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Title 3—The President

PROCLAMATION 4106

Law Day, USA, 1972

By the President of the United States of America

A Proclamation

Reminiscing once about his long and distinguished career in the law, the late Felix Frankfurter pointedly recalled how a dispute over a legal question had ended with a colleague on the Harvard Law School faculty.

"You take law awfully seriously," his friend chided him.

Yes, Professor Frankfurter replied quietly, "That's one accusation against which I plead guilty without reservation."

"I do take law very seriously," he maintained, "because fragile as reason is and limited as law is as the expression of the institutionalized medium of reason, that's all we have standing between us and tyranny of mere will and the cruelty of unbridled, undisciplined feeling."

As America prepares to celebrate this year the fifteenth annual observance of Law Day, USA, we have only to reflect for a moment upon the impact of law in order to appreciate the reverence in which it was held by Justice Frankfurter.

Unquestionably, the rule of law underlies our entire social, economic and governmental structure. Under it, men and women can buy and sell, marry, express their personal opinions, and engage in a vast array of other activities with the assurance that their contracts will be enforced and their liberties protected. Without it, America would not have realized its unparalleled growth in prosperity, individual freedom, and equality of opportunity.

Law Day is not a day set aside for lawyers, but was established by the Congress to encourage every citizen to think anew of the central role of law in our society. This year many observances will be designed to promote greater efforts to renew our governmental institutions,

strengthen the legal structure, and encourage a wider acceptance of the responsibilities of citizenship. The law, as Daniel Webster said, "has honored us, may we honor it."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request the observance of Monday, May 1, 1972, as Law Day in the United States of America.

And, as requested by the Congress, I urge that our people observe Law Day with appropriate public ceremonies, through public bodies and private organizations, in schools and other suitable places. I especially request that the legal profession, all media of public information, and the courts take the lead in sponsoring, participating and publicizing observances throughout the Nation. And, I call upon public officials to display the Nation's flag on public buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord, nineteen-hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-2046 Filed 2-8-72; 2:34 pm]

EXECUTIVE ORDER 11645

Authority of the Secretary of Transportation To Prescribe Certain Regulations Relating to Coast Guard Housing

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Transportation is designated and empowered to prescribe (or, under a delegation of the Secretary's authority, the Commandant of the Coast Guard is authorized to prescribe) regulations pursuant to section 475(c) of title 14 of the United States Code, relating to the designation and leasing of rental housing, without the approval, ratification, or other action by the President.

SEC. 2. Whenever the entire Coast Guard operates as a service in the Navy, the reference to the Secretary of Transportation in section 1 of this order shall be deemed to be a reference to the Secretary of the Navy.

Richard Nixon

THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72-2045 Filed 2-8-72; 2:34 pm]

EXECUTIVE ORDER 11646

Membership of Department of State on the Great Lakes Basin Commission

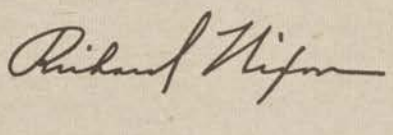
Planning for the conservation and use of the water and related land resources of the Great Lakes Basin requires coordination among the affected State and local governments, Federal agencies, other jurisdictions and agencies, and with the Government of Canada. To assure effective coordination in this regard, Executive Order No. 11345 of April 20, 1967, created the Great Lakes Basin Commission pursuant to the provisions of section 201 of the Water Resources Planning Act. I have now determined that the inclusion of a representative of the Department of State as a member of the Great Lakes Basin Commission would enhance the work of that Commission.

NOW, THEREFORE, by virtue of the authority vested in me by section 202 of the Water Resources Planning Act (79 Stat. 247; 42 U.S.C. 1962b–1) and as President of the United States, it is ordered as follows:

SECTION 1. Section 3(2) of Executive Order No. 11345 of April 20, 1967, as amended, is hereby further amended by inserting "Department of State," immediately before "Department of Agriculture".

SEC. 2. Section 5 of Executive Order No. 11345 is hereby amended to read as follows:

"SEC. 5. *International Coordination.* The Council and the Department of State shall consult as appropriate on matters under consideration by the Commission which relate to the areas of interest and jurisdiction of the International Joint Commission, United States and Canada, and the Great Lakes Fishery Commission."



THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72–2104 Filed 2–9–72; 10:29 am]

Rules and Regulations

Title 7—AGRICULTURE

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

[Navel Orange Reg. 255]

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

Limitation of Handling

§ 907.555 Navel Orange Regulation 255.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), 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 February 8, 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 February 11, through February 17, 1972, are hereby fixed as follows:

(i) District 1: 913,000 cartons

(ii) District 2: 187,000 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: February 8, 1972.

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

[FR Doc.72–2147 Filed 2–9–72;11:24 am]

PART 928—PAPAYAS GROWN IN HAWAII

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

On January 19, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 793) regarding proposed expenses and the related rate of assessment for the fiscal year ending December 31, 1972, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 928 (CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Papaya Administrative Committee (established pursuant to said marketing agreement and order) it is hereby found and determined that:

§ 928.201 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1972, through December 31, 1972, will amount to $162,500.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 928.41, is fixed at $0.0065 per pound of papayas.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the initial fiscal year ended December 31, 1971, shall be carried over as a reserve in accordance with applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of papayas are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable papayas from the beginning of such period; and (3) such period began on January 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable papayas beginning with such date.

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

Dated: February 7, 1972.

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

[FR Doc.72–2013 Filed 2–9–72;8:54 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket No. AO 14–A50, etc.]

MILK IN BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional	AO–14–A50.
1002	New York-New Jersey	AO–71–A63.
1004	Middle Atlantic	AO–160–A48.
1006	Upper Florida	AO–356–A9.
1007	Georgia	AO–366–A9.
1011	Appalachian	AO–251–A14.
1012	Tampa Bay	AO–347–A13.
1013	Southeastern Florida	AO–286–A21.
1015	Connecticut	AO–305–A29.
1030	Chicago Regional	AO–361–A6.
1032	Southern Illinois	AO–313–A22.
1033	Ohio Valley	AO–166–A42.
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A35.

7 CFR Part	Marketing area	Docket No.
1040	Southern Michigan	AO-225-A24.
1043	Upstate Michigan	AO-247-A17.
1044	Michigan Upper Peninsula.	AO-299-A19.
1046	Louisville-Lexington-Evansville.	AO-123-A39.
1049	Indiana	AO-319-A19.
1050	Central Illinois	AO-355-A11.
1060	Minnesota-North Dakota	AO-360-A7.
1061	Southeast Minnesota-Northern Iowa (Dairyland).	AO-367-A6.
1062	St. Louis-Ozarks	AO-10-A44.
1063	Quad Cities-Dubuque	AO-105-A36.
1064	Greater Kansas City	AO-23-A43.
1065	Nebraska-Western Iowa	AO-86-A26.
1068	Minneapolis-St. Paul	AO-178-A29.
1069	Duluth-Superior	AO-153-A20.
1070	Cedar Rapids-Iowa City	AO-229-A27.
1071	Neosho Valley	AO-227-A27.
1073	Wichita, Kans	AO-173-A27.
1075	Black Hills, S. Dak	AO-248-A14.
1076	Eastern South Dakota	AO-260-A18.
1078	North Central Iowa	AO-272-A21.
1079	Des Moines, Iowa	AO-295-A25.
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1130	Corpus Christi, Tex	AO-259-A24.
1131	Central Arizona	AO-271-A16.
1132	Texas Panhandle	AO-262-A23.
1133	Inland Empire	AO-275-A23.
1134	Western Colorado	AO-301 A13.
1136	Great Basin	AO-309-A18.
1137	Eastern Colorado	AO-326-A17.
1138	Rio Grande Valley	AO-335-A19.

FINDINGS AND DETERMINATIONS

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1972. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 5, 1972, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 24, 1972. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1972, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended;

(3) The issuance of the order amending each of the specified orders, except Austin-Waco, Fort Smith, Memphis, Michigan Upper Peninsula, and North Central Iowa, is approved or favored by at least two-thirds of the producers who, during the determined representative period, were engaged in the production of milk for sale in the respective marketing areas; and

(4) The issuance of the order amending the Austin-Waco, Fort Smith, Memphis, Michigan Upper Peninsula, and North Central Iowa orders is approved or favored by at least three-fourths of the producers who, during the determined representative period were engaged in the production of milk for sale in the respective marketing areas.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in each of the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1001—MILK IN BOSTON REGIONAL MARKETING AREA

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

§ 1001.32 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

(iii) The butterfat differential for the preceding month;

(2) The 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d); and

(3) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

* * * * *

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

§ 1001.60 Basic formula price.

