 1990 and sewage will be conveyed by interceptor to the regional plant at Columbia. The project is designed to achieve a reduction of 90 percent of $BOD_5$ in a sewage flow of 500,000 gallons per day. Discharge is to the Paulins Kill River.

(c) Warren County-Pequest River Sewer Authority: A sewage treatment plant to serve the area of Belvidere, White Township, Warren County, N.J. Located at the confluence of the Pophandusing Creek and the Delaware River, the treatment is designed to provide 90 percent removal of $BOD_5$ in a sewage flow of about 500,000 gallons per day. Treated effluent will discharge to the Delaware River.

(d) Warren County-Pequest River Sewer Authority: A sewage treatment plant to serve the area of Hope Township, Warren County, N.J. Located at the confluence of Trout Brook and Beaver Brook, the treatment plant is designed to provide 90 percent removal of $BOD_5$ in a sewage flow of 50,000 gallons per day. Treated effluent will discharge to Beaver Brook.

(e) Warren County-Pequest River Sewer Authority: A sewage treatment plant located in the town of Oxford, Warren County, N.J. The treatment plant will be phased out after 1990 and sewage conveyed to the regional plant at Belvidere. The project is designed to provide 95 percent removal of $BOD_5$ in a sewage flow of 500,000 gallons per day. Treated effluent will discharge to Furnace Brook.

(f) Broadkill Beach Water Co.: A well water supply project to augment public water supplies in the area of Broadkill Beach, Sussex County, Del. Withdrawals would be limited to a maximum of 200,000 gallons per day during the summer months and 100,000 gallons per day at other times.

(g) Borough of Delaware Water Gap: A well water supply project to replace an existing well in the Borough of Delaware Water Gap, Monroe County, Pa. The new facility is expected to provide a yield of 500,000 gallons per day.

(h) Berkshire Greens, Inc.: A well water supply project to provide public water supplies in a development area known as Flying Hills, Cumru Township, Berks County, Pa. Designated as Well No. 1, the new facility is expected to provide a yield of 432,000 gallons per day.

(i) Village of Stamford: A sewerage interceptor and collection system to serve the Village of Stamford, Delaware County, N.Y. Collecting and interceptor sewers would be installed to replace part of the existing system. Sewage will be conveyed to a new treatment plant with ultimate discharge to the West Branch Delaware River.

(j) Philadelphia Water Department: A temporary tie-in sewer extension connecting the city of Philadelphia's Cobb Creek interceptor to the Darby Creek Joint Authority's Colwyn interceptor. An average of 1.5 million gallons per day would be discharged into the Philadelphia collecting system and conveyed to the city's Southwest water pollution control treatment plant.

II. Proposal to approve the following water pollution abatement schedules as submitted in accordance with section 3-4.2(2) of the Basin Regulations-Water Quality:

(a) Schedule A-72-1—New Castle County Department of Public Works—South Christiana Treatment Plant. An allocation of 130 pounds per day of carbonaceous (first stage) oxygen demand has been made for this temporary treatment plant located in New Castle County, Del., and discharging into Zone 5 of the Delaware Estuary. The proposed abatement schedule requires a minimum waste reduction of 87.5 percent and requires that facilities to accomplish this reduction shall go into operation no later than August 1, 1972.

(b) A-70-8 (revision)—ICI America, Inc. (formerly Atlas Chemical Industries, Inc.). An allocation of 4,640 pounds per day of carbonaceous (first stage) oxygen demand has been made for this industrial waste treatment facility located in Wilmington, Del., and discharging into Zone 5 of the Delaware Estuary. An original abatement schedule for this facility was approved on November 24, 1970, and requires a minimum waste reduction of 87.5 percent and requires that treatment facilities to accomplish this reduction shall go into operation no later than December 31, 1973. The proposed revision changes the interim dates of the abatement schedule but the completion date of the original schedule remains unchanged.

Documents relating to the items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
*Secretary.*

JANUARY 13, 1972.

[FR Doc.72-830 Filed 1-19-72;8:46 am]

# FEDERAL HOME LOAN BANK BOARD

[H.C. 115]

## IMPERIAL CORPORATION OF AMERICA

### Notice of Receipt of Application for Approval of Acquisition of Control of Guarantee Savings and Loan Association of Whittier

JANUARY 17, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Guarantee Savings and Loan Association of Whittier, Whittier, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as

amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of the guarantee stock of Guarantee Savings and Loan Association of Whittier for stock of Imperial Corporation of America. Following the proposed acquisition, Imperial Corp. proposes to merge Guarantee Savings and Loan Association of Whittier into Imperial Savings and Loan Association of Newport-Pasadena, Pasadena, Calif., an insured subsidiary of Imperial Corp. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary,*
*Federal Home Loan Bank Board.*

[FR Doc.72-878 Filed 1-19-72;8:50 am]

# FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1115]

## MONMOUTH SHIPPING CORP.

### Order of Revocation

On December 28, 1971, Monmouth Shipping Corp., 73 Huntington Street, Brooklyn, NY, voluntarily surrendered its FMC License No. 1115.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated September 29, 1970);

*It is ordered,* That the Independent Ocean Freight Forwarder License No. 1115 of Monmouth Shipping Corp. be and is hereby revoked effective December 28, 1971, without prejudice to reapply for a license at a later date.

*It is further ordered,* That a copy of this order be published in the FEDERAL REGISTER and served upon Monmouth Shipping Corp.

AARON W. REESE,
*Managing Director.*

[FR Doc.72-819 Filed 1-19-72;8:46 am]

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## CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

| *Certificate No.* | *Owner/operator and vessels* |
|---|---|
| 01038--- | A/S S/S Mathilda:<br>Bow Cecil. |
| 01054--- | Wilhelm Wilhelmsen:<br>Troubadour. |
| 01064--- | Reinauer Transportation Cos., Inc.:<br>R.T.C. 115. |
| 01110--- | Navieros Oceanicos S.A.:<br>Trade Daring. |
| 01111--- | Trade Lines, Inc.:<br>Trade Banner. |
| 01115--- | Marastro Compania Naviera S.A.:<br>Anna P.C. |
| 01287--- | Knohr & Burchard Nfl.:<br>Wandsbek.<br>Schwarzenbek. |
| 01303--- | Prince Line Ltd.:<br>Derwent. |
| 01305--- | Royal Mail Lines Ltd.:<br>Chandeleur.<br>Somers Isle.<br>Eleuthera. |
| 01334--- | American President Lines, Ltd.:<br>President Van Buren.<br>President Grant. |
| 01428--- | The Ocean Steam Ship Co., Ltd.:<br>Talthybius.<br>Telamon. |
| 01467--- | Lowland Tanker Co., Ltd.:<br>Border Reiver. |
| 01557--- | Knut Knutsen O.A.S.:<br>Ogeka Bakke. |
| 01577--- | Meteor Cruises A/S:<br>M/V Meteor. |
| 01716--- | Achille Lauro-Napoli:<br>Callao. |
| 01747--- | Marvirtud Navegacion S.A., Panama:<br>Gordian. |
| 01750--- | Astro Marino Navegacion S.A., Panama:<br>Numerian. |
| 01803--- | Texas City Refining, Inc.:<br>William J. Fields.<br>V. A. Fogg.<br>S/S The Cabins. |
| 01841--- | Chas. Kurz & Co., Inc.:<br>Cherry Valley. |
| 01844--- | Nationale Tankvaart Maatschappij N.V.:<br>Forest Town.<br>Forest Lake. |
| 01933--- | Dampskibsselskabet AF 1912 Aktieselskab:<br>Maersk Supplier. |
| 01982--- | AB Svenska Ostasiatiska Kompaniet:<br>Hainan. |
| 01986--- | Aktiebolaget Transmarin:<br>Vava.<br>Neva. |
| 02001--- | Rederiaktiebolaget Transatlantic:<br>Nimbus. |
| 02037--- | Shosen Mitsui Kyakusen K.K.:<br>Sakura Maru. |
| 02051--- | N. Michalos & Sons Maritime Co., Ltd.:<br>Calliopi Michalos. |
| 02097--- | Penelope Shipping Co.:<br>World Mermaid. |
| 02152--- | A. F. Klaveness & Co. A/S as Agents:<br>Corneville.<br>Sunnyville.<br>Bronxville. |
| 02210--- | American Mail Line Ltd.:<br>Oregon Mail. |
| 02249--- | Fisser & v. Doornum:<br>Steintor. |
| 02332--- | Lykes Bros. Steamship Co., Inc.:<br>Kenneth McKay. |
| 02354--- | Armatrice Santa Lucia S.p.A.:<br>Carlo Cameli.<br>San Guisto.<br>Agricentum. |
| 02355--- | Van Nievelt, Goudriaan & Co.'s Stoomvaart Maatschappij N.V.:<br>Sertan. |
| 02368--- | Canadian Pacific Steamships:<br>Beaverpine. |
| 02371--- | Seaways Carriers Co., S.A.:<br>Sanouko. |
| 02450--- | Rederiaktiebolaget Hildegaard:<br>Brettenham. |
| 02458--- | The China Navigation Co., Ltd.:<br>Six Stars.<br>Kuala Lumpur. |
| 02496--- | United States Steel Corp.:<br>Hughes No. 534.<br>Hughes No. 102. |
| 02551--- | Ellerman Lines Lt.:<br>City of Birkenhead. |
| 02827--- | National Bulk Carriers, Inc.:<br>Amtank.<br>Hampton Roads. |
| 02839--- | Valles Steamship Co., Ltd.:<br>Silver Longevity. |
| 02872--- | States Marine International, Inc.:<br>Sunshine State.<br>Old Dominion State. |
| 02877--- | Nippon Yusen Kabushiki Kaisha (The Japan Mail Steamship Co., Ltd.):<br>Asama Maru.<br>Seta Maru. |
| 02917--- | Scherkate Sahami Keschtirani Maelli Arya:<br>Arya Dad. |
| 02920--- | Atlantic Shipping Inc.:<br>Flores. |
| 02956--- | Ashland Oil, Inc.:<br>Ellis 1251.<br>Ellis 1252. |
| 02977--- | J. Ray McDermott & Co., Inc.:<br>LBR-104A. |
| 03057--- | British India Steam Navigation Co., Ltd.:<br>Bulimba.<br>Sirsa.<br>Purnea. |
| 03212--- | Amoco Shipping Co.:<br>Amoco Delaware. |
| 03215--- | Rederiaktiebolaget Salenia:<br>Cayman. |
| 03216--- | Rederiaktiebolaget Rex:<br>Bjorno. |
| 03278--- | Gem Navigation Co.:<br>Gem Star.<br>Dea Maris. |
| 03284--- | The Indo-China Steam Navigation Co., Ltd.:<br>Eastern Moon. |
| 03399--- | Audin Reksten Rederi A/S:<br>Octavian. |
| 03424--- | Fuji Kisen K.K.:<br>Heiwa Maru.<br>Ogurasan. |
| 03450--- | Kotani Kaiun Goshi Kaisha:<br>Kyokuyo Maru. |
| 03470--- | Nikko Kaiji K.K.:<br>M/S Yuyo Maru. |
| 03484--- | Sanko Kisen K.K.:<br>Caspi Maru. |
| 03523--- | Tosho Kaiun Kabushiki Kaisha:<br>Seisho Maru No. 2. |
| 03526--- | Uwajima Shosen K.K.:<br>Daisy. |
| 03532--- | Zuisei Kaiun Kabushiki Kaisha:<br>Teiko Maru. |
| 03535--- | Herlofson Shipping Co. A/S Skibsaktieselskapet Herva:<br>Tank Duchess. |
| 03567--- | A/S Eikland:<br>Skaumor. |
| 03733--- | Great Lakes Dredge & Dock Co.:<br>G.L. 137.<br>M-31. |
| 03742--- | Bauer Dredging Co., Inc.:<br>Bauer ST-2. |
| 03981--- | Moran Towing of Puerto Rico, Inc.:<br>New Jersey. |
| 03981--- | D. M. Picton & Co., Inc.:<br>Chemical No. 1. |
| 04044--- | N. R. Bugge Skibsaksjeselskap:<br>Besna. |

| Certificate No. | Owner/operator and vessels |
|---|---|
| 04123--- | J. M. Johannesens Rederi A/S: Finse. |
| 04285--- | Western Contracting Corp.: Western Brave. |
| 04356--- | Pacific Far East Line, Inc.: Japan Bear. |
| 04357--- | Koninklijke Nedlloyd N.V.: Rondo. |
| 04395--- | Permanente Steamship Corp.: Permanente Silverbow. |
| 04398--- | Hapag-Lloyd Aktiengesellschaft: Barenstein. Dortmund. Emsstein. Flensburg. Rheinstein. Saarstein. Twadika. |
| 04407--- | Domar, Inc.: Z-100. |
| 04433--- | Allied Chemical Corp.: ETT112. HTC102. HTC103. HTC104. |
| 04449--- | China Merchants Steam Navigation Co., Ltd.: Hao Ho. |
| 04501--- | Kanagawa Enyo Gyogo Kabushiki Kaisha: Tenshinmaru. Hakuhomaru. |
| 04598--- | Ulysses Shipping Co., Inc.: Ulysses. |
| 04599--- | Transea Carriers, Inc.: Spruce Woods. |
| 04674--- | Pescanova, S.A.: Mardepesca Uno. |
| 04770--- | Texaco Panama Inc.: Texaco Kenya. Texaco London. Texaco Puerto Rico. |
| 04794--- | Sea King Corp.: Grand Trader. |
| 04826--- | Ithaca Star Shipping Ltd.: Stolt Ithaca. |
| 04827--- | Thassosmar Shipping Corp.: Mentor. |
| 04828--- | Marishipping Co., Inc.: Mariner. |
| 04933--- | The Revilo Corp.: Barge No. 6. |
| 04942--- | Miguel Compania Naviera S.A.: Stolt Prince. |
| 05113--- | Hesperis Shipping Corp.: Binky. |
| 05135--- | Poseidonia Maritime Ltd.: Solsyn. |
| 05212--- | Alpine Geophysical Associates Inc.: Santa Maria. |
| 05297--- | Caribbean Navigation Co., Ltd.: Silvaplana. |
| 05437--- | The Dow Chemical Co.: DC-9. |
| 05513--- | Ulrich Harms G.m.b.H. & Co.: Mulus II. Varius I. Varius II. Varius III. |
| 05520--- | Union Carbide Corp.: IOT 6. IOT 351. IOT 352. |
| 05886--- | Hughes Bros. Inc.: Hughes No. 136. Hughes No. 286. |

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.72-818 Filed 1-19-72;8:45 am]

# FEDERAL POWER COMMISSION

[Docket No. R-411]

## ACCOUNTNG AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS

### Order of Clarification and Denial of Rehearing or Modification

JANUARY 7, 1972.