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

3. Section 1001.61 is revised as follows:

§ 1001.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for

the month, at plants located in zone 21, shall be computed as follows:

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

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

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

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

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

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

§ 1001.62 [Amended]

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

§ 1001.56 [Amended]

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

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

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

§ 1002.22 Additional duties of the market administrator.

* * * * *

(m) Publicly announce the following:

(1) The fifth day of each month:

(i) The Class I price for the following month applicable at the 201–210-mile zone and at the 1–10-mile zone, and for the first month for which this paragraph is effective, the Class I price for the current month at such zones.

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

(iii) The butterfat differential for the preceding month;

* * * * *

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

§ 1002.50 Basic formula price.

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

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

§ 1002.50a Class prices.

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

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

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

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

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

(1) Multiply by 4.2 the Chicago butter price specified in § 1002.50;

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

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

§ 1002.51 [Amended]

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

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

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

§ 1004.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

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

§ 1004.50 Basic formula price.

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

pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

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

§ 1004.50a Class prices.

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

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

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

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

(1) Multiply by 4.2 the Chicago butter price specified in § 1004.50;

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

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

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

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

§ 1006.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1006.50 is revised as follows:

§ 1006.50 Basic formula price.

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

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

§ 1006.51 Class prices.

* * * * *

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

* * * * *

PART 1007—MILK IN GEORGIA MARKETING AREA

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

§ 1007.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1007.50 is revised as follows:

§ 1007.50 Basic formula price.

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

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

§ 1007.51 Class prices.

* * * * *

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

* * * * *

PART 1011—MILK IN APPALACHIAN MARKETING AREA

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

§ 1011.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1011.50 is revised as follows:

§ 1011.50 Basic formula price.

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

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

§ 1011.51 Class prices.

* * * * *

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

* * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

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

§ 1012.22 Additional duties of the market administrator.

* * * * *

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

* * * * *

2. Section 1012.50 is revised as follows:

§ 1012.50 Basic formula price.

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

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

§ 1012.51 Class prices.

* * * * *

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

* * * * *

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

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

§ 1013.27 Additional duties of the market administrator.

* * * * *

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

* * * * *

2. Section 1013.50 is revised as follows:

§ 1013.50 Basic formula price.

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

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

§ 1013.51 Class prices.

* * * * *

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

* * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

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

§ 1015.32 Additional duties of the market administrator.

* * * * *

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

* * * * *

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

§ 1015.60 Basic formula price.

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

3. Section 1015.61 is revised as follows:

§ 1015.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month at plants located in the nearby plant zone shall be as follows:
(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.98.
(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

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

(1) Multiply by 4.2 the Chicago butter price specified in § 1015.60;
(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and
(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1015.62 [Amended]

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

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

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

§ 1030.22 Additional duties of the market administrator.

* * * * *

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

differential, both for the preceding month;

* * * * *

2. Section 1030.50 is revised as follows:

§ 1030.50 Basic formula price.

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

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

§ 1030.51 Class prices.

* * * * *

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

* * * * *

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

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

§ 1032.22 Additional duties of the market administrator.

* * * * *

(h) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1032.50 is revised as follows:

§ 1032.50 Basic formula price.

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

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

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

§ 1033.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1033.50 is revised as follows:

§ 1033.50 Basic formula price.

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

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

§ 1033.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1036.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1036.50 is revised as follows:

§ 1036.50 Basic formula price.

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

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

§ 1036.51 Class prices.

* * * * *

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

* * * * *

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

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

§ 1040.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

(2) The 11th day of each month, the uniform prices pursuant to §§ 1040.62,

1040.63, and 1040.65, and the excess milk price, all for the preceding month;

2. Section 1040.50 is revised as follows:

§ 1040.50 Basic formula price.

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

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

§ 1040.51 Class I milk price.

* * * * *

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

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

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

§ 1043.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1043.50 is revised as follows:

§ 1043.50 Basic formula price.

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

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

§ 1043.51 Class prices.

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

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

* * * * *

§ 1043.62 [Amended]

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

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

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

§ 1044.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1044.50 is revised as follows:

§ 1044.50 Basic formula price.

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

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

§ 1044.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1046.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1046.50 is revised as follows:

§ 1046.50 Basic formula price.

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

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

§ 1046.51 Class prices.

* * * * *

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

* * * * *

PART 1049—MILK IN INDIANA MARKETING AREA

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

§ 1049.27 Additional duties of the market administrator.

* * * * *

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

* * * * *

2. Section 1049.50 is revised as follows:

§ 1049.50 Basic formula price.

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

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

§ 1049.51 Class prices.

* * * * *

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

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

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

§ 1050.22 Additional duties of the market administrator.

* * * * *

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

* * * * *

2. Section 1050.50 is revised as follows:

§ 1050.50 Basic formula price.

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

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

§ 1050.51 Class prices.

* * * * *

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

* * * * *

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

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

§ 1060.32 Additional duties of the market administrator.

* * * * *

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

* * * * *

2. Section 1060.50 is revised as follows:

§ 1060.50 Basic formula price.

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

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

§ 1060.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1061.22 Additional duties of the market administrator.

* * * * *

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;
(i) On or before the 12th day of each month, notify each handler of his obligations to the producer-settlement fund for the preceding month;

* * * * *

2. Section 1061.50 is revised as follows:

§ 1061.50 Basic formula price.

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

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

§ 1061.51 Class prices.

* * * * *

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

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

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

§ 1063.22 Additional duties of the market administrator.

* * * * *

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

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1063.50 is revised as follows:

§ 1063.50 Basic formula and class prices.

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

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

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

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

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

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

§ 1064.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1064.50 is revised as follows:

§ 1064.50 Basic formula price.

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

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

§ 1064.51 Class prices.

* * * * *

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

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

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

§ 1065.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1065.50 is revised as follows:

§ 1065.50 Basic formula price.

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

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

§ 1065.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1068.22 Additional duties of the market administrator.

* * * * *

(g) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

(2) The 15th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

(h) [Reserved]

* * * * *

2. Section 1068.51 is revised as follows:

§ 1068.51 Basic formula price.

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

3. Section 1068.53 is revised as follows:

§ 1068.53 Class I price.

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

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

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

§ 1069.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) the fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1069.50 is revised as follows:

---

§ 1069.50 Basic formula price.

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

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

§ 1069.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1070.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1070.50 is revised as follows:

§ 1070.50 Basic formula and class prices.

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

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

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

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

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

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

§ 1071.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1071.50 is revised as follows:

§ 1071.50 Basic formula price.

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

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

§ 1071.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1073.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1073.50 is revised as follows:

§ 1073.50 Basic formula price.

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

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

§ 1073.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1075.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1075.50 is revised as follows:

§ 1075.50 Basic formula price.

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

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

§ 1075.51 Class prices.

* * * * *

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

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

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

§ 1076.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1076.50 is revised as follows:

§ 1076.50 Basic formula price.

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

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

§ 1076.51 Class prices.

* * * * *

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

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

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

§ 1078.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1078.50 is revised as follows:

§ 1078.50 Basic formula and class prices.

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

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

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

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

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

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

§ 1079.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1079.50 is revised as follows:

§ 1079.50 Basic formula and class prices.

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

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

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

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

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

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

§ 1090.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which

this paragraph is effective, the Class I price for the current month;

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

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

(2) The 10th day of each month, the uniform price(s) pursuant to §§ 1090.71 and 1090.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1090.50 is revised as follows:

§ 1090.50 Basic formula price.

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

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

§ 1090.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1094.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1094.50 is revised as follows:

§ 1094.50 Basic formula price.

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

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

§ 1094.51 Class prices.

* * * * *

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

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

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

§ 1096.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1096.50 is revised as follows:

§ 1096.50 Basic formula price.

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

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

§ 1096.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1097.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

(2) The 13th day of each month, the uniform price(s) for each handler pursuant to §§ 1097.71 and 1097.72, the location differential for each handler and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1097.50 is revised as follows:

§ 1097.50 Basic formula price.

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

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

§ 1097.51 Class prices.