Accounting and rate treatment of advance payments to suppliers for exploration and lease acquisition of gas producing properties, Docket No. R-411.

On November 10, 1971, the Commission issued Order No. 441 (36 F.R. 21961) amending its regulations under the Natural Gas Act so as to provide for accounting and rate treatment of advance payments made to suppliers by pipelines for gas to be delivered at a future date. Order No. 441 issued as a result of a proposed rule making in this proceeding of which notice issued on January 8, 1971 (36 F.R. 377).

A petition for rehearing of Order No. 441 was filed by the Public Service Commission of New York (New York) on December 10, 1971. New York opposes as "unlawful" the Commission's authorization of rate base treatment for advance payments made for development purposes through December 31, 1972. That portion of Order No. 441 which holds that all advances made prior to November 10, 1971, will receive the rate treatment prescribed in Orders 410 and 410-A in Docket No. R-380, and the determination in Order No. 441 that specified advance payments to pipeline affiliates shall be treated the same as similar advances to independent producers are argued as "unlawful" by New York. The possibility of circumvention of the Commission's intent is also raised by New York in regard to the limitations imposed on advance payments for purposes of rate treatment.

We find no facts or arguments in New York's petition that have not already been considered by the Commission. The lawfulness of the Commission's Order No. 441 is challenged, but no reasons have been advanced beyond the general position that the prescribed rate treatment for advance payments is inherently unlawful. The inherent unlawfulness being unapparent to the Commission, New York's petition for rehearing is found without merit.

A petition for clarification on rehearing was filed by Tennessee Gas Pipeline Co. (Tennessee) on December 10, 1971, by telegram and on December 14, 1971, by supplement.

Tennessee suggests that the presence of the word "exploration" in the first line, third column on page 21961, is inconsistent with the substance of Order No. 441. While advances for exploration and lease acquisition are precluded from rate base treatment in this order, it is our opinion that our advance payments policy for the immediate term will, by encouraging pipelines to make advances for development and production, permit producers to have more of their own funds available for exploration.

Tennessee questions the accounting steps that should be taken in the event of a pre-Order No. 441 advance become nonrecoverable. We believe the language in the first full paragraph of the third column, page 21961, in Order No. 441 to be fully dispositive, i.e.,

> All advances made under contracts executed prior to the issuance of this order shall receive rate treatment in accordance with the provisions of Orders Nos. 410 and 410-A in Docket No. R-380.

Tennessee also indicates a possible inconsistency between the first two sentences of paragraph E in Account 166, Advance Payments for Gas, of Order No. 441. We find no such inconsistency. It is clear that any nonrecoverable advance payment to be charged to Account 435, Extraordinary Deductions, would be charged currently and in its entirety to the account. As stated in the first sentence of paragraph E, no nonrecoverable amount is to remain in Account 166 after it is recognized. Amortization of nonrecoverable advances to Account 813 within 5 years from the date of determination as nonrecoverable is permissible only if the Commission has authorized a transfer of such amounts to Account 186, Miscellaneous Deferred Credits, all as so stated in paragraph E.

Tennessee is uncertain as to whether a return will be allowed on the unamortized balances of nonrecoverable advances. It is our stated position in the third full paragraph in the third column of page 21961, in Order No. 441, that advances recorded in Account 166 may be included in rate base where such payments are reasonable, necessary and appropriate in order to contract for gas supplies by agreement executed not later than December 31, 1972. There is no provision for the inclusion in rate base of amounts that must be eliminated from Account 166.

Tennessee states it is not clear as to whether charges to Extraordinary Deductions are allowed as an expense in computing a pipeline's rates. Such charges are not normally so allowed.

An application for partial modification of Order No. 441 was received from Michigan Wisconsin Pipe Line Co. on December 10, 1971, requesting that advance payments for exploration outside the United States be included in Account No. 166 and recognized in rate base.

We acknowledge the desirability of increased exploration of frontier areas outside the lower 48 State. However, the data and comments submitted in this rule making focused on the treatment to be accorded advance payments in the lower 48 States. Accordingly, decision on the question of the treatment of advance payments outside the lower 48 States would be inappropriate at this time.

The Commission finds:

(1) The grounds for rehearing set forth in New York Public Service Commission's and Tennessee Gas Pipeline

Co.'s petitions for rehearing and clarification on rehearing and Michigan Wisconsin Pipeline Co.'s application for partial modification present no new facts or principles of law which were not considered by the Commission in its order issued on November 10, 1971, in Docket No. R–411, or which having now been considered, warrant any change or modification of that order.

The Commission orders:

(A) The petitions for rehearing filed herein by New York Public Service Commission on December 10, 1971, and for clarification on rehearing by Tennessee Gas Pipeline Co. on December 10, 1971, as supplemented on December 14, 1971, are hereby denied.

(B) The application of Michigan Wisconsin Pipe Line Co. filed herein on December 10, 1971, for partial modification of Order No. 441 is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–825 Filed 1–19–72;8:46 am]

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[Docket No. IT–5029]

## ARIZONA PUBLIC SERVICE CO.

### Notice of Application

JANUARY 11, 1972.

Take notice that Arizona Public Service Co. (applicant), incorporated under the laws of the State of Arizona with its principal place of business at Phoenix, Ariz., filed an application in Docket No. IT–5029 on November 4, 1971, for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which applicant may transmit from the United States to Mexico.

By Commission order issued June 5, 1964 in Docket No. IT–5029 (31 FPC 1398), applicant was authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 2,400,000 kw.-hr. per year at a transmission rate not to exceed 700 kw. for delivery and sale to Junta Federal de Mejoras Materiales (Junta Federal), an agency of the Republic of Mexico, over certain 2.3-kv. facilities of applicant located at the international border between the United States and Mexico in or near Naco, Ariz., and covered by the Presidential Permit signed by the President of the United States on April 23, 1942, and released to Arizona Edison Co., Inc., applicant's corporate predecessor, Docket No. IT–5029. The aforementioned Presidential Permit was transferred to applicant by Amendatory Presidential Permit signed by the President of the United States on August 28, 1952, Docket No. IT–5029. The energy was to be exported for purpose of enabling Junta Federal to furnish electric service in Naco, Sonora, Mexico, and vicinity.

Applicant now seeks authorization to export electric energy in an amount not in excess of 4,335,000 kw.-hr. per year at a transmission rate not to exceed 1,250 kw. for delivery and sale to Comision Federal de Electricidad, Division Noroeste (Comision Electricidad), an agency of the Republic of Mexico and successor to Junta Federal, in accordance with the agreement dated June 9, 1971 between Comision Electricidad and applicant, which is on file with the Federal Power Commission as applicant's Export Rate Schedule FPC No. 51. Applicant represents that the proposed increase in the amount and transmission rate of the energy to be exported is needed to meet the growth in the electric load in the Naco, Sonora, Mexico, area, which is presently served by Comision Electricidad.

Applicant also seeks by its application filed November 4, 1971, in Docket No. IT–5029 a further amendment to the above-mentioned Presidential Permit, pursuant to Executive Order No. 10485, dated September 3, 1953, so as to secure permission for certain changes in the aforesaid 2.3-kv. electric transmission facilities located at the United States-Mexican border, which are utilized by applicant to make its deliveries of electric energy to Comision Electricidad.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–826 Filed 1–19–72;8:46 am]

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[Docket No. CP72–43]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Amendment to Application

JANUARY 10, 1972.

Take notice that on January 3, 1972, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72–43 an amendment to the application pending in said docket pursuant to sections 7(b) and 7(c) of the Natural Gas Act to authorize applicant to sell to its jurisdictional customers as winter season gas under its Rate Schedule S–2 the 4,000 Mcf per day proposed to be made available by the reduction of natural gas service to New Jersey Zinc Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the use of the subject gas as winter season gas instead of year-round service gas as originally proposed would, in the light of the current gas shortage, bolster its customers' ability to meet their market requirements during the heating season, while at the same time permit applicant to reduce the level of necessary curtailments under existing service agreements during the summer season.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–827 Filed 1–19–72;8:46 am]

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[Dockets Nos. CP70–69, etc.]

## NORTHERN NATURAL GAS CO. ET AL.

### Order Permitting Reopened Hearings

JANUARY 14, 1972.

Northern Natural Gas Co., Dockets Nos. CP70–69, CP70–70, and CP70–71; High Crest Oils, Inc. (Operator), *et al.*, Docket No. CI70–355; Montana-Dakota Utilities Co., Docket No. CP70–173; Great Lakes Gas Transmission Co., Dockets Nos. CP71–299, CP71–300, and CP71–301.

On November 30, 1971, Presiding Examiner Howell Purdue issued a supplemental initial decision in these proceedings, concluding that the Northern Natural Gas Co. should be permitted to import natural gas produced in Alberta, Canada; that the Great Lakes Gas Transmission Co. should be authorized to construct facilities to transport such gas for Northern; and that Northern should not be authorized to import gas produced in the Tiger Ridge area of Montana. Just before his decision was issued, decisions of the Canadian National Energy Board were made known on November 19, 1971, whereby the NEB dismissed the export application pertinent to Northern's importation of Alberta gas, but provided that the export application pertinent to Northern's importation of Tiger Ridge gas would "be given further consideration at a reconvening of this hearing". Examiner Purdue, in an addendum to his November 30 decision, stated that he would permit his decision to stand, because the NEB decision may not be final.

In a letter to the Commission's Secretary of December 10, 1971, Northern stated that it would explore all appropriate ways to obtain Canadian approval for the exportation of the Alberta gas, and that it would, further, continue to seek approval from the NEB for the importation into Canada and subsequent exportation of the Tiger Ridge gas. To its letter were attached documents relating to Northern's agreement with Great Lakes pertaining to the transportation of Tiger Ridge gas only. Such documents are not now a part of the record in these proceedings.

In light of that letter, the Staff moved on December 17 for the continuance of the date for filing exceptions to the initial decision of November 30, stating that the Commission should make provision for reopening the record. Northern, in an answer filed December 27, concurred in the Staff requests and further requested expedited procedures, including the waiver of a further initial decision. Northern stated that Great Lakes would file a supplement to its application relating to its transportation for Northern of Tiger Ridge gas only. Such Great Lakes filing has not yet been received.

Thereupon, on December 28, the Commission's Secretary by notice continued the date for filing exceptions until January 14, and provided that answers to the Northern request could be filed on or before January 7. Two such answers have been filed. High Crest Oils, Inc., in telegrams filed on December 27 and December 29, stated that it does not object to the Staff request for reopening the record and for deferral of the date for filing briefs on exceptions. Montana Power in its answer of January 6 stated, in effect, that it does not object to the reopening of the record for the receipt of additional evidence pertinent to Tiger Ridge gas, that it agrees that a further initial decision should be waived, and that the proceedings should be expedited. Montana Power does object to particular procedural dates proposed by Northern. Northern responded to Montana on January 11, asking that the scope of the reopened hearings be limited. On January 12, High Crest repeated the request that the date of January 14 for filing exceptions be deferred, noting that Northern, Montana Power, and the Staff had no objection to the request.

We have more than once in these proceedings stated our interest in expediting them to the fullest possible extent. We are, accordingly, prepared to establish procedures which will achieve that end, consistent with fairness to all the parties. We agree that, if Great Lakes files a supplement to its application, it will be essential to reopen the hearings; and we further agree that, because of the issues then considered would be relatively narrow, and because it is important that the proceedings be concluded as promptly as possible, the supplemental initial decision should be waived. Because briefs on exceptions have not yet been filed, we cannot yet determine whether oral argument will be necessary. As to the January 14 date for filing exceptions, our Secretary has by notice dated January 13 extended that date to such date as we, by further order, may establish. In this order we prescribe as the date for filing exceptions that date which the Examiner, following reopened hearings, may choose for the submission of briefs commenting upon the reopened hearings. In the event that further hearings are not held, briefs on exceptions will be required to be filed by January 28, 1972. In either event, briefs opposing exceptions will be required to be filed 20 days after briefs on exceptions are required to be filed. We leave the setting of further procedural dates to the Secretary and the Presiding Examiner, with the understanding that each will establish such dates as are consistent with our twin objectives of fairness and expedition.

The Commission orders:

(A) In the event that Great Lakes files no later than 10 days from the date of this order a further application in these proceedings, or a supplement or amendment to an application already filed, the Secretary of the Commission shall, as promptly as possible thereafter, provide for notice of such application and for a shortened intervention period.