* * * * *

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

* * * * *

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

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

§ 1098.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1098.50 is revised as follows:

§ 1098.50 **Basic formula price.**

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

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

§ 1098.51 **Class prices.**

* * * * *

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

* * * * *

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

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

§ 1099.22 **Additional duties of the market administrator.**

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1099.50 is revised as follows:

§ 1099.50 **Basic formula price.**

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

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

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

§ 1101.22 **Additional duties of the market administrator.**

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1101.50 is revised as follows:

§ 1101.50 **Basic formula price.**

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

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

§ 1101.51 **Class prices.**

* * * * *

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

* * * * *

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

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

§ 1102.22 **Additional duties of the market administrator.**

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1102.50 is revised as follows:

§ 1102.50 **Basic formula price.**

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

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

§ 1102.51 **Class prices.**

* * * * *

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

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

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

§ 1103.22 **Additional duties of the market administrator.**

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1103.50 is revised as follows:

§ 1103.50 **Basic formula price.**

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

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

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

§ 1103.51 Class prices.

* * * * *

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

* * * * *

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

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

§ 1104.27 Additional duties of the market administrator.

* * * * *

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

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

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

§ 1106.22 Additional duties of the market administrator.

* * * * *

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

* * * * *

2. Section 1106.50 is revised as follows:

§ 1106.50 Basic formula price.

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

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

§ 1106.51 Class prices.

* * * * *

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

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

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

§ 1108.27 Additional duties of the market administrator.

* * * * *

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

* * * * *

2. Section 1108.50 is revised as follows:

§ 1108.50 Basic formula price.

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

3. In § 1108.51, paragraph (a) is revised as follows:

§ 1108.51 Class prices.

* * * * *

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

* * * * *

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. In § 1120.27, paragraph (j) is revised as follows:

§ 1120.27 Additional duties of the market administrator.

* * * * *

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

* * * * *

2. In § 1120.50, paragraph (a) is revised and a new paragraph (c) is added as follows:

§ 1120.50 Basic formula and class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.42.

* * * * *

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

PART 1124—MILK IN OREGON-WASHINGTON MARKETING AREA

1. In § 1124.22, paragraph (i) is revised as follows:

§ 1124.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

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

* * * * *

2. Section 1124.50 is revised as follows:

§ 1124.50 **Basic formula price.**

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

3. In § 1124.51, paragraph (a) is revised as follows:

§ 1124.51 **Class prices.**

* * * * *

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

* * * * *

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

1. In § 1125.22, paragraph (k) is revised as follows:

§ 1125.22 **Additional duties of the market administrator.**

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

(2) The 13th day of each month, the weighted average and the uniform price(s) pursuant to §§ 1125.71 and 1125.72, the location adjustments for excess milk pursuant to § 1125.81(a)(2) and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1125.50 is revised as follows:

§ 1125.50 **Basic formula price.**

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

3. In § 1125.51, paragraph (a) is revised as follows:

§ 1125.51 **Class prices.**

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.85.

* * * * *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. In § 1126.27, paragraph (j) is revised as follows:

§ 1126.27 **Additional duties of the market administrator.**

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1126.50 is revised as follows:

§ 1126.50 **Basic formula price.**

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

3. In § 1126.51, paragraph (a) is revised as follows:

§ 1126.51 **Class prices.**

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.32.

* * * * *

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. In § 1127.22, paragraph (j) is revised as follows:

§ 1127.22 **Additional duties of the market administrator.**

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. In § 1127.50, paragraph (b) is revised as follows:

§ 1127.50 **Minimum prices and basic formula price.**

* * * * *

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

3. Section 1127.51 is revised as follows:

§ 1127.51 **Class I price.**

The Class I price shall be the basic formula price for the second preceding month plus $2.74.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.22, paragraph (j) is revised as follows:

§ 1128.22 **Additional duties of the market administrator.**

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1128.50 is revised as follows:

§ 1128.50 Basic formula and Class I price.

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

(b) *Class I price.* Subject to the provisions of §§ 1128.52 and 1128.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus $2.57.

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. In § 1129.27, paragraph (i) is revised as follows:

§ 1129.27 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1129.50 is revised as follows:

§ 1129.50 Basic formula and Class I price.

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

(b) *Class I price.* Subject to the provisions of §§ 1129.52 and 1129.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus $2.70.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. In § 1130.22, paragraph (i) is revised as follows:

§ 1130.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1130.50 is revised as follows:

§ 1130.50 Basic formula price.

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

3. In § 1130.51, paragraph (a) is revised as follows:

§ 1130.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.07.

* * * * *

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

1. In § 1131.22, paragraph (k) is revised as follows:

§ 1131.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1131.50 is revised as follows:

§ 1131.50 Basic formula price.

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

3. In § 1131.51, the part of paragraph (a) that precedes subparagraph (1) is revised as follows:

§ 1131.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $2.52, and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. In § 1132.27, paragraph (j) is revised as follows:

§ 1132.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1132.50 is revised as follows:

§ 1132.50 Basic formula price.

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

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

3. In § 1132.51, paragraph (a) is revised as follows:

§ 1132.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.25.

* * * * *

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. In § 1133.22, paragraph (k) is revised as follows:

§ 1133.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. In § 1133.50, the first paragraph of the text preceding paragraph (a), and paragraph (a) are revised as follows:

§ 1133.50 Basic formula price.

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

* * * * *

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

* * * * *

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

1. In § 1134.22, paragraph (i) is revised as follows:

§ 1134.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The 5th day of each month:

(i) The Class I price for the follow-month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1134.50 is revised as follows:

§ 1134.50 Basic formula price.

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

3. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $2.00.

* * * * *

PART 1136—MILK IN GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. In § 1136.50, paragraph (a) is revised as follows:

§ 1136.50 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.90.

* * * * *

3. Section 1136.51 is revised as follows:

§ 1136.51 Basic formula price.

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

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

1. In § 1137.22, paragraph (i) is revised as follows:

§ 1137.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month;

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1137.50 is revised as follows:

§ 1137.50 Basic formula price.

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

pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1137.51, paragraph (a) is revised as follows:

§ 1137.51 Class prices.

* * * * *

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

* * * * *

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.22, paragraph (i) is revised as follows:

§ 1138.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

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

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

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

* * * * *

2. Section 1138.50 is revised as follows:

§ 1138.50 Basic formula price.

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

3. In § 1138.51, paragraph (a) is revised as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the second preceding month plus $2.35.

* * * * *

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

Effective date: February 1, 1972.

Signed at Washington, D.C., on February 4, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-1930 Filed 2-9-72;8:49 am]

[Docket No. AO 103-A32, Milk Order 94]

PART 1094—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, La., marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New Orleans, La., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1094.10, paragraphs (b) and (c) are revised as follows and paragraph (d) is revoked:

§ 1094.10 Pool plant.

* * * * *

(b) A supply plant from which not less than 45 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped to and received at plants qualifying for the month pursuant to paragraph (a) of this section. Any supply plant meeting such shipping standard for each of the months of August through November shall continue to be a pool plant the following months of December through July unless the operator notifies the market administrator in writing before the first day of any such month of his intent to withdraw such plant as a plant qualified under this paragraph, in which case such plant thereafter shall be a nonpool plant except in any month it meets the above 45 percent shipping standard.

(c) For the purpose of meeting the minimum 45 percent shipping standard of paragraph (b) of this section by a supply plant operated by a cooperative association, all member-dairy farmer milk delivered directly from farms pursuant to § 1094.12(d) to distributing plant(s) qualified under paragraph (a) of this section will be considered to have been first received at that supply plant of the cooperative located nearest New Orleans, La., and then shipped therefrom to such distributing plant(s). The cooperative association may withdraw such supply plant from qualification under this section:

(1) If the cooperative notifies the market administrator in writing prior to or during the month of its intention not

to qualify the plant under this section during that month; and

(2) The milk actually shipped during the month from such plant to plant(s) qualified under paragraph (a) of this section is less than 45 percent of the Grade A milk actually received from dairy farmers at such supply plant during the month.

(d) [Revoked]

2. In paragraph (c) of § 1094.12, the reference "in accordance with § 1094.14" is changed to "in accordance with § 1094.15."

3. In § 1094.12, paragraph (d) is revised as follows:

§ 1094.12 Handler.

* * * * *

(d) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm to the pool plant of another person in a tank truck owned and operated by, under contract to, or under the control of such association (unless the association and the person operating the pool plant both notify the market administrator, in writing, prior to the time of delivery that the pool plant operator is to be held responsible to the pool for such milk). For purposes of pricing, such milk shall be deemed to have been received by the association from producers at the location of the pool plant at which such milk is physically received.

* * * * *

4. Section 1094.14 is revised to read as follows:

§ 1094.14 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk, in compliance with Grade A inspection requirements of a duly constituted health authority, which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1094.12(d) or is diverted pursuant to § 1094.15(d) from a pool plant to a nonpool plant.

5. Section 1094.15 is revised to read as follows:

§ 1094.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, except any such milk received by diversion from another order plant at which such milk is fully subject to the pricing provisions of the other order and which is allocated to Class II pursuant to § 1094.46(a)(4)(iii) and the corresponding provision of § 1094.46(b);

(b) Received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1094.12(d);

(c) Diverted from a pool plant to the pool plant of another handler. Milk so diverted shall be deemed to have been received at the location of the plant to which diverted; and

(d) Diverted by the operator of a pool plant or a cooperative association to a nonpool plant subject to the following conditions:

(1) During December through July such diversions may be made without limit;

(2) During August through November such diversions shall be limited to the amounts specified in subdivisions (i), (ii), and (iii) of this subparagraph:

(i) A cooperative association may divert the milk of any eligible member-dairy farmer without limit during the month if the total volume of milk so diverted does not exceed 35 percent of the cooperative's total member producer milk during that month;

(ii) The operator of a pool plant may divert from such plant the milk of any eligible nonmember dairy farmer without limit during the month if the total volume of milk so diverted does not exceed 35 percent of his nonmember producer milk during that month; and

(iii) If the 35 percent limitation described in subdivisions (i) and (ii) of this subparagraph is exceeded, the diversion of any eligible dairy farmer's milk shall be limited to 15 days' production during any such month. If this 15-day limitation is exceeded for any such dairy farmer, he shall be eligible for pooling only with respect to that milk physically received at pool plants during the month;

(3) Diverted milk shall be deemed to have been received at the location of the plant to which diverted; and

(4) Diversion to an other order plant shall be limited to Class II use.

6. Section 1094.17 is revised to read as follows:

§ 1094.17 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, filled milk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog), cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. In § 1094.44, the introductory text of paragraph (c) is revised and a new subparagraph (4) is added as follows:

§ 1094.44 Transfers.

* * * * *

(c) Subject to the provisions of subparagraph (4) of this paragraph, as Class I milk if transferred in bulk as milk, filled milk, skim milk or cream, or diverted, to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph: * * *

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim milk, or cream in bulk to a pool plant, the amount so transferred that is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from the milk transferred within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated. If the classification limitations provided in paragraph (a) of this section results in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers such classification shall be shared pro rata between such handlers unless at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

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

Effective date: April 1, 1972.

Signed at Washington, D.C., on February 4, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-1929 Filed 2-9-72;8:49 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 73—SCABIES IN CATTLE

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), the provisions in Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, are hereby amended as follows:

In § 73.1a, a new paragraph (c) is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following counties in such State are hereby quarantined because of said disease:

(1) Harding County.
(2) Guadalupe County.
(3) Lincoln County.
(4) Torrance County.

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

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

The amendment quarantines Harding, Guadalupe, Lincoln, and Torrance Counties in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of February, 1972.

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

[FR Doc.72-2012 Filed 2-9-72;8:54 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Revision of Organization of Federal Credit Unions

On pages 14149–14150 of the FEDERAL REGISTER of July 30, 1971, there was published a proposed revision of § 701.1 (12 CFR 701.1) concerning the organization of Federal credit unions

After consideration of all such relevant matter as was presented by interested persons, the regulation as so proposed is hereby adopted, subject to the following changes:

1. In § 701.1(a)(2), following the semicolon, insert the following: "it is not necessary that the investigator be an employee of the National Credit Union Administration;".

2. In § 701.1(a)(3)(iii), lines 4, 5, and 6, delete "how much initial savings they will be willing to pledge to be paid in within 30 days of the approval of the charter."

3. In § 701.1(a)(4), line 1, following the number "(4)," insert: "(i)."

4. In § 701.1(a)(4)(i), change the numbers (i), (ii), (iii), and (iv) to (*a*), (*b*), (*c*), and (*d*).

5. Following § 701.1(a)(4)(i)(*d*), add a new subdivision (ii).

6. In § 701.1(a)(4)(ii), change the numbers (v), (vi), (vii), (viii), and (ix) to (*a*), (*b*), (*c*), (*d*), and (*e*).

7. In § 701.1(b), line 5, change "or" to "and."

8. In § 701.1(b), line 7, following the word "to," insert: ", either invidividually or collectively,".

Effective date. This regulation is effective February 15, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

FEBRUARY 4, 1972.

§ 701.1 Organization of Federal credit unions.

(a) Persons desiring to form a Federal credit union shall, in conjunction with the preparation of a proposed Organization Certificate in accordance with paragraph (b) of this section, accomplish the following:

(1) Arrange a meeting and sufficiently advertise the meeting so as to afford all persons in the field of membership an opportunity to attend;

(2) Provide that an investigator shall be present at the meeting; it is not necessary that the investigator be an employee of the National Credit Union Administration;

(3) Prior to the convening of the meeting, accomplish the following:

(i) Selection of at least seven but not more than 10 persons who will be the subscribers and who will be from and representative of the group to be served by the credit union;

(ii) Selection of at least five qualified persons who will agree to serve on the board of directors, three qualified persons who will agree to serve on the credit committee, and three qualified persons who will agree to serve on the supervisory committee (a signed written agreement to serve in these capacities until the first annual meeting and until the election of their successors shall be executed by those who will so serve. This agreement shall be submitted to the appropriate regional office of the National Credit Union Administration with other documents listed below);

(iii) Determination, by appropriate means, of the number of persons who intend to join and support the credit union, (this information shall be supplied to the investigator at the preliminary meeting);

(4) (i) Provide that the following shall be accomplished at the meeting:

(*a*) Review of necessary papers and presentation of general background by the investigator as directed by the Administrator, National Credit Union Administration;

(*b*) Completion of the Investigation Report by the investigator;

(*c*) Execution of page 3 of Organization Certificate;

(*d*) Election of board of directors and credit committee by the subscribers;

(ii) Within a reasonable time after meeting held pursuant to subparagraph (a) above, a second meeting shall be held during which the following shall be accomplished:

(*a*) Election of officers and appointment of members of supervisory committee by board of directors;

(*b*) Election of chairmen and secretaries by credit and supervisory commitees;

(*c*) Voting by the board of directors to apply for Share Insurance as provided in title II of the Federal Credit Union Act and completion of the necessary application (said insurance will become effective upon approval of the charter);

(*d*) Setting by the board of directors of the initial operating policies;

(*e*) Forwarding by the investigator of the Investigation Report, Application and Agreements for Insurance, the proposed Organization Certificate, Confidential Report of Official (completed by each official), the Agreement to Serve, and the Report of Officials to the appropriate regional office of the National Credit Union Administration.

(b) Persons desiring to form a Federal credit union shall submit in duplicate, on forms prescribed by the Administration, a proposed Organization Certificate (Form NCUA 4006, 4007, and 4008). The certificate shall be subscribed to, either individually or collectively, before an officer competent to administer oaths by not less than seven natural persons who have a common bond of occupation, or association, or are within a well-defined neighborhood, community, or rural district, and shall specifically state:

(1) The proposed name of the Federal credit union;

(2) The location of the proposed Federal credit union and the territory in which it will operate;

(3) The names and addresses of the subscribers to the certificate and the number of shares subscribed by each;

(4) The par value of the shares, which shall be $5 each;

(5) The proposed field of membership, specific in detail;

(6) The term of the existence of the corporation, which may be perpetual;

(7) The fact that the certificate is made to enable such persons to avail themselves of the advantages of the Federal Credit Union Act, as amended.

Copies of the form of the Organization Certificate may be obtained from the Washington Office of the Administration or from any Regional Office.

(c) The proposed Organization Certificates shall be submitted to the Regional Director together with a check or money order payable to the National Credit Union Administration in the amount of $25 in payment of the investigation fee of $20 and charter fee of $5. The Regional Director will investigate and make recommendations as to whether the proposed Organization Certificate conforms to the Act, as to the general character and fitness of the subscribers thereto, and as to the economic advisability of establishing and insuring the proposed Federal credit union. The

report and recommendation of the Regional Director shall be forwarded to the Administration in Washington, D.C. The Administrator shall consider the proposed Organization Certificate and the recommendations of the Regional Director and shall approve or disapprove the proposed Organization Certificate. The Organization Certificate, if approved, shall be the charter of the Federal credit union. If the Organization Certificate is disapproved, the incorporators shall be notified of the basis for such action and the charter fee of $5 shall be returned to them. Under no circumstances shall the investigation fee of $20 be returned.