(B) In such event, the Chief Examiner shall designate an examiner to preside at reopened hearings, such hearings to commence at such early date as the Presiding Examiner may choose. Such hearings shall also be limited in scope to the new matter presented by the Great Lakes filing and the impact on such new matter of the NEB decision. At the conclusion of such hearings, the Presiding Examiner shall prescribe the earliest feasible date for the filing of briefs on the matters considered at the reopened hearings. The date prescribed by the Examiner for the filing of such briefs shall be deemed to be the date for filing exceptions to the initial decision of November 30, 1971. Briefs opposing exceptions and replying to comments relating to the reopened hearings shall be required to be filed 20 days thereafter. A further intermediate decision shall be waived, and forthwith after the conclusion of such reopened hearings the Presiding Examiner shall certify the record to the Commission for consideration.

(C) In the event that Great Lakes does not file, within 10 days from the date of this order, a further application in these proceedings, or a supplement or amendment to an application already filed, briefs on exceptions to the initial decision of November 30, 1971, shall be filed no later than January 28, 1972. Briefs opposing exceptions shall be required to be filed 20 days thereafter.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-890 Filed 1-19-72;8:50 am]

[Docket No. CP70-69 etc.]

## NORTHERN NATURAL GAS CO. ET AL.

### Notice of Extension of Time

JANUARY 13, 1972.

Northern Natural Gas Co., Dockets Nos. CP70-69, CP70-70, and CP70-71; High Crest Oils, Inc. (Operator), et al., Docket No. CI70-355; Montana-Dakota Utilities Co., Docket No. CP70-173; Great Lakes Gas Transmission Co., Dockets Nos. CP71-299, CP71-300, and CP71-301.

Notice is hereby given that the time within which briefs on exceptions may be filed by all participants in the above-designated proceeding is extended to such date as may be established by further order.

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-892 Filed 1-19-72;8:50 am]

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[Docket No. RP72-96]

## NORTHERN NATURAL GAS CO.

### Notice of Proposed Change in FPC Gas Tariff

JANUARY 13, 1972.

Take notice that on December 27, 1971, Northern Natural Gas Co. (Northern) filed changes in its effective gas tariff to be effective as of January 27, 1972. The proposed tariff revisions provide for a tracking rate increase to reflect the increase in current average system cost of purchased gas over the average system cost of purchased gas included by Northern in its cost of service and rates filed in Docket No. RP71-107.

Northern states that this proposed rate increase will result in increased charges to Northern's jurisdictional customers of $2,097,281 annually based on the sales volumes for the 12 months ended October 31, 1971.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-891 Filed 1-19-72;8:50 am]

[Docket No. CP 66-269 etc.]

## TENNESSEE GAS PIPELINE CO. ET AL.

### Notice of Extension of Time and Postponement of Hearing

JANUARY 13, 1972.

Tennessee Gas Pipeline Co., a divison of Tenneco Inc., Docket No. CP66-269; Amoco Production Co., Docket No. CI66-910, et al.; The Delta Development Co., Inc., Docket No. CI67-1805; Moise W. Dennery, Docket No. CI67-1806; Charles William Fasterling, Docket No. CI67-1807; Gertrude Jackman Fasterling, Docket No. CI67-1808; John Bernard Fasterling, III, Docket No. CI67-1809; The Louisiana Land and Exploration Co., Docket No. CI67-1810; Joseph McCloskey, Docket No. CI67-1811; Joan B. Fasterling Meyers, Docket No. CI67-1812; Eidth Fasterling McGee and Kenneth C. McGee, Docket No. CI67-1813.

Notice is hereby given that the Commission sua sponte, has modified the procedural dates prescribed by the order issued December 23, 1971, as follows:

1. The time within which applicants, the royalty holders in Dockets Nos. CI67-1805 through CI67-1813 and parties in support of the applicants shall file upon all parties and the Commission staff updated or new evidence comprising their cases-in-chief, and indicate the extent they rely upon the record to date in these proceedings with transcript designations of testimony and exhibit numbers still relied upon, is extended to and including March 1, 1972.

2. The hearing is postponed, to convene at 10 a.m., (e.s.t.), on March 28, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC.

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-893 Filed 1-19-72;8:51 am]

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[Docket No. RP71-6 etc.]

## TENNESSEE GAS PIPELINE CO.

### Notice of Extension of Time and Postponement of Hearing

JANUARY 13, 1972.

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Dockets Nos. RP71-6, RP71-57, and RP72-1.

Notice is hereby given that the Commission, sua sponte, has modified the procedural dates prescribed by the order issued December 23, 1971, as follows:

1. The time within which parties shall serve their prepared direct testimony and exhibits is extended to and including February 16, 1972. The time within which any rebuttal evidence by Tennessee shall be served is extended to and including March 8, 1972.

2. Cross-examination of the evidence shall commence on March 21, 1972.

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-894 Filed 1-19-72;8:51 am]

[Docket No. CP72-176]

## ARKANSAS LOUISIANA GAS CO.

### Notice of Application

JANUARY 18, 1972.

Take notice that on January 10, 1972, Arkansas Louisiana Gas Co. (applicant), Post Office Drawer 1126, Shreveport, LA 71163, filed in Docket No. CP72-176 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the delivery of natural gas to Natural Gas Pipeline Company of America (Natural) in Wheeler County, Tex., in exchange for equal volumes of natural gas to be delivered to applicant in Grady County, Okla., by Natural, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that as a result of severely cold weather conditions in the Midwest and the short supply of natural gas on its Lawton transmission system which serves Lawton, Okla., and its environs, it started on January 4, 1972, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22), emergency receipts of natural gas from Natural on its Lawton System in Grady County, Okla., in exchange for equivalent volumes of natural gas delivered to Natural in Wheeler County, Tex. Applicant seeks authorization to continue this exchange in periods of high demand during the next two heating seasons.

Applicant states that the purpose of this exchange is to satisfy the high demands of its human needs customers on its Lawton transmission line during the next two heating seasons.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-929 Filed 1-19-72;8:51 am]

# FEDERAL RESERVE SYSTEM

## CITIZENS BANCORP.

### Order Approving Formation of Bank Holding Company

Citizens Bancorp., Vineland, N.J., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of Citizens State Bank, Vineland, N.J. (Citizens Bank), and 100 percent of the voting shares of Continental Bank of New Jersey, Maple Shade, N.J. (Continental Bank).

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

Applicant was recently formed for the purpose of acquiring the two proposed subsidiary banks. Upon acquisition of Citizens Bank (deposits of $18.3 million) and Continental Bank (deposits of $8.6 million), applicant would become the smallest holding company in the State, controlling less than 0.2 percent of commercial bank deposits in the State. (Banking data are as of June 30, 1971, unless otherwise noted, and reflect holding company formations and acquisitions approved through December 31, 1971.)

Citizens Bank, located in Vineland, is the seventh largest of 13 banks in the Vineland - Millville - Bridgeton banking market, controlling 5 percent of deposits in that market.

Continental Bank is located in Maple Shade which is 40 miles north of Vineland and is in the Camden banking market. Continental Bank, with less than 1 percent of market deposits, is the 12th largest of 15 banks there.

It appears that Citizens Bank and Continental Bank are owned by stockholders that control the Citizens National Bank

of South Jersey, Bridgeton, N.J.[1] (deposits of $10 million), which is located in the same market as Citizens Bank. However, it does not appear that consummation of this proposal would significantly increase deposit concentration or have adverse competitive effects in the Vineland - Millville - Bridgeton banking market even if Citizens National Bank is considered as part of this proposal. On the facts presented, consummation of the proposal herein would not have an adverse effect on existing or potential competition in any relevant area nor would any competing bank be adversely effected.

Applicant's financial condition and future prospects are dependent on those of its proposed subsidiary banks. The financial and managerial resources and future prospects of the banks are generally satisfactory and consistent with approval. It appears that the present banking needs of the communities to be served are already being met. However, applicant proposes to provide a greater effective lending capability to the banks and form a data processing subsidiary, thereby providing an alternative source for specialized banking services. Therefore, considerations relating to the convenience and needs lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[2] January 13, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-820 Filed 1-19-72;8:46 am]

## FIRST AT ORLANDO CORP.

### Acquisition of Banks

First at Orlando Corp., Orlando, Fla., has applied, in four separate applications as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire not less than 90 percent of the voting shares of Bank of Coral Gables, Inc., Coral Gables, Fla.;

(2) To acquire not less than 90 percent of the voting shares of Midtown Bank of Miami, Miami, Fla.;

(3) To acquire not less than 90 percent of the voting shares of Riverside Bank, Miami, Fla.; and

(4) To acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Palm Bay, Palm Bay, Fla., a proposed new bank.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications 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 applications 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 14, 1972.

Board of Governors of the Federal Reserve System, January 14, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-865 Filed 1-19-72;8:49 am]

## PALMER BANK CORP.

### Acquisition of Bank

Palmer Bank Corp., Sarasota, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 79,300 (approximately 99 percent) of the voting shares of Village Plaza Palmer National Bank, Sarasota County, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 14, 1972.

Board of Governors of the Federal Reserve System, January 14, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-822 Filed 1-19-72;8:46 am]

# GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. A-8, Supp. 1]

## GOVERNMENT EMPLOYEES

### Travel, Transportation, and Allowances for Relocation

To heads of Federal agencies.

1. *Purpose.* This supplement revokes Office of Management and Budget (OMB) Transmittal Memorandum No. 1, dated October 6, 1971, to OMB Circular A-7, Standardized Government Travel Regulations, dated August 17, 1971, and announces that the codified regulations will be published in FPMR 101-7, rather than in FPMR 101-6 as stated in paragraphs 3 and 5b of FPMR Temporary Regulation A-8.

2. *Effective date.* This supplement is effective upon publication in the FEDERAL REGISTER (1-20-72).

3. *Expiration date.* This supplement expires April 30, 1972. Prior to expiration, these provisions will be incorporated in FPMR 101-7.

4. *Background.* a. The revised Standardized Government Travel Regulations, OMB Circular A-7, dated August 17, 1971, effective October 10, 1971, provided for certain increases in reimbursements to employees for costs of official travel.

b. Because of the freeze on wages and prices announced by the President on August 15, 1971, OMB issued Transmittal Memorandum No. 1, dated October 6, 1971, to OMB Circular A-7. This memorandum suspended until further notification the provisions of the revised Standardized Government Travel Regulations which allowed for the increases in reimbursements.

c. Pursuant to Executive Order No. 11609 of July 22, 1971 (36 F.R. 13747), and effective October 21, 1971, the Administrator of General Services assumed responsibility for prescribing and promulgating the Standardized Government Travel Regulations. It then became the responsibility of the General Services Administration to revoke OMB Transmittal Memorandum No. 1 to OMB Circular A-7 when the increases prescribed by the affected provisions of the regulations are no longer contrary to the national economic policy.

d. Under regulations prescribed by the Cost of Living Council, 6 CFR 101.33, dated November 13, 1971 (36 F.R. 21790), Federal Government employees' pay adjustments which are based upon Federal law and regulations and are determined by Presidential directives were excluded from the regulations of the Cost of Living Council.

5. *Effect on other regulations.* This supplement reinstates the provisions of the Standardized Government Travel Regulations which were suspended by the OMB Transmittal Memorandum No. 1 to OMB Circular A-7. These provisions are:

a. The mileage rates prescribed in section 4 of the Standardized Government Travel Regulations which consist of:

(1) The 11 cent rate fixed in sections 4.2a and 4.2c (1) and (2);

(2) The 9 cent rate fixed in section 4.4b; and

(3) The 5 cent rate fixed in section 4.4c.

b. The new rules for computing reimbursement to employees for expenses incurred and for per diem entitlement prescribed in section 6 of the Standardized Government Travel Regulations that relate to:

(1) Computing per diem entitlement when the period of per diem entitlement is interrupted under rules prescribed in section 6.5a; and

(2) Beginning and ending of per diem entitlement when common carrier is used under the rules prescribed in section 6.6e.

Dated: January 18, 1972.

ROD KREGER,
*Acting Administrator of General Services.*

[FR Doc.72-960 Filed 1-19-72;9:28 am]

[1] The Citizens National Bank of South Jersey is the resulting bank of a merger which will be consummated on Jan. 14, 1972.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer and Sheehan.

# SECURITIES AND EXCHANGE COMMISSION

[70-5004]

## AMERICAN ELECTRIC POWER CO., INC., ET AL.

### Notice of Post-Effective Amendment Regarding Modification of Method of Allocating Consolidated Tax Liability Among System Companies

JANUARY 13, 1972.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, and its subsidiary companies have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to section 12 of the Public Utility Holding Company Act of 1935 (Act) and Rule 45(b)(6) promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order in this proceeding dated May 20, 1971 (Holding Company Act Release No. 17135), the Commission authorized Indiana & Michigan Electric Co. (I&M), an AEP subsidiary company, to acquire for $70 million cash all of the common stock of Indiana & Michigan Power Co. (I&M Power), a new company incorporated under the laws of Michigan for the purpose of (i) acquiring, completing the construction of, owning, and operating the Donald C. Cook Nuclear Generating Plant (Nuclear Plant), which I&M is presently constructing at Bridgman, Mich., and (ii) selling, upon commencement of operation of the Nuclear Plant, all of the electric power and energy generated by that plant to I&M. I&M has certain contractual obligations to supply or cause to be supplied the equity capital of I&M Power and, under certain circumstances, all of the capital necessary to complete construction of and to own, maintain, and operate the Nuclear Plant.

During the construction period of the Nuclear Plant and thereafter, I&M Power will make large interest payments on its debt, and it expects to take accelerated depreciation for federal income tax purposes on property at the Nuclear Plant site as it is placed in service. I&M Power expects to have substantial tax losses during the period prior to commercial operation of Unit No. 1 of the Nuclear Plant and may have tax losses during the period prior to the completion of construction of Unit No. 2. In addition, I&M Power will, for federal income tax purposes, be entitled to large amounts of investment tax credit with respect to the Nuclear Plant property.