[FR Doc.72-1968 Filed 2-9-72;8:52 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7]

PART 123—DISASTER LOANS

On August 25, 1971, a notice was published in the FEDERAL REGISTER of the intention by the Small Business Administration to comply with the public participation provisions of the Administrative Procedure Act, notwithstanding the exemption given by said Act for matters relating to certain agency activities, including loan making, 5 U.S.C. 553 (36 F.R. 16716). However, prior to August 25, 1971, SBA had modified or revised certain of the rules published in Revision 6 of Part 123 (35 F.R. 16167); a number of the revisions were required by the enactment of the Disaster Relief Act of 1970, Public Law 91-606, December 31, 1970, and other legislation related to the SBA disaster loan program. Therefore, it would be impracticable and contrary to the public interest to further delay effective publication of these rules and regulations. Nevertheless, we would welcome and consider the comment of any person on the rules and regulations published herein. Send the comment to Jack Eachon, Jr., Associate Administrator for Financial Assistance, Room 800, 1441 L Street NW., Washington, DC 20416. This revision is effective upon publication in the FEDERAL REGISTER (2-10-72).

Sec.

123.0 Statutory provisions—Small Business Act.
123.01 Relevant Statutory provisions—Disaster Relief Act of 1969.
123.02 Relevant Statutory provisions—Disaster Relief Act of 1970.
123.1 General.
123.2 Types of disaster loans.
123.3 Purposes of loans.
123.4 Where to apply.
123.5 Amount of loan and interest rates.
123.6 Collateral.
123.7 Repayment.
123.8 Step-by-step procedure for disaster loan applicant.
123.9 Cooperation with American Red Cross.
123.10 Obtaining loan funds.
123.11 Administration of loans.
123.12 Extension of loans, including RFC loans.
123.13 Restriction against loans to certain felons.

AUTHORITY: The provisions of this Part 123 issued under 72 Stat. 385, 387, as amended; 83 Stat. 125, 742; 15 U.S.C. 636.

§ 123.0 Statutory Provisions—Small Business Act.

SEC. 7. * * *

(b) The Administration also is empowered—

(1) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods, riots, or civil disorders, or other catastrophes; and

(2) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area affected by a disaster, if the Administration determines that the concern has suffered a substantial economic injury as a result of such disaster and if such disaster constitutes—

(A) A major disaster, as determined by the President under the Disaster Relief Act of 1970, or

(B) A natural disaster, as determined by the Secretary of Agriculture pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961); or

(C) A disaster as determined by the Administrator of SBA;

(3) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business;

(4) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing its business if the Administration determines that such concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes, and

(5) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern operating a coal mine in affecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.

(5) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Meat Act of 1967 or State laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.

(6) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.

No loan under this subsection, including renewals and extensions thereof may be made for a period or periods exceeding 30 years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period of not to exceed 5 years, if (A) the borrower under such loan is a homeowner or small business concern, (B) the loan was made to enable (i) such homeowner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as a result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided, further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of 20 years. The interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum, except that in the case of a loan made pursuant to paragraph (3), (5), or (6), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(c) (1) The Administration may further extend the maturity of or renew any loan made pursuant to this section, or any loan transferred to the Administration pursuant

to Reorganization Plan No. 2 of 1954, or Reorganization Plan No. 1 of 1957, for additional periods not to exceed 10 years beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

(2) During any period in which principal and interest charges are suspended on the Federal share of any loan as provided in subsection (b), the Administrator shall, upon the request of any person, firm, or corporation having a participation in such loan, purchase such participation, or assume the obligation of the borrower, for the balance of such period to make principal and interest payments on the non-Federal share of such loan: *Provided*, That no such payments shall be made by the Administrator in behalf of any borrower unless (i) the Administrator determines that such action is necessary in order to avoid a default, and (ii) the borrower agrees to make payments to the Administration in an aggregate amount equal to the amount paid in its behalf by the Administrator, in such manner and at such times (during or after the term of the loan) as the Administrator shall determine having due regard to the purposes sought to be achieved by this paragraph.

* * * * *

(f) In the administration of the disaster loan program under subsection (b)(1) of this section, in the case of property loss or damage as a result of a disaster which is a "major disaster" as defined in section 102(1) of the Disaster Relief Act of 1970, the Small Business Administration, to the extent such loss or damage is not compensated for by insurance or otherwise, may lend to a privately owned college or university without regard to whether the required financial assistance is otherwise available from private sources, and may waive interest payments and defer principal payments on such a loan for the first 3 years of the term of the loan.

§ 123.01 Relevant Statutory Provisions—Disaster Relief Act of 1969.

SEC. 6. In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage in any affected State resulting from a major disaster the Small Business Administration—

(1) To the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first 3 years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) May grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) May in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

* * * * *

SEC. 15. (a) As used in this Act the term "major disaster" means a major disaster as determined by the President pursuant to the Disaster Relief Act of 1970.

(b) This Act, other than sections 5, 8, 9, and 13, shall not be in effect after December 31, 1970, except as it applies to major disasters occurring before such date.

§ 123.02 Relevant Statutory Provisions—Disaster Relief Act of 1970.

SEC. 102. As used in this Act—

(1) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from such catastrophe;

SEC. 231. In the administration of the disaster loan program under section 7(b)(1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration—

(1) To the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first 3 years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) To the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) May, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

SEC. 234. Any loan made under sections 231 and 232 of this Act shall not exceed the current cost of repairing or replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any loan made under sections 231, 232, 236(b) and 237 of this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

SEC. 237. (a) The Small Business Administration in the case of a nonagricultural enterprise, and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster and which is no longer in substantial operation as a result of such disaster, a loan in such amount as may be necessary to enable such enterprise to resume operations in order to assist in restoring the economic viability of the disaster area. Loans authorized by this section shall be made without regard to limitations on the size of loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(b) Assistance under this section shall be in addition to any other Federal disaster assistance, except that such other assistance may be adjusted or modified to the extent deemed appropriate by the Director under the authority of section 208 of this Act. Any loan made under this section shall be subject to the interest requirements of section 234 of this Act, but the President, if he deems it necessary, may defer payments of principal and interest for a period not to exceed 3 years after the date of the loan. Any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

SEC. 302. The following Acts are hereby repealed:

(1) The Act of September 30, 1950 (64 Stat. 1109);

(2) The Disaster Relief Act of 1966, except section 7 (80 Stat. 1316); and

(3) The Disaster Relief Act of 1969 (83 Stat. 125).

SEC. 304. This Act shall take effect immediately upon its enactment, except that sections 226(b), 237, 241, 252(a), and 254 shall take effect as of August 1, 1969, and sections 231, 232, and 233 shall take effect as of April 1, 1970.

§ 123.1 General

(a) SBA is authorized to make or guarantee loans to victims of floods, riots and civil disorders, and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans to a small business concern:

(1) Located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture, or a physical disaster declaration by SBA effective after April 1, 1970, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(2) To assist in reestablishing its business, continuing in business at its existing location, in purchasing a business, or in establishing a new business, if SBA

determines that the concern has suffered substantial economic injury as a result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government (Displaced Business Disaster Assistance);

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance);

(4) Which operates a coal mine, to make additions to or alterations in its equipment or facilities or methods of operation, in order to meet requirements of the Federal Coal Mine Health and Safety Act of 1969, if the SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Coal Mine Health and Safety Assistance);

(5) To make additions to or alterations in its plant, facilities, or operating methods, in order to meet requirements of the Eggs Products Inspection Act, the Wholesome Poultry Products Act, the Wholesome Meat Act of 1967, or State laws enacted by its provisions, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Consumer Protection Assistance); and

(6) To make additions to or alterations in the equipment, facilities, or operating methods, in order to comply with standards issued pursuant to the Occupational Safety and Health Act of 1970, or State laws enacted by its provisions, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Occupational Safety and Health Assistance).

(c) Eligibility standards for Disaster Assistance programs are set forth in § 120.4 of this chapter.

(d) (1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(2) "Financial Institution" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans to the general public.

§ 123.2 Types of disaster loans.

Disaster loans may be made by SBA and financial institutions upon an immediate participation basis, upon a guaranteed loan basis, or may be made directly by SBA alone.

(a) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA's participation shall not exceed 90 percent of the outstanding amount of the loan.

(b) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its Disaster Loan Guaranty Agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted. Default as used in this subsection means nonpayment of principal or interest when due.

(c) SBA has the right at any time to purchase the guaranteed percentage of any guaranteed loan.

§ 123.3 Purposes of loans.

(a) *Physical-Loss Disaster Assistance.* (1) The purpose of these loans is to restore a victim's home or business property as nearly as possible to predisaster condition. A loan to an individual may be used to repair or replace damaged furniture and other household belongings or personal effects. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If it is necessary or desirable (as determined by SBA) to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, the SBA's share or guaranteed percentage of any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus amounts eligible for refinancing of existing liens or mortgages, but not to exceed the physical loss sustained. In loans made for Physical-Loss Disaster Assistance, Substantial Economic Injury Assistance and Product Disaster Assistance to cover losses and damage and injury resulting from major disasters, SBA shall cancel that part of the principal of the loan in excess of $500, but in no event shall such forgiveness for any individual borrower exceed $2,500.

(2) Refinancing: Where property suffers uninsured damage in excess of 50 percent of the fair value at the time of the disaster, a part or all of existing liens as they apply to the specific property lost or damaged, may be refinanced by a part of the SBA loan. Such refinancing on home loans shall be limited to an amount which is no greater than the disaster caused damage or loss. Refinancing is also permitted where a temporary loan has been determined by SBA to have been used solely to alleviate the disaster caused injury.

(3) Any disaster victim located in a flood disaster-prone area that suffers real property damage, to the extent it is determined by SBA to be more feasible to move outside of the disaster area than to repair or rebuild the property at the disaster location, may obtain funds for such purposes as are prescribed in subparagraph (1) of this paragraph and such other funds as may be determined necessary by SBA to reestablish the borrower's real property at the new location. In any situation where physical-loss disaster assistance is provided to relocate real property outside of a flood disaster-prone area, and title to the damaged site is retained by the borrower, no future flood disaster assistance will be provided by SBA for any future physical-loss disaster damage to the property located at the site from which the disaster victim was relocated. SBA shall require the borrower to execute and record in the local office where records of property ownership are recorded a document which shall give notice of this qualification to all subsequent purchasers and encumbrancers of real property located at the disaster site. The recorded notice of disaster qualification may be canceled (released or terminated) by the recording of a determination issued by SBA that adequate flood control measures have been effected to protect the property from future flood damage.

(b) *Substantial Economic Injury Assistance.* The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture, or SBA declared physical disaster. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate the injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized profits or past sales may not be considered in arriving at the mount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

(c) *Displaced Business Assistance.* (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government.

(2) These loans may be used to provide:

(i) Working capital necessary to carry the concern until resumption of normal operations;

(ii) Replacement costs to owners of realty less net amounts received for indemnification of property from which displaced;

(iii) Funds for nonowners of the premises from which displaced to purchase or construct premises if no suitable rental property is available;

(iv) Purchase of machinery and equipment necessary to carry on business at the new location less any funds received from disposal of equipment owned at location from which displaced;

(v) Increases in the cost of fixed charges such as rents, insurance, and utility bills for a reasonable period of time;

(vi) Moving expenses not compensated for from some other source where the distance moved is less than 100 miles;

(vii) Purchase of equipment to upgrade the business in a new location where such upgrading is necessary.

(3) Where realty is needed, no loan shall provide funds which would increase the square footage of:

(i) Land space to more than one-half greater than that owned or occupied prior to displacement: *Provided, however,* That additional space to meet the minimum requirement of a local building code for parking space may be approved;

(ii) Building space to more than one-third greater than that owned or occupied prior to displacement.

(d) *Product Disaster Assistance.* The purpose of these loans is to assist small business concerns to reestablish or continue their business when they have suffered substantial economic injury as the result of inability of such concerns to market or process a product because of disease or toxicity occurring in such products through natural or undetermined causes. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the borrower would have been able to pay if it had not been for the loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption. Unrealized profits or past sales may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders, not directly related to the performance of services.

(e) *Coal Mine Health and Safety Assistance.* The purpose of these loans is to assist small coal mines to effect additions to or alterations in the equipment, facilities, or operating methods in order to meet the requirements of the Federal Coal Mine Health and Safety Act of 1969, if SBA determines that such coal mine is likely to suffer substantial economic injury without SBA assistance. Personal and/or business assets must be used by the applicant to the greatest extent feasible, but not to the extent of curtailing working capital or reserve requirements or other planned uses. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Working capital may be provided to:

(i) Replace working capital expended incidentally for compliance, such as meeting construction time limits;

(ii) Furnish funds, when construction is involved and the operations are thereby curtailed, to meet continuing fixed costs such as payment on equipment notes or mortgage payments;

(iii) Help finance startup costs;

(iv) Finance changes in methods of operation required by examining authorities. Approval of these loans is contingent upon receipt by SBA of a notice of deficiency from the Bureau of Mines, and the opinion from that Bureau that upon completion of the purchase, rebuilding, or conversion proposed in the loan application, the coal mine will be in compliance with the provisions of the Federal Coal Mine Health and Safety Act of 1969.

(f) *Consumer Protection Assistance.* (1) The purpose of these loans is to assist small business concerns to effect additions to or alterations in the equipment, facilities, or methods of operation of such concern to meet requirements established pursuant to the Egg Products Inspection Act of 1970, the Wholesome Meat Act of 1967, and the Wholesome Poultry Products Act of 1968, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Personal and/or business assets must be used by the applicant to the greatest extent feasible, but not to the extent of curtailing working capital or reserve requirements or other planned uses. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA.

(2) Construction funds may be loaned to:

(i) Construct a new building, even in a new location, to replace an old building where remodeling is not feasible; or to replace rented quarters when needed rental arrangements cannot be obtained. Upgrading may not exceed the corresponding criteria in paragraph (c) (3) of this section;

(ii) Comply with inspection authority requirements issued to a new plant already under construction on January 1, 1971, and owned by a concern not previously involved in the activity in which it intends to engage, but falling within the control of any one of the consumer protection acts. Working capital may be provided for the purposes stated in paragraph (e) (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon receipt by SBA of a letter of survey to the plant operator from the U.S. Department of Agriculture or appropriate State authority, and an acceptance of the operator's proposal for correcting the deficiencies covered by the letter, from the agricultural inspection authority.

(g) *Occuptional Safety and Health Assistance.* The purpose is to assist small business concerns to effect additions to or alterations in the equipment, facilities, or operating methods of such business, in order to comply with the applicable standards issued pursuant to section 6 of the Occupational Safety and Health Act of 1970, or adopted by a State pursuant to a plan approved under section 18 of that Act, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Personal and/or business assets must be used by the applicant to the greatest extent feasible, but not to the extent of curtailing working capital or reserve requirements or other planned uses. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Construction funds may be loaned for the purposes stated in paragraph (f) (i) and (ii) of this section. Working capital may be provided for the purposes stated in paragraph (e) (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon the receipt by SBA of an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occuptional Safety and Health Act.

§ 123.4 Where to apply.

A single copy of an application on a form provided by SBA may be filed with the Regional or District Office, or Disaster Branch Office, if one has been established, which is most convenient to the applicant. If a bank is participating, two copies of the application should be filed with the bank which will send one copy to SBA. If a Disaster Branch Office has been established, applications generally should be filed there.

§ 123.5 Amount of loan and interest rates.

(a) SBA's share or guaranteed percentage of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3 (a) (2), (c), (e), (f), and (g).

(1) SBA's share of a direct or immediate participation loan to any small business concern and/or any of its affiliates shall not exceed $500,000 in the aggregate for any one disaster, except for an additional amount to refinance any prior SBA disaster loan. Such dollar limitation also applies to loans made to any other entity eligible to receive disaster assistance other than homeowners and householders. Provided, however, the foregoing dollar limitations do not apply to displaced business, coal mine health and safety, consumer protection, occupational safety and health loans, and loans made under paragraph (e) of this section.

(2) SBA's share in a direct or in an immediate participation loan to any homeowner, including all members of the household, shall not exceed $50,000 for repair or replacement of the land or building, and shall not exceed $10,000 to repair or replace household goods and personal items: *Provided, however,* That SBA's share of any such loan or loans to repair or replace a home and household

goods for any single homeowner and members of his household shall not exceed $55,000 in the aggregate for any one disaster.