I&M Power will join in the consolidated federal income tax returns to be filed by the AEP system. It is stated that using present methods of determining tax liability would result in allocating substantial portions of I&M Power tax losses and investment credit with respect to Nuclear Plant property to AEP system companies other than I&M Power and I&M.

It is requested that the entire amounts of any tax losses of I&M Power should first be allocated to I&M and that any investment credit with respect to Nuclear Plant property not utilized by I&M Power on a separate return basis should first be allocated to I&M. In the event I&M could not (on a separate return basis) utilize all of I&M Power's tax loss in the year in which such tax loss was incurred or could not utilize all of I&M Power's investment credit in the year in which the related Nuclear Plant property was placed in service, it is proposed that for that year the unused tax loss be allocated among other AEP System companies in accordance with Rule 45(b)(6) and that the unused investment credit be allocated among other AEP System companies in accordance with the Commission's order of March 26, 1964 (Holding Company Act Release No. 15036). Under these circumstances, I&M would in future years be credited with the tax loss or unused investment credit which I&M could not utilize in the year in which the loss was incurred or the property placed in service.

It is represented that no fees or expenses are to be incurred in connection with the proposed transaction and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 31, 1972, at 12 noon, 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 post-effective amendment to the 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now 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.72-835 Filed 1-19-72;8:47 am]

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[70-5128]

## ARKANSAS POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

### Notice of Proposed Issue and Sale of Common Stock by Subsidiary Company to Holding Company

JANUARY 13, 1972.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), a registered holding company, and Arkansas Power & Light Co. (Arkansas), a public-utility subsidiary company of Middle South, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rule 43 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.

Arkansas proposes to issue and sell to Middle South (the holder of all of the issued and outstanding shares of Arkansas' common stock $12.50 par value per share), and Middle South proposes to acquire, 1,600,000 additional shares of Arkansas' common stock, for an aggregate purchase price of $20 million in cash. Upon completion of the foregoing transactions, Arkansas will have issued and outstanding 15,390,000 shares of common stock, which will be stated in its Capital Common Stock Account at an aggregate of $192,375,000. Arkansas proposes to use the net proceeds from the sale of the additional common stock for its current construction program, estimated at $126,300,000 for 1972, the repayment of short-term promissory notes then outstanding, and for other corporate purposes.

It is stated that the Arkansas Public Service Commission, and the Tennessee Public Service Commission have jurisdiction over the issue and sale of the common stock; and that no other state commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no special or separate expenses are anticipated in connection with the issuance and sale of the common stock.

Notice is further given that any interested person may, not later than January 31, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-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 any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-836 Filed 1-19-72;8:47 am]

[File No. 500-1]

## COATINGS UNLIMITED, INC.

### Order Suspending Trading

JANUARY 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Coatings Unlimited, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 16, 1972, through January 25, 1972.

By the Commission.

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

[FR Doc.72-837 Filed 1-19-72;8:47 am]

[File No. 500-1]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

JANUARY 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being trading otherwise on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 16, 1972, through January 25, 1972.

By the Commission.

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

[FR Doc.72-838 Filed 1-19-72;8:47 am]

[File No. 1-4847]

## ECOLOGICAL SCIENCE CORP.

### Order Suspending Trading

JANUARY 13, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 14, 1972 through January 23, 1972.

By the Commission.

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

[FR Doc.72-839 Filed 1-19-72;8:47 am]

[812-3089]

## EXETER FUND, INC., ET AL.

### Notice of Filing of Application for Order Exempting Proposed Transaction

JANUARY 17, 1972.

Notice is hereby given that Exeter Fund, Inc. (Exeter), 1630 Locust Street, Philadelphia, PA 19103, Exeter Second Fund, Inc. (Exeter Second) and Exeter Third Fund, Inc. (Exeter Third) (hereinafter collectively called "Applicants"), have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions section 17(a) of the Act a proposed merger of Exeter Second and Exeter Third into Exeter as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants are each Delaware corporations registered as diversified open-end management investment companies under the Act. Applicants were established as "tax-free exchange funds" and consequently, have not offered additional shares to the public since the initial exchange. Applicants all share the same investment objectives, investment manager, directors, and officers.

Applicants have entered into an Agreement of Merger (Agreement) which provides for the merger of Exeter Second and Exeter Third into Exeter, pursuant to the laws of Delaware. Exeter will continue as the surviving corporation (the Surviving Corporation) and shareholders of Exeter Second and Exeter Third will become shareholders of the Surviving Corporation. Pursuant to a ruling by the Internal Revenue Service, the merger will constitute a tax-free reorganization and no gain or loss will be reorganized by the Applicants or its shareholders as a result of the merger.

Approval of the Agreement and consummation of the merger requires the affirmative vote of the holders of a majority of the outstanding shares of each of the Applicants. If the Agreement is approved, it is anticipated that the Merger will become effective on February 1, 1972.

The number of shares of common stock of the Surviving Corporation to be issued to shareholders of Exeter Second and Exeter Third will be determined on the basis of relative net asset values per share on the day prior to the merger. The agreement provides that the net asset values of Exeter Second and Exeter Third will each be adjusted by amounts equal to 8 percent of the difference between the dollar amount of Exeter Second and Exeter Third's unrealized appreciation, taken individually, and Exeter Second and Exeter Third's proportionate share (based upon each company's total net assets) of all the Applicants' combined unrealized appreciation. Such adjustment will be made only if the net change in the assets of either Exeter Second or Exeter Third, as a result of the adjustment, is greater than 0.3 percent. If the valuation under the agreement had taken place on December 31, 1971, the adjustment to Exeter Second's net assets would have been $91,692 resulting in a net change in assets for exchange of 0.37 percent. Therefore, the net asset value per share for Exeter Second would have been increased by $0.18. For Exeter Third, the adjustment to net assets would have been $8,030 with a net change in assets for exchange of 0.20 percent. Because of the 0.3 percent limitation, no adjustment would have been made to the net asset value per share of Exeter Third.

The Agreement requires each of the Applicants to declare a distribution prior to the effective date of the merger

the effect of which will be to distribute all of its net investment income since the close of its last fiscal year. Each of the Applicants will also file Federal income tax returns for the period from the close of their respective fiscal years (each September 30) to the effective date of the merger and pay any Federal income tax due on net realized capital gains for such period which liability shall be considered in computing net asset values. In the opinion of counsel, shareholders of each of the Applicants will receive credit for capital gains tax paid by the fund in which they held shares on the day prior to the effective date of the merger.

Applicants state that since the Board of Directors of Applicants are identical, Applicants might be deemed to be under "common control" and each of the Applicants might be deemed an "affiliated person" of each of the other Applicants under the definition of "affiliated person" set forth in section 2(a)(3) of the Act.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer, unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants represent that the terms of the proposed transaction, including the unrealized capital gains adjustment formula, have been considered by the Board of Directors of each Applicant and that each Board has determined that such terms are fair and reasonable and do not involve overreaching with respect to any party and that the proposed transaction is consistent with the policy of each of the funds and with the general purposes of the Act.

Notice is further given that any interested person may, not later than January 28, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

RONALD F. HUNT,
*Secretary.*

[FR Doc.72-848 Filed 1-19-72;8:48 a.m.]

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[812-3078]

## MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

### Notice of Filing of Application for Order

JANUARY 14, 1972.

Massachusetts Mutual Life Insurance Co. (the Insurance Company), 1295 State Street, Springfield, MA 01101, and MassMutual Corporate Investors, Inc. (Fund), 1295 State Street, Springfield, MA 01101, a closed-end investment company registered as such under the Investment Company Act of 1940 (Act), (hereinafter collectively referred to as "Applicants"), have filed an application for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder and pursuant to section 17(b) of the Act to permit an arrangement whereby the Insurance Company and the Fund would each invest in an issue of 7 percent 20-year subordinated notes (the ABC Notes) of American Broadcasting Cos., Inc. (ABC) and related warrants for the purchase of shares of common stock of ABC (the ABC Warrants). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Pursuant to an order of the Commission issued on August 19, 1971, the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement and to exercise warrants, conversion privileges and other rights at the same time. This order is subject to several conditions. One condition generally requires purchases at direct placement of securities which would be consistent with the investment policies of the Fund to be shared equally by the Insurance Company and the Fund. Another condition limits the order to situations in which neither the Insurance Company nor the Fund have any prior interest in the issuer, in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person, other than interests in all respects identical.

The Insurance Company and other institutional investors have been offered the ABC Notes and the ABC Warrants at private placement. The amount of ABC Warrants to be issued per $1 million principal amount of ABC Notes is 8,333.

As sponsor and investment adviser for the Fund, the Insurance Company believes that the ABC Notes and Warrants would be an attractive investment for the Fund and within its investment objective and policies. The Insurance Company intends, therefore, as required by the order of August 19, 1971, to request ABC to offer the ABC Notes and Warrants also to the Fund and the Insurance Company understands that ABC is willing to include the Fund as one of the purchasers of the ABC Notes. The acquisitions of the ABC Notes and Warrants by the Insurance Company and the Fund would not come within the terms of the aforementioned Order because certain separate accounts of the Insurance Company hold shares of common stock of ABC, having acquired such shares in the open market for investment, while the Fund owns no shares of common stock of ABC. Treating the holdings of ABC stock by the various separate accounts maintained by the Insurance Company as interests of the Insurance Company in ABC, the interests of the Insurance Company and the Fund are not in all respects identical.

If the Fund is permitted to purchase the ABC Notes, the Insurance Company and the Fund would each acquire $6 million principal amount. Pending the receipt of a Commission order, the Insurance Company is prepared to commit to purchase for its general account $12 million principal amount of the ABC Notes subject to the obligation to make $6 million principal amount available to the Fund if a favorable Commission order is received as a result of the application herein. If such an order is not received, the $12 million principal amount of ABC Notes will be retained for investment by the Insurance Company.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * *, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the

Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The Insurance Company and the Fund represent that they will be participating in the proposed joint enterprise on an equal basis with no advantages to either party. Both will acquire the same amounts of ABC Notes at the same price with an equal amount of Warrants attached.

It is also represented (1) that the effect of the issue of the ABC Notes and Warants on the outstanding shares of ABC, of which the Insurance Company's separate accounts hold less than 1.14 percent, is not likely to be of material significance and (2) that the interest of the Insurance Company's separate accounts in the common stock of ABC has had no effect on the decision of the Insurance Company that the ABC Notes are an attractive investment for both the Insurance Company's general account and for the Fund.

Due to the fact that the closing date for the purchase and sale of ABC Notes and Warrants, and the issuance date thereof, will be on or before January 31, 1972, and due to the possibility that an order granting exemption from section 17(d) and Rule 17d–1 might not be issued prior to that date, the Insurance Company, in such event, proposes to acquire $12 million principal amount of the ABC Notes subject to an obligation to transfer $6 million principal amount to the Fund at cost plus accrued interest if within 3 months after the acquisition by the Insurance Company of the ABC Notes, any order of the Commission permitting such transaction is granted.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such registered company any securities unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) upon finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants represent, however, that they are entitled to an exemption pursuant to section 17(b) from section 17(a) in that the terms of the proposed transfer, including the consideration to be paid by the Fund, which would be equal to the price to be paid by the Insurance Company for the ABC Notes, plus accrued interest, would be reasonable and fair and would not involve overreaching on the part of either the Insurance Company or the Fund; that the proposed transaction is consistent with the policy of the Fund as recited in its registration statement; and that the proposed transaction is consistent with the general purposes of the Act.

Applicants also represent that any subsequent transaction concerning the ABC Notes or the ABC Warrants would be subject to the terms of the Order of August 19, 1971.

Applicants request an order (a) permitting the Insurance Company and the Fund to each acquire $6 million principal amount of the ABC Notes and accompanying ABC Warrants, and (b) in the event that such an order does not issue prior to the closing of the purchase by the Insurance Company of the ABC Notes and Warrants, Applicants request an order of the Commission exempting from the provisions of section 17(a) of the Act any transfer from the Insurance Company to the Fund, at any time within 3 months of such purchase, of one-half of the principal amount of the ABC Notes so acquired by the Insurance Company, including the related ABC Warrants, provided that such transfer is made at a price equal to one-half of the price paid by the Insurance Company for the purchase of such notes and warrants together with any interest accrued on the notes transferred from the date purchased to the date of transfer.

Notice is further given that any interested person may, not later than February 4, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time later than said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-840 Filed 1-19-72;8:47 am]

[812-2721]

## SEILON, INC.

### Notice of Filing Application for Order Declaring That Company Is Not an Investment Company

JANUARY 13, 1972.

Notice is hereby given that Seilon, Inc. (Applicant), 406 Madison Avenue, Toledo, OH 43604, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, summarized below.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Seilon owns 36.5 percent of the outstanding common stock of First Bancorporation and certain installment notes having a value of $1,229,226. The stock of First Bancorporation valued at either book or market, together with the installment notes, represent more than 40 percent of Seilon's assets (exclusive of Government securities and cash items) on an unconsolidated basis. Accordingly, it appears that Seilon is an investment company as defined in section 3(a)(3) of the Act.

A summary of Seilon's assets as of June 30, 1971, is set forth below in Table I on the basis of the book values assigned by Seilon, and in Table II, as adjusted to reflect Seilon's investment in First Bancorporation at its market value.

TABLE I

| | Seilon's assets | |
|---|---|---|
| | Amount | Percent |
| Securities of wholly owned and majority-owned subsidiaries | $2,338,119 | 19 |
| Securities of companies less than majority-owned (First Bancorporation) | 7,766,450 | 63 |
| Installment notes receivable | 1,229,226 | 10 |
| Assets other than securities, cash, and cash items | 844,906 | 8 |
| Total assets less Government securities, cash, and cash items | 12,218,701 | 100 |
| Government securities, cash and cash items | 103,096 | ..... |

TABLE II

| | Seilons assets | |
|---|---|---|
| | Amount | Percent |
| Securities of wholly owned and majority-owned subsidiaries | $2,338,119 | 35 |
| Securities of companies less than majority-owned (First Bancorporation) | 2,283,400 | 34 |
| Installment notes receivable | 1,229,226 | 18 |
| Assets other than securities, cash, and cash items | 844,906 | 13 |
| Total assets less Government securities, cash, and cash items | 6,735,651 | 100 |
| Government securities, cash and cash items | 103,096 | |

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of business. Seilon contends that it is entitled to an order of exemption under section 3(b)(2) of the Act.

Seilon states that its primary business consists of the manufacturing of agricultural equipment through a wholly owned subsidiary, Thomson International Co. (Thomson), and banking through a controlled corporation, First Bancorporation.

Seilon's investment in First Bancorporation taken at market value as of June 30, 1971, constituted 34 percent of its total assets less Government securities, cash and cash items, on an unconsolidated basis. This investment, together with the assets devoted to its own operations and those of its wholly owned subsidiary (Thomson) valued at cost, constituted 82 percent of its total assets less Government securities, cash and cash items on an unconsolidated basis. The application further indicates that Seilon's revenues on a consolidated basis are derived primarily from the agricultural equipment business and its equity in First Bancorporation.

Seilon contends that it controls First Bancorporation through common officers and directors and participation in First Bancorporation's operations as well as through its ownership of 36.5 percent of First Bancorporation's outstanding common stock.

First Bancorporation, a Nevada corporation, was incorporated in 1964 and commenced operations in 1965. Its principal business is the ownership of 99.6 percent of the common stock of Nevada National Bank, a commercial bank which is the fourth largest bank on the basis of deposits in the State of Nevada.

Seilon presently owns 36.5 percent of the outstanding stock of First Bancorporation and plans to increase this percentage by an additional 14 percent through a proposed exchange offer. Seilon states it is not aware of anyone else who owns 10 percent or more of the outstanding stock of First Bancorporation. The application further states that five of First Bancorporation's eight directors are also directors of Seilon and two of the four officers of First Bancorporation serve in parallel capacities with Seilon. The president of Seilon, Leroy W. Siegler, is also president of Nevada National Bank and Floyd R. Lamb, a director of Seilon, is chairman of the board and chief executive officer of the bank.

Notice is given that any interested person may, not later than February 2, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-841 Filed 1-19-72;8:47 am]

[811-1703]

## VALUE LINE INVESTMENT PROGRAMS FOR ACCUMULATION OF SHARES OF VALUE LINE SPECIAL SITUATIONS FUND, INC.

### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 14, 1972.

Notice is hereby given that Value Line Investment Programs for the Accumulation of Shares of The Value Line Special Situations Fund, Inc. (Applicant), 5 East 44th Street, New York, NY 10017, registered as a unit investment trust under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant registered under the Act on August 5, 1968, by filing a notification of registration on Form N-8A. Applicant represents that it has no assets, that it has not issued or made any public offering or sale of its securities, and that a proposed public offering has been abandoned. Applicant's registration statement under the Securities Act of 1933 was withdrawn on January 5, 1972.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 4, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-842 Filed 1-19-72;8:47 am]

[812-2635]

## PENN VIRGINIA CORP.

### Notice of Application for Order Declaring that Company is not an Investment Company

JANUARY 12, 1972.

Notice is hereby given that Penn Virginia Corp. (Applicant), 2500 Fidelity

Building, Philadelphia, PA 19107, a Virginia corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (the "Act") for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries or controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant contends that it is, and at all times has been, primarily engaged, directly and through wholly owned subsidiaries, majority-owned subsidaries, or controlled companies in a widespread coal business and related businesses, and that it is not, and has never been primarily engaged in the business of investing, reinvesting, owning, holding, or trading in securities.

Applicant was created by an act of the General Assembly of the Commonwealth of Virginia approved January 6, 1882, for the purpose of dealing in and with coal, oil, gas, timber, and minerals in lands, leases, and other property related to any of them. At the present time, Applicant owns and leases to others coal and timber lands and oil and gas rights. Applicant asserts that, in addition, it controls three companies, Westmoreland Coal Co. (Westmoreland), Bralorne Can-Fer Resources, Inc. (Bralorne), and Westmoreland Resources (Resources) within the meaning of section 3(b)(2) of the Act.

Westmoreland, in which Applicant has a 31 percent equity interest, is engaged in the business of mining coal and is the principal coal lessee of Applicant. Bralorne, in which Applicant has a 12 percent equity interest, is a company engaged in the exploration for, the acquisition of, and the mining of basic natural resources. Resources, in which Applicant and Westmoreland each have a 30 percent equity interest, is a partnership engaged in the business of exploration for coal and the acquisition of prospecting permits. Several small subsidiaries of Applicant are engaged in businesses incidental to coal mining, such as providing adequate water supply to miners, processing of raw fly ash, and production of ceramic materials.

Applicant has had an equity position in Westmoreland since 1961 when it owned 11.6 percent of its outstanding voting securities. Applicant's ownership of Westmoreland's voting securities has been as high as 52.5 percent (in 1962) and on June 30, 1971, was 31 percent. Applicant is the largest single shareholder as no other person holds more than 5 percent of Westmoreland's voting securities. Applicant's personnel are active on a day-to-day basis in the management of Westmoreland. Two of Westmoreland's 11 directors are also directors of the Applicant and nine of its 12 officers are officers of Applicant.

Applicant represents that since 1966 it has had an interest in one of the two companies which merged in 1969 to form Bralorne. Applicant as the largest shareholder of Bralorne holds 12 percent of the total outstanding voting securities. The second largest shareholder, Mr. Kemmerer, a director of Applicant, holds, together with his associates, 10 percent. Applicant represents that Bralorne makes no important business decisions without first consulting Applicant.

Applicant represents that, on the basis of its large equity interest in Resources, both directly (30 percent) and through Westmoreland (30 percent), it has the power to exercise control over Resources. In addition, Westmoreland is the managing partner and Resources' principal managing personnel, except for the resident manager, are officers of Applicant.

Applicant states that its officers and employees devote substantially all their time to the coal business of Applicant and its controlled companies.

A summary of Applicant's assets as of June 30, 1971, at market value or, where market value is not available, at value assigned by the board of directors is set forth in Table I below. As illustrated in Table I, the assets employed in Applicant's direct business and its interests in its subsidiaries and the companies as to which it claims control represent 76.84 percent of its total assets.

Applicant has also submitted information as to its sources of income for the years ended December 31, 1966, through June 30, 1971. According to this information, Applicant's income from its engagement, directly or through subsidiaries and controlled companies, in business other than that of investing, reinvesting, owning, holding, or trading in securities has accounted for at least 64 percent of Applicant's total income for all such years; and 76.57 percent for the year ended December 31, 1970.

TABLE I

| | Percent of voting securities owned | Value of applicant's holdings | Percent of applicant's total assets |
|---|---|---|---|
| Direct business: | | | |
| Cash and cash items | | $110,786 | |
| Government securities | | 0 | |
| Other Assets (current and fixed assets, coal, timber and mineral reserves) | | 26,097,307 | |
| Total | | 26,208,093 | 31.19 |
| Securities of majority-owned subsidiaries: | | | |
| Clear Creek Water Co | 100.0 | | |
| Cumberland Water Co | 100.0 | | |
| Wheelwright Corp | 100.0 | 779,784 | |
| Ceramtec Industries, Inc | 80.0 | 308,028 | |
| Total | | 1,087,812 | 1.29 |
| Securities of issuers less than majority-owned: | | | |
| Companies of which Applicant claims control: | | | |
| Westmoreland Coal Co | 31.0 | 35,772,000 | 42.56 |
| Bralorne Can-Fer Resources, Inc | 12.0 | 1,125,000 | 1.34 |
| Westmoreland Resources | 30.0 | 390,000 | .46 |
| Total | | 37,287,000 | 44.36 |
| Companies of which Applicant does not claim control: | | | |
| Southern Railway | 2.9 | 14,500,000 | |
| Dominion Bankshares Corp | 2.2 | 1,390,354 | |
| Total | | 15,890,354 | 18.91 |
| Other Investment Securities | | 3,572,831 | 4.25 |
| Total assets | | 84,046,090 | 100.00 |

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Table I indicates that investment securities represented by Applicant's holdings of less than majority-owned companies aggregate $56,750,185 or 65.28 percent of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Accordingly it appears that Applicant is an investment company as defined in section 3(a)(3) of the Act.

In its application Applicant has asserted its belief that it is not subject to the Act because of the applicability of sections 3(b)(1) and 3(c)(9) of the Act which essentially provide that any issuer primarily engaged, directly or through a wholly owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and that any person substantially all of whose business consists of owning or holding oil, gas, or other mineral royalties or leases, or fractional interests therein or certificates of interest or participation in or investment contracts relative to such royalties, leases or fractional interests, respectively, is not an investment company within the meaning of the Act. Notwithstanding its contention that it is not subject to the Act because of the applicability of sections 3(b)(1) and 3(c)(9), Applicant here requests an order of the Commission pursuant to section 3(b)(2) declaring that it is not an investment company.

Applicant represents that it is primarily engaged in the businesses of coal mining, exploration for various minerals and owning or holding mineral royalties and leases, directly and through its subsidiaries and its controlled companies, Westmoreland, Bralorne, and Resources.

Section 3(b)(2) of the Act, provides in pertinent part, that notwithstanding section 3(a)(3), any issuer which the Commission, upon application by the issuer, finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or controlled companies conducting similar types of businesses is not an investment company.

Notice is further given that any interested person may, not later than February 2, 1972, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-735 Filed 1-19-72;8:45 am]

# INTERSTATE COMMERCE COMMISSION

## ASSIGNMENT OF HEARINGS

JANUARY 17, 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 119547 Sub 25, Edgar W. Long, Inc., assigned February 22, 1972, MC 119547 Sub 27, Edgar W. Long, Inc., assigned February 23, 1972, MC 124174 Sub 88, assigned March 2, 1972, will be held in Room 2, State Office Building, Columbus, Ohio.

MC-F 11321, Central Transport, Inc., et al. V. Red Line Express, Inc., et al., assigned February 24, 1972, MC 117565 Sub 45, Motor Service Co., Inc., assigned February 28, 1972, MC 119632 Sub 45, Reed Lines, Inc., assigned February 29, 1972, will be held in Room 255, 85 Marconi Boulevard, Columbus, Ohio.

MC 107107 Sub 411, Alterman Transport Lines, Inc., and MC 107515 Sub 758, Refrigerated Transport Co., Inc., assigned for hearing March 13, 1972, in Room 3A19, 1100 Commerce Street, Dallas, TX.

MC 107515 Sub 759, Refrigerated Transport Co., Inc., and MC 113651 Sub 141, Indiana Refrigerator Lines, Inc., assigned for hearing March 6, 1972, in Room 3A19, 1100 Commerce Street, Dallas, TX.

MC 661592 Sub 199, Jenkins Truck Line, now assigned January 17, 1972, at Washington, D.C., is canceled and application is dismissed.

MC 55429, Air-Freight Trucking Service, Inc., now being assigned February 10, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 119669 Sub 19, MC 119669 Sub 21, Tempco Transportation, and MC 123639 Sub 132, J. B. Montgomery, heard January 13, 1972, and continued to March 21, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

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

[FR Doc.72-880 Filed 1-19-72;8:51 am]

## FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 17, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42337—*Sodium bichromate to St. Louis, Mo.* Filed by M. B. Hart, Jr., agent (No. A6293), for interested rail carriers. Rates on sodium bichromate, dry, in bulk, in carloads, and tank carloads, as described in the application, from Castle Hayne, N.C., to St. Louis, Mo.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 164 to Southern Freight Association, agent, tariff ICC S-800. Rates are published to become effective on February 17, 1972.

By the Commission.

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

[FR Doc.72-879 Filed 1-19-72;8:50 am]

[Notice 2]

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

*Correction*

In F.R. Doc. 72-457 appearing at page 565 in the issue of Thursday, January 13, 1972, the reference to "No. MC 112989 (Sub-No. 21)" in the first line of the first complete paragraph in the first column of page 571 should read "No. MC 112801 (Sub-No. 132)".

[Notice 4]

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

JANUARY 14, 1972.

The following applications are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication,

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

notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 409 (Sub-No. 42), filed December 17, 1971. Applicant: SCHROETLIN TANK LINE, INC., Post Office Box 511, Sutton, NE 68979. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements, and urea in bulk*, in tank or hopper vehicles, from Fremont, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Missouri, Minnesota, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: Applicant states some theoretical tacking possibilities exist but none are proposed. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 923 (Sub-No. 12) (Clarification), filed August 23, 1971, published in the FEDERAL REGISTER issue of October 7, 1971, clarified and republished as clarified, this issue. Applicant: OWENSBORO EXPRESS, INC., 2021 Mill Avenue, Post Office Box 1365, Owensboro, KY 42301. Applicant's representatives: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601, and A. O. Buck, 500 Court Square Building, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission and those requiring special equipment), (1) between Owensboro, Ky., and Evansville, Ind.: From Owensboro, Ky., over U.S. Highway 60 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Evansville, Ind., and return over the same route, serving all intermediate points; (2) between junction of U.S. Highway 41 and U.S. Highway 60 and Morganfield, Ky.: From junction of U.S. Highway 41 and U.S. Highway 60 over U.S. Highway 60 to Morganfield, Ky., and return over the same route, serving all intermediate points; (3) between junction U.S. Highway 41 and U.S. Highway 60 and Sebree, Ky.: From junction of U.S. Highway 41 and U.S. Highway 60 over U.S. Highway 41 to Sebree, Ky., and return over the same route, serving all intermediate points; and (4) between Owensboro, Ky., and Beech Grove, Ky.: From Owensboro, Ky., over Kentucky Highway 54 to junction of Kentucky Highway 56, thence over Kentucky Highway 56 to Beech Grove, Ky., and return over the same route, serving all intermediate points. NOTE: The purpose of this republication is to clarify portions of the route descriptions. If a hearing is deemed necessary, applicant requests it be held at Louisville or Owensboro, Ky.