(3) A guaranteed loan, where the entire loan is disbursed by a private lending institution, may be made, in addition to the direct loan limitation, for the total amount of an applicant's physical loss or the economic injury suffered less funds available from its own resources, including funds from insurance or condemnation proceedings. Such guaranteed disaster loans in conjunction with or exclusive of a direct loan shall not exceed the full amount of such loss or economic injury, except to the extent of allowable refinancing.

(4) Where an applicant's total physical loss or economic injury exceeds the dollar limitations imposed in this paragraph on SBA's share of direct or immediate participation disaster loans, then the balance of such loss may be assisted by a guaranteed loan. SBA's participation in or guaranty of any disaster loan may not exceed 90 percent of the total amount of the loan.

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing damaged or destroyed property will be considered by SBA in determining the amount of loan. The amount of money recovered from insurance or obtained from other relief sources, such as the American Red Cross, shall be deducted from the amount of the loss for which an SBA loan may be made. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of this loan.

(c) Interest rates on disaster loans are set forth in Part 120 of this chapter.

(d) Any recipient of an approved disaster loan for any noncommercial purpose shall be entitled to rescind said loan pursuant to the Consumer Credit Protection Act, Public Law 90–321, and Regulation Z of the Federal Reserve Board, 12 CFR Part 226.

(e) *Major sources of employment.* In the case of a major disaster declaration by the President, Physical-Loss Disaster Assistance and Substantial Economic Injury Assistance loans may be made to any nonagricultural enterprise which has been a major source of employment and is no longer in substantial operation, without dollar limitations, to enable such enterprise to resume operations and restore the economy of the area. Loan payments may be deferred for a period of 3 years. This section effective August 1, 1969.

§ 123.6 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any rigid rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases the same general approach to establishing values will be used as for business loans, keeping in mind the emergency and the urgency incident to a disaster loan.

§ 123.7 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than 5 months from the date of the note. For loans made under sections 7(b) (1), (2), and (4) of the Small Business Act, payments of principal or interest, or both, may be deferred during the first 3 years of the term of the loan. The maturity of the loan will be geared to the borrower's ability to pay. Final maturity of the loan shall not exceed 30 years. During a deferment period SBA may, upon request of the participant in the loan, purchase its participation. If necessary to avoid default, SBA may assume the borrower's obligation to the participant for the balance of the deferment period, provided the borrower agrees to reimburse SBA for such payments.

(b) In the case of privately owned colleges and universities, payments to interest may be waived for the first 3 years of the term of the loan, where physical damage was caused by a "major disaster," as defined in the Disaster Relief Act of 1970.

(c) Displaced business loans may have other repayment terms if circumstances indicate the need, including (1) a moratorium on principal payments (not interest) not exceeding the 12 months which immediately follow disbursement; (2) smaller amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

(d) Except as described elsewhere in paragraphs (a), (b), and (c) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest.

§ 123.8 Step-by-step procedure for disaster loan applicant.

(a) An applicant for Physical-Loss Disaster Assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property, desired to be repaired or replaced;

(2) Obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or damaged beyond repair, for which funds are requested;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the 3 years preceding and make a profit and loss statement;

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office;

(7) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings, or other improvements to real estate, where the contract exceeds $10,000.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12-month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals;

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current year to date and for the past 3 previous fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances or any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expenses, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral;

(8) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or

repair of buildings or other improvements to real property, where the contract exceeds $10,000; and

(d) An applicant for Coal Mine Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a notice of dificiency from the Bureau of Mines.

(e) An applicant for Consumer Protection Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a letter of survey from the U.S. Department of Agriculture or appropriate State authority.

(f) An applicant for Occupational Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

§ 123.9 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly to the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.10 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, the bank will notify the disaster victim of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.11 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.12 Extension of loans, including RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c)(1) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness. No such extension may be made on any loan having a maturity in excess of 20 years.

§ 123.13 Restriction against loans to certain felons.

No person who has been convicted of committing a felony during and in connection with a riot or civil disorder shall be permitted, for a period of 1 year after the date of his conviction, to receive any benefit under any law of the United States providing relief for disaster victims.

NOTE: Added by section 1106(e) of the HUD Act of 1968, as amended by Public Law 90-448.

Effective date: January 27, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 72-1976 Filed 2-9-72;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-GL-20]

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

Designation of Transition Area

On pages 22686 and 22687 of the FEDERAL REGISTER dated November 27, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at East Tawas, Mich.

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

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

This amendment shall be effective 0901 G.m.t., March 30, 1972.

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

Issued in Chicago, Ill., on January 20, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

EAST TAWAS, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iosco County Airport (latitude 44°-18'48" N., longitude 83°25'30" W.), excluding the portion which overlies the Oscoda, Mich., transition area.

[FR Doc.72-1908 Filed 2-9-72;8:47 am]

[Airspace Docket No. 71-GL-17]

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

Alteration of Transition Area

On page 22600 of the FEDERAL REGISTER dated November 25, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to alter the transition area at Richmond, Ind.

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

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

This amendment shall be effective 0901 G.m.t., March 30, 1972.

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

Issued in Des Plaines, Ill., on January 20, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

RICHMOND, IND.

That airspace extending upward from 700 feet above the surface within 6½ mile radius of the Richmond Municipal Airport (latitude 39°45'23" N., longitude 84°50'36" W.); within 3 miles each side of the Richmond VOR 045° radial, extending from the 6½ mile radius area to 8 miles northeast of the VOR; within 3 miles each side of the Richmond VOR 243° radial, extending from the 6½ mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by a line extending from latitude 40°10'00" N., longitude 85°00'00" W. to latitude 39°40'00" N., longitude 84°25'00" W. on the southeast by a line extending from latitude 39°40'00" N., longitude 84°25'00" W. to latitude 39°12'00" N., longitude 85°30'00" W. and on the west by the Indiana-Ohio boundary.

[FR Doc.72-1906 Filed 2-9-72;8:47 am]

[Airspace Docket No. 71-NW-19]

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

Alteration of Transition Area

On November 27, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22687) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Spokane, Wash. transition area.

Interested persons were given 30 days in which to submit written comments. No objections have been received and the

proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901, G.m.t., on March 30, 1972.

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

Issued in Seattle, Wash., on January 10, 1972.

C. B. WALK, Jr.,
Director.

In § 71.181 (37 F.R. 2143), the description of the Spokane, Wash., transition area as amended (36 F.R. 5288), is further amended as follows:

In line 10 delete "* * * on the east by longitude 117°32'00" W. * * *" and substitute therefor, "* * * on the east by the west edge of V–253 * * *"

In line 13; after "* * * to the 024° radials, * * *", add "* * * and that area southeast of Spokane bounded on the northwest by the 52-mile arc, on the north by the south edge of V–2S on the southeast by the north edge of V–536, on the southwest by the northeast edge of V–253 * * *"

[FR Doc.72–1909 Filed 2–9–72;8:47 am]

[Airspace Docket No. 71–GL–18]

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

Designation of Transition Area

On pages 22600 and 22601 of the FEDERAL REGISTER dated November 25, 1971, the Federal Aviation Administration published a notice of propose rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Tell City, Ind.

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

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

This amendment shall be effective 0901 G.m.t., March 30, 1972.

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

Issued in Des Plaines, Ill., on January 20, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

TELL CITY, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Perry County Municipal Airport, Ind. (latitude 38°01'05" N., longitude 86°41'30" W.); and within 3 miles each side of the 105° bearing from the Perry County Municipal Airport extending from the 5-mile radius to 8 miles southeast.

[FR Doc.72–1907 Filed 2–9–72;8:47 am]

[Docket No. 11715, Amdt. 93–24]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

John F. Kennedy International Airport Traffic Area

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to delete Subpart B of Part 93 which prescribes special air traffic rules for the John F. Kennedy International Airport traffic area.

These special rules are no longer necessary due to the decommissioning of the Floyd Bennett Naval Airport, and the establishment of the New York terminal control area; therefore, action is taken herein to delete Subpart B of Part 93.

Since this amendment removes an obsolete regulation from the Federal Aviation Regulations, notice and public procedure hereon are not necessary and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Subpart B of Part 93 of the Federal Aviation Regulations is deleted, effective February 10, 1972.