No. MC 2860 (Sub-No. 107), filed December 17, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, plastic containers, and paper containers*, from points in Camden, Altantic, Gloucester, Salem, and Cumberland Counties, N.J., to points in Illinois and Ohio. NOTE: Applicant states tacking is feasible at the New Jersey points from New England and Middle Atlantic territories. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13250 (Sub-No. 112), filed December 21, 1971. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks*, (2) *tractors* (other than truck tractors), and (3) *parts, attachments, and accessories* for the commodities specified in (1) and (2) above, from Sparks, Nev., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it has no present intention to tack the authority sought with existing authority. However, to the extent that the involved commodities might qualify as commodities requiring the use of special equipment or self-propelled articles weighing 15,000 pounds more, tacking would be possible to serve between some or all of the States of Washington, Oregon, California, and Idaho, on the one hand, and, on the other, points in the destination area here involved. Also, tacking would be possible with applicant's subs 80, 94, and 95 to serve on some or all of the commodities here involved from Aurora, Joliet, Mossville, Decatur, Morton, Peoria, Washington, Danville, and Kewannee, Ill., to points in Washington and Oregon. In all instances tacking would take place at Sparks, Nev. Applicant further states that, to the extent that any of the involved commodities may qualify as self-propelled articles weighing 15,000 pounds or more, applicant now holds authority to transport such commodities between points in Nevada, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming. In addition applicant presently holds authority to transport "size and weight" commodities between points in Nevada, on the one hand, and, on the other, points in all of the same States described above, plus Washington and Oregon. If a hearing is deemed necessary, applicant requests it be held at Reno, Nev., or San Francisco, Calif.

No. MC 19227 (Sub-No. 162), filed December 19, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, from points in Hancock County, Ky., to points in Alabama, Georgia, Louisiana, Mississippi, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21866 (Sub-No. 74), filed December 17, 1971. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling rooms, freezers, insulated panels, and refrigerated buildings, and parts and accessories* used or useful in the installation and operation of those commodities, from the facilities of Bally Case & Cooler, Inc., at or near Bally, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that no duplicating authority is sought. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 61788 (Sub-No. 30), filed December 19, 1971. Applicant: GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, a corporation, Post Office Box 1327, Dothan, AL 36302. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Troy and Dothan, Ala., over U.S. Highway 231, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route authority, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 71331 (Sub-No. 15), filed December 9, 1971. Applicant: FOY CHALKER AND A. C. CREEL, a partnership, doing business as DOVE TRUCK LINE, Montgomery Highway, Dothan, Ala. 36301. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to points in Tallapoosa County (except Alexander City), Ala., and points in Escambia, Monroe, Wilcox, Dallas, Autauga, Chilton, Coosa, Chambers, Covington, Geneva, Houston, Conecuh, Butler, Crenshaw, Coffee, Dale, Henry, Barbour, Pike, Lowndes, Montgomery, Bullock, Russell, Macon, Lee, and Elmore Counties, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 72423 (Sub-No. 3), filed December 20, 1971. Applicant: R. D. HOUNSHELL, doing business as STERLING TRANSFER CO., 111 East Chestnut Street, Sterling, CO 80751. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, and Julesburg, Colo., over U.S. Highways 6 and 138 and Interstate Highway 80S, and return over the same route, serving Fort Morgan and Julesburg, Colo., and all intermediate points between Fort Morgan and Julesburg, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 73165 (Sub-No. 309), filed December 20, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, valves, hydrants, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in T. E. Mercer and G. E. Mercer Extension—Oilfield Commodities, 74 M.C.C. 459 and 543), between Tyler, Tex., and Southgate, Calif., on the one hand, and, on the other, points in and west of New Mexico, Colorado, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority will be tacked with its existing authority where possible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 72243 (Sub-No. 28), filed November 16, 1971. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, Post Office Box 350, 2507 Youngstown Road SE., Warren, OH 44482. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Alabama (except Anniston, Birmingham, Decatur, Gadsden, and Tuscaloosa, and points within 10 miles thereof), Arkansas, Louisiana, Kentucky, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Application is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 86247 (Sub-No. 3), filed December 20, 1971. Applicant: INTERNATIONAL CARTAGE LIMITED, a corporation, 1333 College Avenue, Windsor, ON Canada. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between the port of entry on the international boundary line between the United States and Canada located at or near Port Huron, Mich., and the city of Port Huron, Mich., over city streets, serving no intermediate points, and restricted to traffic moving from or to points in Canada, and interlined with other carriers at Port Huron, Mich., and (2) between the port of entry on the international boundary line between the United States and Canada at or near Port Huron and Detroit, Mich., as an alternate route on Canadian traffic between the Sarnia-Port Huron gateway and Detroit, Mich., over Interstate Highway 94, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 87720 (Sub-No. 123), filed December 20, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, laboratory and hospital equipment and materials, supplies and equipment* used in the manufacture, distribution or sale thereof, between Bridgewater Township, Somerset County, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, under contract with Fisher Scientific Co., restricted against commodities in bulk. NOTE: Applicant holds a pending common carrier application under MC 135684. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 102), filed December 21, 1971. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and household goods as defined by the Commission), between the plantsite, warehouse, and storage facilities of Arvin Industries, Inc., located at or near Monticello, Ark., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, North Carolina, Maryland, Pennsylvania, New York, Alabama, Georgia, Virginia, Delaware, New Jersey, Massachusetts, and the Lower Peninsula of Michigan, restricted to shipments originating at or destined to the plantsite, warehouse, or storage facilities of Arvin Industries, Inc., at or near Monticello, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 103), filed December 21, 1971. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and household goods as defined by the Commission), between the plantsites, warehouses, and storage facilities of Arvin Industries, Inc., located at or near Monroeville, Ala., and at or near Fayette, Ala., on the one hand, and, on the other, the Lower Peninsula of Michigan (which is that part of Michigan bounded on the west by Lake Michigan; on the north by the Joinder of Lake Michigan and Lake Huron; on the east by Lake Huron, the Canadian border, Lake St. Clair, and Lake Erie; and on the south by the State lines of Ohio and Indiana), restricted to shipments originating at or destined to the plantsites, warehouses, or storage facilities of Arvin Industries, Inc., located at or near Monroeville, Ala., and

at or near Fayette, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103494 (Sub-No. 23), filed December 20, 1971. Applicant: EASLEY HAULING SERVICE, INC., Post Office Box 1261 (Gun Club Road), Yakima, WA 98907. Applicant's representative: Norman Richardson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper shipping containers*, between Longview and Yakima, Wash., and Canyon County, Idaho, under contract with Longview Fibre Co. NOTE: Applicant has common carrier authority pending under MC 118038, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash., Seattle, Wash., or Portland, Oreg.

No. MC 105782 (Sub-No. 7), filed December 20, 1971. Applicant: W. W. HUGHES, doing business as HUGHES REFRIGERATED EXPRESS, 2208 Byberry Road, Cornwells Heights, PA 19020. Applicant's representative: W. W. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, in vehicles equipped with mechanical refrigeration (not including tank vehicles); (1) from the plantsites of Stouffer Foods, Division of Litton Industries, and, cold storage, freezing, packing, and distribution facilities, located within the Cleveland, Ohio, Syracuse, N.Y., and Jersey City, N.J., commercial zones, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (2) from the plantsite of Stouffer Foods, Division of Litton Industries, and, cold storage, freezing, packing, and distribution facilities, located within Upper Merion Township and Philadelphia, Pa., commercial zones, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; Alabama, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, and Tennessee; Indiana, Illinois, Iowa, Kentucky, and Michigan; Minnesota, North Dakota, South Dakota, Nebraska, and Kansas. NOTE: Applicant states that tacking will be made at Philadelphia, Pa., commercial zone with existing authorities in its Sub-No. 3. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 106398 (Sub-No. 577), filed December 10, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irving Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, air louvers, and prefabricated building metal work*, from Clermont Sheet Metal, Division of H. H. Robertson Co., Batavia, Ohio, to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority could be tacked with MC 106398 Sub 521. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 133), filed December 9, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representatives: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501, and Hubert M. Johnson, Post Office Box 916, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquid, machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving or air, gas, or liquid, and *parts, attachments, and accessories* for use in the installations of the above named commodities, from Carteret, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 107295 (Sub-No. 521) (Amendment), filed May 26, 1971, published in the FEDERAL REGISTER issue of June 17, 1971, and republished as amended, this issue. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, conduit, parts, attachments and fittings*, from the plantsite and warehouse facilities of McGraw-Edison, Fibre Products Division, at or near Birmingham, Ala., to all points in the contiguous United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 111401 (Sub-No. 356), filed December 21, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Box 632, Enid, OK 73701. Applicant's representatives: Alvin L. Hamilton (same address as applicant) and Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from the plantsite of Midwest Terminal Warehouse in Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 111611 (Sub-No. 23), filed December 19, 1971. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, PA 17044. Applicant's representative: Robert W. Gerson, 1500 Candler Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass reinforced plastic storage tanks, unassembled components of such tanks, and accessories* used in the installation of such tanks and components; and *fibrous glass reinforced plastic pipe*, between points in the United States restricted to traffic originating at plants, warehouses, storage sites or other facilities of Owens-Corning Fiberglas Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 111729 (Sub-No. 331), filed December 9, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cardiac pacemakers and related accessories;* (a) between Elmhurst, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, and Wisconsin, and St. Anthony, Fridley, and Minneapolis, Minn.; and (b) between Davenport, Iowa, on the one hand, and, on the other, points in Illinois on and west of Illinois Highway 47, and on and north of U.S. Highway 36; (2) *business papers, records, and audit and accounting media of all kinds;* (a) between Elmhurst, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, and Wisconsin, and St. Anthony, Fridley, and Minneapolis, Minn.; (b) between Davenport, Iowa, on the one hand, and, on the other, points in Illinois on and west of Illinois Highway 47, and on and north of U.S. Highway 36; and (c) between Holyoke, Mass., and New York, N.Y.; and (3) *proofs, cuts, copy, manuscripts, first copies of publications, advertising material, and matters pertaining thereto*, between Holyoke, Mass., and New York, N.Y. NOTE: Applicant also holds contract carrier authority under MC 112750 and subs, therefore dual operations and common control may be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 111729 (Sub-No. 332), filed December 22, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* of all kinds, and *advertising material* moving therewith; (a) between Valley Forge, Pa., on the one hand, and, on the other, Baltimore, Md.; Englewood Cliffs, N.J.; and points in Dover, Seaford, and New Castle Counties, Del.; and (b) between New York, N.Y., and Frederick, Md.; (2) *small emergency automobile parts and supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Valley Forge, Pa., on the one hand, and, on the other, Baltimore, Md.; Englewod Cliffs, N.J.; and points in Dover, Seaford, and New Castle Counties, Del.; (3) *sample textile swatches*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between New York, N.Y., and Frederick, Md.; (4) *computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, from Cleveland, Ohio, to Aliquippa, Altoona, Ambridge, Beaver Falls, Bedford, Blairsville, Bradford, Brockway, Butler, Canonsburg, Clearfield, Du Boise, Edenburg, Eldred City, Erie, Greensburg, Huntington, Indiana, Johnstown, Kittanning, Leechburg, Louistown, Meadville, Monongahela, New Kensington, Pittsburgh, State College, Union City, Uniontown, Vandergrift, Warren, and Washington, Pa.;

(5) *surgical arterial grafts, cardiovascular instruments, and necessary supporting hardware;* (a) between points in Saratoga County, N.Y., on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Vermont, Maine, Pennsylvania, Maryland, Virginia, and the District of Columbia; and (b) between points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, on traffic having an immediately prior or subsequent movement by air. NOTE: Applicant now holds contract carrier authority under its No. MC 112750 and subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities, however, applicant does not at present have any intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 462), filed December 19, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or preserved foodstuffs*, from Duluth, Minn., to points in Arizona, California, Utah, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 112304 (Sub-No. 52), filed December 17, 1971. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 42315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* from Hicksville, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, South Carolina, Tennessee, and Wisconsin; and (2) *equipment, materials, and supplies used in the manufacture and processing of iron and steel articles* (except commodities in bulk), from points in the above-named destination States shown in (1) above to Hicksville, Ohio. NOTE: Applicant states that tacking possibilities exist between the requested authority and its existing authority under MC 112304 (Sub-No. 1) "Size and Weight" authority, but indicates that it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112588 (Sub-No. 17), filed December 20, 1971. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Roofing and building materials, and materials used in the installation and application of such commodities* (except iron and steel, portland cement, and commodities in bulk), from the plantsite of Certain-teed Products Corp. at Avery, Ohio, to points in New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and those points in New York east of Wayne, Seneca, Schuyler, and Chemung Counties, and those in Pennslyvania east of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties; and (b) *materials, equipment, and supplies used in the manufacture, installation or application of roofing or building materials*, from points in New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and those points in New York east of Wayne, Seneca, Schuyler, and Chemung Counties and those in Pennsylvania east of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties, to the plantsite of Certain-teed Products Corp. at Avery, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113119 (Sub-No. 9), filed December 19, 1971. Applicant: C.S.I., INC., doing business as CONTRACT SERVICE, INC., Post Office Box 281, Trewigton Road, Colmar, PA 18915. Applicant's representative: Maxwell A. Howell, Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal shelving and parts, components, attachments, and accessories therefor*, from Perkasie, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa., Philadelphia, Pa., or Washington, D.C.

No. MC 113362 (Sub-No. 228), filed December 20, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, materials and supplies used in the manufacture or distribution of paper and paper products* (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment), between the plantsites and/or storage facilities of Nekoosa Edwards Paper Co., Inc., located in Little River County, Ark., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114273 (Sub-No. 110), filed December 17, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 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: *General commodities* (except those of unusual value and classes A and B explosives), between Great Bend, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsite and/or storage facilities of Fuller Brush Co. at or near Great Bend, Kans. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117686 (Sub-No. 127), filed December 17, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Morehead City, N.C., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 117686 (Sub-No. 128), filed December 17, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Tampa, Fla., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 117980 (Sub-No. 6), filed December 17, 1971. Applicant: WILLIAM BADGIO & SONS, INC., 291 Green Street, Brockton, MA 02403. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., and Wilmington, Del., to Brockton, Worcester, Cambridge, and New Bedford, Mass., Providence, R.I., and Manchester, N.H. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 119668 (Sub-No. 4), filed December 21, 1971. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, a partnership, doing business as RATLIFF'S TRUCKING SERVICE, Post Office Box 336, Oakwood, VA 24631. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 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. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 119702 (Sub-No. 37), filed November 22, 1971. Applicant: STAHLY CARTAGE CO., a corporation, Post Office Box 486, 130A Hillsboro Avenue, Edwardsville, IL 62025. Applicant's representative: Robert D. Higgins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, from the plantsite of Tri-Central Terminal located at Lemont, Ill., to points in Iowa, Indiana, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 123294 (Sub-No. 23), filed December 13, 1971. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Post Office Box 784, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, rock wool, slag, plain or saturated*, with or without binder, in bulk or in bulk and bags, *batts or blankets* with or without backing and/or covering, loose or in packages, from Alexandria, Ind., to points in Ohio, Indiana, Illinois, Michigan, Missouri, Kentucky, Tennessee, Wisconsin, Minnesota, North Dakota, South Dakota, Florida, Arkansas, Alabama, Delaware, Georgia, Kansas, Louisiana, Maryland, Mississippi, New Jersey, New York, Iowa, South Carolina, North Carolina, Pennsylvania, the District of Columbia, Wyoming, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124170 (Sub-No. 26), filed December 13, 1971. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under section 203(b)(6) of the Act, when transported in mixed loads with bananas, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Illinois, Indiana, Michigan, New York, Ohio, New Jersey, and Pennsylvania, restricted to traffic originating at the named origin point and to traffic having a prior movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124904 (Sub-No. 1), filed December 9, 1971. Applicant: GIBNEY DISTRIBUTORS, INC., 2335 Waterbury Avenue, Bronx, NY 10462. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage*, in seasonal operations extending from June 1 to October 1, inclusive of each year, between points in New Jersey, Fairfield County, Conn.; Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Philadelphia, Pa., and points in Pennsylvania on, south and east of a line extending from the intersection of the Delaware River and U.S. Highway 22 at or near Easton, Pa., thence southwesterly along U.S. Highway 22 to its intersection with U.S. Highway 81, thence southeasterly along U.S. Highway 81 to its intersection with U.S. Highway 22, thence southwesterly along U.S. Highway 222 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, Pennsylvania, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125996 (Sub-No. 24), filed December 20, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Duane Acklie, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food and animal food ingredients*, between points in Nebraska, and points in North Dakota and South Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which

can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127042 (Sub-No. 91), filed December 21, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs;* (1) from the plantsite and storage facilities utilized by (a) Butterfield Foods Co., Butterfield, Minn., (b) Wadco Foods, Inc., Esterville, Iowa, and (c) Tony Downs Food Co., St. James and Medelia, Minn., to points in Colorado, Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin and Wyoming, restricted to traffic originating at above-named plantsites and storage facilities and destined to the above-named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 127337 (Sub-No. 5), filed December 15, 1971. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A–1) *Bananas*, from Albany, N.Y., to ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, Bar Harbor, and Portland, Maine; (A–2) *bananas, pineapples, and meat and meat products, and rice*, from points in the New York, N.Y., commercial zone as defined by the Commission to ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, Bar Harbor, and Portland, Maine, restricted to traffic moving in foreign commerce; (B) *bananas, and fresh fruits, fresh vegetables, and fresh berries*, when moving in the same vehicle and at the same time with bananas, in vehicles equipped with mechanical refrigeration, from Boston, Mass., to ports of entry on the international boundary line between the United States and Canada at or near Portland, Maine, with no transportation for compensation on return except as otherwise authorized, restricted to traffic moving to points in the Provinces of New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland, Canada, and further restricted against the transportation of shipments destined to Yarmouth, Nova Scotia, Canada; (C–1) *smoked, cured, and processed fish* and frozen fish when moving in the same vehicle and at the same time with smoked, cured, or processed fish, in the vehicles equipped with mechanical refrigeration, and *fresh and frozen fruits, vegetables, and berries*, from ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, Bar Harbor, and Portland, Maine, to Boston and Gloucester, Mass., and points in the New York, N.Y., commercial zone as defined by the Commission, New Brunswick and Seabrook, N.J., and Philadelphia, Pa.; (C–2) *fish wrapping paper and repair parts* for fishing boats or fish processing machines, from Boston and Gloucester, Mass., to Portland, Maine, restricted to traffic moving in foreign commerce and (D) *fish packaging material, processed fish, and fresh or frozen fish*, when moving in the same vehicle and at the same time with processed fish, between Portsmouth, N.H., on the one hand, and, on the other, Portland, Maine, and *repair parts* for fishing boats and fish processing plants, between Portsmouth, N.H., and Portland, Maine, restricted to traffic moving in foreign commerce; NOTE: Applicant states that any duplicating authority to be restricted against severance by sale or otherwise. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 128030 (Sub-No. 33), filed December 17, 1971. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bumpers and parts thereof*, from the plantsite of Flex-N-Gate Sales, Inc., at Urbana, Ill., to points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, South Dakota, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128375 (Sub-No. 78), filed December 20, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Ken Adams (same address above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, and ingredients, materials, and supplies* used in the manufacture and production of *animal feed*, between Los Angeles, Calif., on the one hand, and, on the other, points in Utah, Idaho, Montana, and Colorado, under a continuing contract with Liggett & Myers Inc., and its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129665 (Sub-No. 4), filed December 27, 1971. Applicant: CITY BEVERAGES, INC., 725 Saar Street, Kent, WA 98031. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as defined in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, from Wallula, Wash., to points in California. NOTE: Applicant holds contract carrier authority under MC 123283 and subs, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133106 (Sub-No. 11), filed December 21, 1971. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, toothbrushes, candy, confectionery, chewing gum, gum base, cough drops, dry beverage preparations, antacid mints, store display racks or stands, and packaging materials* moving in vehicles equipped with mechanical temperature control devices, from the plantsite and storage facilities used by Warner-Lambert Co. at or near Poughkeepsie, N.Y.; and Long Island City, N.Y., and North Bergen, N.J., to Columbus, Ohio; Rockford, Ill.; Arlington, Tex.; Anaheim, Calif.; and Milwaukie, Oreg., and their respective commercial zones, under contract with Warner-Lambert Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133119 (Sub-No. 12), filed December 20, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Post Office Box 206, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed shipments with bananas, from Tampa, Fla., to points in North Dakota, Minnesota, Wisconsin, Iowa, Michigan, Illinois, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 133119 (Sub-No. 13), filed December 20, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in

sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from (1) Hawarden, Iowa, to points in Minnesota, Nebraska, Indiana, Illinois, and Wisconsin; and (2) from Boyden, Iowa, to points in Chicago, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City or Des Moines, Iowa, or Sioux Falls, S. Dak.

No. MC 133119 (Sub-No. 14), filed December 20, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulations under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed shipments with (1) above, from Morehead City, N.C., to points in North Dakota, Minnesota, Wisconsin, Iowa, Michigan, Illinois, Indiana, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 133436 (Sub-No. 14), filed December 20, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, 121 East Second Street, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill., and points in its commercial zone to points in Colorado, Kansas, Kentucky, and Tennessee, under a continuing contract or contracts with National Industries, Inc., or its wholly owned subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 133453 (Sub-No. 14), filed December 10, 1971. Applicant: TROJAN TRANSPORTATION, INC., 2729 Federal Street, Philadelphia, PA 19124. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Jams, jellies, preserves, and juices* in containers, from Philadelphia, Pa., to Elizabeth, South Kearny, Carlstadt, Edison, and Woodbridge, N.J.; Baltimore and Landover, Md.; Central Islip, Mount Kisco, and New York, N.Y.; and Richmond, Va.; and (2) *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey located in and north of Mercer and Monmouth Counties, N.J., under contract with Theresa Friedman & Sons, Inc., and Pennco Foods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 134060 (Sub-No. 7), filed December 27, 1971. Applicant: DAVINDER FREIGHTWAY'S LTD., 2739 James Street, Duncan, BC Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate* in bulk, in tank vehicles, from port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., to Everett, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135415 (Sub-No. 1), filed December 9, 1971. Applicant: SCHMIDT TRANSIT CO., INC., Oakland, Iowa 51560. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities* used by packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex., to points in the United States (except Alaska and Hawaii), under contract with American Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135731 (Sub-No. 2), filed December 9, 1971. Applicant: M & S MAIL DELIVERY MESSENGER SERVICE, INC., 173 Aqueduct Road, White Plains, NY 10601. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufacturer's samples, printed matter, office supplies, salesmen's kits and display material*, between facilities of The Nestle Co., Inc., and its affiliates located at White Plains, and New York, N.Y., Stamford, Conn., and Secaucus, N.J., under a continuing contract with The Nestle Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135759 (Sub No. 1) (Amendment), filed September 8, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished as amended this issue. Applicant: K & C TRANSPORTATION, INC., Ninth Floor, Loyalty Building, Portland, Oreg. 97204. Applicant's representative: Carol Hewitt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, periodicals, and library carts*, (a) from Beaverton, Oreg., to Denver, Colo.; Zion, Ill.; Marion, Ohio, and Blackwood, N.J.; (b) from Denver, Colo., to Zion, Ill., Marion, Ohio; Blackwood, N.J.; and (c) from Zion, Ill.; to Marion, Ohio, and Blackwood, N.J.; and (d) from Marion, Ohio to Blackwood, N.J.; and return; under contract with Richard Abel and Co., Inc. NOTE: The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136006 (Sub-No. 1), filed December 20, 1971. Applicant: WALLKILL AIR FREIGHT CORPORATION, Rural Delivery No. 3, Box 5, Wallkill, NY 12589. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities injurious or contaminating to other lading, radio pharmaceuticals and medical isotopes), between points in Ulster, Orange, and Dutchess Counties, N.Y., on the one hand, and, on the other, Newark Airport, Newark, N.J., John F. Kennedy and La Guardia Airports, New York, N.Y., and Stewart Airport, Newburg, N.Y., restricted to traffic having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 136034 (Amendment), filed September 20, 1971, published in the FEDERAL REGISTER issue of October 29, 1971, and republished as amended this issue. Applicant: ASTRO TOWING SERVICE, LTD., a corporation, 3821 South Union, Chicago, IL 60609. Applicant's representative: Paul J. Maton, Suite 1620, 10 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled and repossessed trucks and tractors; and replacement trucks and tractors, and parts thereof*, by use of wrecker equipment only in connection with wrecked, disabled, and repossessed trucks and tractors, between the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Iowa, and Missouri. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136219 (Correction), filed November 22, 1971, published in the FEDERAL REGISTER issue of January 6, 1972, corrected and republished as corrected, this issue. Applicant: ACKERMAN MOTOR LINES, INC., 208 Alpine Trail, Sparta, NJ 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Textiles and materials, equipment and supplies* used or useful in the manufacture and sale of textiles, between Washington, N.J., on the one hand, and, on the other Newburgh and points in the New York, N.Y., commercial zone as defined by the Commission, Carlstadt and Paramus, N.J., and points in Pennsylvania east of the Susquehanna River, under contract with Castle Creek Prints and Northern Dyeing Co. NOTE: Common control may be involved. The purpose of this republication is to show the correct contracting shipper as Castle Creek Prints and Northern Dyeing Co., in lieu of Millville Finishing Co., shown erroneously in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136249 (Sub-No. 2), filed December 10, 1971. Applicant: JAMES R. GALBRAITH, JR., Rural Route 1, Box 123, Camanche, IA 52730. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages and advertising material* from Milwaukee, Wis., South Bend, Ind., and points in the Minneapolis-St. Paul, Minn., commercial zone, to Clinton, Iowa; and (b) *cooperage* (empties returned), from Clinton, Iowa, to Milwaukee, Wis., South Bend, Ind., and points in the Minneapolis-St. Paul Minn., commercial zone, under contract with John Roach Distributing Co., Clinton, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Madison, Wis.

No. MC 136259, filed December 13, 1971. Applicant: DOUBLE J TRUCKING CO., INC., 180 Christie Street, Leonia, NJ 07605. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and dispensers thereof, and shipping and packing materials;* (1) From New York, N.Y., to points in New Jersey; and (2) from Elizabeth, N.J., to points in New York, N.Y., and the counties of Nassau, Suffolk, and Westchester, N.Y., under contract with Geo. W. Miller & Co., Inc., and Pohlman Paper Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136270 (Sub-No. 1) (Correction) filed November 19, 1971, published FEDERAL REGISTER on December 23, 1971, under MC 107892 Sub No. 2, and republished as corrected this issue. Applicant: DONALD E. HIRTLE TRANSPORT, LIMITED, Post Office Box 88, Blockhouse, Lunenburg County, NS, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Bananas*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from Chelsea, Mass., to point of entry on the international boundary line between the United States and Canada located at or near Calais and Houlton, Maine, and to Bar Harbor and Portland, Maine, restricted to traffic moving in foreign commerce; and (b) *fresh and processed fish*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from ports of entry on the international boundary line located at or near Calais and Houlton, Maine, and from Bar Harbor and Portland, Maine, to Boston and Gloucester, Mass., New York, N.Y., Jersey City, N.J., and Philadelphia and Pittsburgh, Pa., restricted to traffic moving in foreign commerce. NOTE: Applicant states authority sought to and from Bar Harbor and Portland, Maine to cover service by ferry. The purpose of this republication is to show the correct docket number assigned thereto in lieu of MC 127892 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 136271, filed December 10, 1971. Applicant: JOHN R. JIRDON INDUSTRIES, INC., Box 616, Morrill, NE 69358. Applicant's representative: R. L. Gilbert, Box 5, Morrill, NE 69358. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural chemicals, and seeds*, between points in Scotts Bluff County, Nebr., on the one hand, and, on the other, points in Montana, Utah, Idaho, Oregon, Wyoming, Colorado, Nebraska, Kansas, and South Dakota, under contract with Jirdon AgriChemicals Inc., of Morrill, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Denver, Colo.

No. MC 136272, filed December 14, 1971. Applicant: GARY LEE JOHNSON, 3328 Farr Road, Fruitport, MI 49415. Applicant's representative: William J. Hipkiss, 175 West Apple at First, Muskegon, MI 49443. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Empty paper milk product cartons*, from Cleveland, Ohio, to Fruitport, Mich.; from Cleveland, Ohio, over Interstate Highway 90 to junction of U.S. Highway 23, thence over U.S. Highway 23 to junction of Interstate Highway 96, thence over Interstate Highway 96 to Fruitport, serving the off-route points of Saline, Flint, and Chesaning, Mich., under contract with Farr View Dairy, Fruitport, Mich., subsidiary of McDonald Dairy Corp., Flint, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 136273, filed December 9, 1971. Applicant: KENNETH G. MAY and ORVILLE L. HOWARD, a partnership, doing business as CORONADO TRUCKING CO., 1315 Santiago Avenue, Santa Ana, CA 92701. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, paint coatings; paint solvents; paint thinners; paint primers; enamel; lacquer; varnish, and polyurethane*, from Edgewater, Fla., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Louisiana, Massachusetts, Missouri, New Jersey, North Carolina, North Dakota, Ohio, South Carolina, Texas, Virginia, and Washington; (2) damaged, refused, rejected, returned, and unclaimed shipments of the commodities described in (1) above, on return; (3) *commodities* used in the manufacture, production, and distribution of the commodities described in (1) above, from points in California, Florida, Georgia, Illinois, Louisiana, Maryland, Mississippi, Missouri, New Jersey, Texas, and West Virginia to Edgewater, Fla.; and (4) damaged, refused, rejected, returned, and unclaimed shipments of the commodities described in (3) above, on return, under contract with Coronado Paint Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 136274, filed December 9, 1971. Applicant: DEAN LONNQUIST, doing business as "ARABS ON THE GO", 4165 Blackhawk Road, St. Paul, MN 55122. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, MN 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in connection therewith, *personal effects of attendants, and supplies and equipment, used in the care or exhibition of such horses*, between points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136287, filed December 20, 1971. Applicant: JOHN H. NELSON, doing business as CALIFORNIA VAN & STORAGE CO., 444 Via El Centro, Post Office Box P, Oceanside, CA 92054. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Imperial, Orange, Riverside, Los Angeles, and San Diego Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136288, filed December 13, 1971. Applicant: CABANO TRANSPORT, LTD., Post Office Box 404, Riviere-du-Loup, Temiscouata County, PQ Canada. Applicant's representative: Frank J.

Weiner, 6 Beacon Street, Boston, MA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp, wood products, and newsprint*, from ports of entry on the international boundary line between the United States and Canada at or near Jackman and Madawaska, Maine, Norton, Derby Line, and Highgate Centre, Vt., and Champlain and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, restricted to traffic originating at points in Riviere-du-Loup and Temiscouata Counties, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 136302, filed December 17, 1971. Applicant: CHARLES D. REINHARD, EXECUTOR OF THE ESTATE OF J. C. REINHARD, doing business as ALLIED INDUSTRIES, 207 West Las Animas, Post Office Box 1244, Colorado Springs, CO 80901. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in El Paso, Pueblo, Teller, and Douglas Counties, Colo., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

MOTOR CARRIER OF PASSENGERS

No. MC 136303, filed December 21, 1971. Applicant: EARL CLINTON CHURCH, 701 Morris Street, Salisbury, MD 21801. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in Wicomico County, Md., and extending to points in New York, New Jersey, Pennsylvania, Delaware, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATION OF FILING FREIGHT FORWARDERS

No. FF-233 (Sub-No. 1) (JOE M. HAMBRICK Extension—Chicago/St. Louis), filed December 13, 1971. Applicant: JOE M. HAMBRICK, doing business as I & S FORWARDING COMPANY, 2265 Vistamont Drive, Decatur, GA 30033. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit to change and extend operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water and motor vehicle, in the transportation of: *Iron and steel articles*, in truckload or carload lots, from points in Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrison, Jefferson, Lorain, Mahoning, Madina, Monroe, Morgan, Noble, Portage, Stark, Summit, Trumbull, Tuscarawas, and Washington Counties, Ohio; Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties, Pa.; Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Ritchie, Taylor, Tyler, Wetzel, and Wood Counties, W. Va.; Lake and Porter Counties, Ind.; Cook, Du Page, Grundy, Jersey, Madison, Monroe, St. Clair, and Will Counties, Ill.; St. Charles, St. Louis, and Jefferson Counties, Mo., and from points on the Illinois River to points in Florida east of the counties of Lee, Charlotte, De Sota, Hardee, Polk, Orange, Seminole, Lake, Marion, Alachua, Bradford, Union, and Columbia; and points in Abbeville, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Calhoun, Charleston, Colleton, Edgefield, Greenville, Greenwood, Hampton, Jasper, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, and Union Counties, S.C.

No. FF-379 (Sub-No. 1) SIERRA-PACIFIC FREIGHT FORWARDING, INC., FREIGHT FORWARDER APPLICATION (2), filed January 10, 1972. Applicant: SIERRA-PACIFIC FREIGHT FORWARDING, INC., 8 East Prater Way, Sparks, NV 89431. Applicant's representative: John C. Bartlett, 195 South Sierra Street, Reno, NV 89504. Authority sought to operate under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, water, air, and motor vehicle in the transportation of: *General commodities*, between the cities of Reno and Sparks, Nev., and the terminal areas thereof, and points to and places on the Islands of Oahu, Maui, and Hawaii, State of Hawaii.

APPLICATION OF FILING WATER CARRIER

No. W-381 (Sub-No. 15) FEDERAL BARGE LINES, INC., Extension—INTERCOASTAL, filed January 10, 1972. Applicant: FEDERAL BARGE LINES, INC., 611 East Marceau Street, St. Louis, MO 63111. Applicant's representative: Richard J. Harry, Suite 1212, 425 13th Street NW., Washington, DC 20004. By application filed January 10, 1972, applicant seeks to operate as a common carrier by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length or 100 tons in weight, *component parts thereof, and related equipment*, between ports and points along the Pacific Coast and tributary waterways on the one hand, and, on the other, ports and points within Federal's existing authority and ports and points on the Gulf of Mexico west of, but not including, New Orleans, La.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 10472 (Sub-No. 27), filed December 20, 1971. Applicant: BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner Avenue, Kansas City, MO 64120. Applicant's representative: John T. Pruitt (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 commodities requiring special equipment), between Maryville, Mo., and Des Moines, Iowa, from Maryville, Mo., over U.S. Highway 71 to junction Missouri Highway 27, thence over Missouri Highway 27 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 6, thence over U.S. Highway 6 to Des Moines, Iowa, and return over the same routes, serving no intermediate points. NOTE: Common control may be involved.

No. MC 51518 (Sub-No. 3), filed December 20, 1971. Applicant: EDWARD VESELY AND FRANCES VESELY, a partnership, doing business as VESELY BROTHERS "THE MOVERS", Post Office Box 455, Fayette City, PA 15438. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies, sold, used or distributed by a manufacturer of cosmetics*, from Washington Township, Fayette City, Pa., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland, Counties, Pa., on traffic having a prior out-of-state movement. NOTE: Applicant states the only purpose of this application is to broaden the existing commodity description under MC 51518 to allow applicant to continue rendering a complete service for the supporting shipper. Applicant further states that the requested authority cannot be tacked with its existing authority.

No. MC 62176 (Sub-No. 4), filed December 20, 1971. Applicant: FOURIER TRUCK SERVICE, INC., Post Office Box 1, Molalla, OR 97038. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, and those requiring special equipment), between Estacada, Oreg., and junction U.S. Highway 26 and unnumbered highway located approximately 10 miles east of junction U.S. Highway 26 and Oregon Highway 35, from Estacada

over Oregon Highway 224 to its terminus, thence over unnumbered highway to junction U.S. Highway 26, and return over the same route, serving all intermediate points and the Timberlake Job Corp Center as an off-route point. NOTE: A motion to dismiss has been filed concurrently herewith.

No. MC 67167 (Sub-No. 12), filed December 20, 1971. Applicant: E. D. FEE TRANSFER, INC., 111 East Lincoln Avenue, New Castle, PA 16110. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of *cosmetics*, from New Castle, Pa., to points in Beaver, Butler, Lawrence, Mercer, and Venango Counties, Pa., and points in Washington County, Pa., north of Pennsylvania Highway 31, restricted to the transportation of shipments received from connecting motor carriers at New Castle, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the sole purpose of instant application is to broaden the existing commodity description to allow applicant to continue rendering a complete service for the supporting shipper.

No. MC 128842 (Sub-No. 2), filed December 21, 1971. Applicant: ROSS EXPRESS, INC., Post Office Box 42, Penacook, NH. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used or distributed by a manufacturer of cosmetics, between Penacook, N.H., on the one hand, and, on the other, points in New Hampshire. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Avon Products, Inc., of Rye, N.Y. NOTE: Applicant states that sole purpose of this application is to broaden the existing commodity description to allow applicant to continue rendering a complete service for the supporting shipper.

By the Commission.

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

[FR Doc.72-789 Filed 1-19-72;8:45 am]

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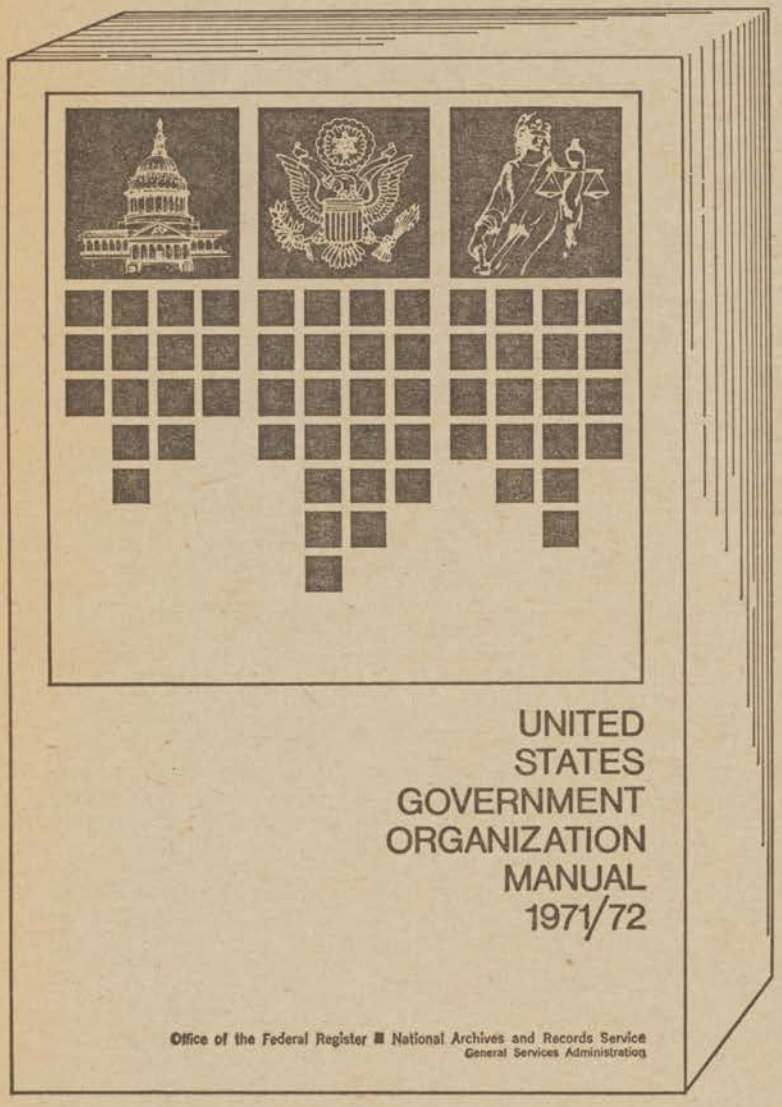


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