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

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

J. H. SHAFFER,
Administrator.

[FR Doc.72–1910 Filed 2–9–72;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–2121]

PART 13—PROHIBITED TRADE PRACTICES

Robertson Photo-Mechanix, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Robertson Photo-Mechanix, Inc., Des Plaines, Ill., Docket No. C–2121, Dec. 27, 1971]

In the Matter of Robertson Photo-Mechanix, Inc., a Corporation.

Consent order requiring a manufacturer of photomechanical equipment, including large specialized cameras, of Des Plaines, Ill., to cease discriminating in paying promotional allowances among competing sellers and distributors of its equipment in violation of section 2(d) of the Clayton Act.

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

It is ordered, That respondent Robertson Photo-Mechanix, Inc., a corporation, and its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in or in connection with the offering for sale, sale, or distribution of photomechanical equipment, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, or contracting for the payment of anything of value to or for the benefit of any customers of the respondent as compensation for or in consideration of the displaying or demonstrating of respondent's products in connection with the processing, handling, sale, or offering for sale of products manufactured and sold by respondent unless such payment or consideration is made available on proportionately equal terms to all other customers who compete with such favored customer in the sale and distribution of respondent's products.

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

It is further ordered, That during the period from the date of entry of this order to the expiration of 10 years from such date respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

Issued: December 27, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72–1926 Filed 2–9–72;8:48 am]

[Docket No. C–2122]

PART 13—PROHIBITED TRADE PRACTICES

Sanders Airline Training School et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Sanders Airline Training School et al., Newark, N.J., Docket No. C–2122, Dec. 28, 1971]

In the Matter of Sanders Airline Training School, a Corporation, and Louis Rudnick, Ben Simon, and Stanley Young, Individually and as Officers of Said Corporation.

Consent order requiring a correspondence school, selling a home study course in airline personnel training, located in Newark, N.J., to cease violating provisions of the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to make all disclosures in the manner, form, and amount required by Regulation Z of the Act.

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

It is ordered, That respondents Sanders Airline Training School, a corporation, and its officers, and Louis Rudnick, Ben Simon, and Stanley Young, individually and as officers of said corporation, and respondents' agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321 15 U.S.C. 1601 et seq.), do forthwith cease and desist from failing in any consumer credit transactions or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z the implementing regulation of the Truth in Lending Act, duly promulgated by the Board of Governors of the Federal Reserve System.

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

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

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

Issued: December 28, 1971.

By the Commission.

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

[FR Doc.72-1927 Filed 2-9-72;8:48 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-338, Order 449]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Charges for Transporting Liquids and Liquefiable Hydrocarbons

JANUARY 31, 1972.

In its notice issued February 5, 1968,[1] in the above-entitled proceeding the Commission focused its attention on the problem of protecting consumers from bearing costs which should be paid by the producers whose liquids and liquefiable hydrocarbons are transported by pipeline companies from the wellhead or a central gathering point in the field to a processing plant owned by the producers. The producers in such situations normally make propertionate reimbursement to the pipeline companies for shrinkage in the raw gas stream as a result of their extraction operations, or the pipeline companies pay for the producers' gas on the basis of the residue volumes received at the tailgates of the producers' plants. While either of the foregoing procedures protects consumers from being charged for a larger stream of gas than they ultimately receive, unless pipeline companies are also reimbursed for the costs incurred in transporting the producers' liquids and liquefiable hydrocarbons from field to plant, or unless the costs associated with such transportation are eliminated in determining the cost of service applicable to other jurisdictional business, the pipeline companies' other customers will be charged costs which are incurred primarily for the producers' benefit.

At the time the notice of rule making was issued, the Commission had reached the tentative conclusion that consumers would be adequately protected by elimination from the cost of service used to determine other jurisdictional charges all of the costs incurred by pipeline companies in transporting liquids and liquefiable hydrocarbons for producers. Since that time, however, the Commission's experience in dealing with questions involving multiphase flow[2] has convinced it that allocation of costs is an impractical means of protecting consumers from costs associated with transporting the producers' liquids and liquefiable hydrocarbons. It appears that consumers will be adequately protected if pipeline companies and producers are permitted to negotiate appropriate charges for such transportation service, provided the negotiated charges are at least as high as the minimum rates hereinafter imposed.

Comments in response to the notice of proposed rule making were received from 30 respondents.[3] All respondents except the Associated Gas Distributors (AGD) and the California and New York Commissions expressed unanimous disapproval of the Commission's tentative proposal to eliminate from the cost of service used to determine other jurisdictional charges all costs incurred by pipeline companies in transporting the producers' liquids and liquefiable hydrocarbons. The pipeline companies objected to a cost-allocation procedure because they contend it might allocate more costs to such transportation service than the pipeline companies could obtain in revenues from the producers with the result that the pipeline companies would be unable to recoup their full cost of service.

The producers primarily objected to cost allocation because they claimed that such a procedure would deprive them of a part of the consideration they expected to receive for their gas, namely, the transportation by the pipeline companies of their liquids and liquefiable hydrocarbons. They also argued that an allocation formula would excerpt a portion of the consideration obtained for their gas and assess it against them because the pipeline companies would attempt to renegotiate existing contracts to recover from them any costs allocated to the transportation of liquids and liquefiable hydrocarbons. A fair renegotiation of the contracts should, according to the producers, include a reevaluation of all the factors making up the consideration they received for their gas rather than just a reexamination of the amount to be allocated to the cost of transporting liquids and liquefiable hydrocarbons.

Nearly all respondents referred to the lack of data concerning the volumes of liquids and liquefiable hydrocarbons transported by the pipeline companies for producers. Therefore, the majority of the respondents requested that a conference or formal hearing be held in order that sufficient data could be obtained to serve as a basis for determining a transportation charge or an allocation formula. In light of the requests for a conference, the Commission's staff invited all respondents to a conference which was held on September 29, 1970. No data were presented at that conference because there was unanimous agreement that the conference should be adjourned to await the outcome of efforts then underway in the Southern Louisiana Area Rate Proceeding to settle the

[1] Published in the FEDERAL REGISTER on February 10, 1968 (33 F.R. 2860).

[2] Multiphase flow is the transportation in a single pipeline of hydrocarbons in both a gaseous and a liquid state.

[3] Comments were received from 15 producers, 11 pipeline companies, the Independent Natural Gas Association of America, the California Public Service Commission, the New York Public Service Commission, and the Associated Gas Distributors (see appendix A to this order for complete list of respondents).

issues concerning the transportation of liquids and liquefiable hydrocarbons insofar as such issues related to that producing area of the United States.

A second conference was held on October 15, 1970, at which time several of the pipeline respondents distributed three studies which they had prepared. The first study consisted of a compilation of the transmission cost of service taken from 10 pipeline companies' rate cases which had been filed with the Commission in a form reflecting data prepared on a commodity-mile basis. The result of the study indicated that the cost of transporting gas averages 2.042 cents per Mcf per 100 miles. The second study was exactly like the first but was based on the transmission cost of service of only the six companies in the first study which have pipelines extending into southern Louisiana. The second study indicated that the transportation cost per 100 miles for companies having systems extending into southern Louisiana is 2.105 cents per Mcf. The third study was based on the fact that Tennessee Gas Pipeline Co., a division of Tenneco Inc., has experienced a 13 percent loss in carrying capacity in its multiphase facilities in southern Louisiana and has hauled an average of 15 barrels of liquids for each 1,000 Mcf of gas transported through such facilities. A formula using the 2-cent cost of transporting gas and utilizing the 13-percent loss in efficiency and 15-barrel/1,000-Mcf ratio, produced a cost for transporting liquids of 20 cents per barrel.

When it became obvious that the respondents attending the second conference could not reach a consensus as to an appropriate charge for transporting liquids and liquefiable hydrocarbons, particularly while trying to protect their positions in the settlement negotiations which were still in progress in the Southern Louisiana Area Rate Proceeding, it was unanimously agreed that further conferences in the proceeding should be deferred pending the outcome of the parties' efforts in the Southern Louisiana proceeding to reach a mutual understand regarding an appropriate charge for transporting liquids and liquefiable hydrocarbons. No respondents other than the pipeline companies expressed any desire to present data to support their positions.

The Commission in Area Rate Proceeding, et al. (Southern Louisiana Area), Docket Nos. AR61–2, et al., Opinion No. 598, issued July 16, 1971, 46 FPC ——, resolved the basic issues with respect to transportation of liquids and liquefiable hydrocarbons, insofar as the southern Louisiana area is concerned, and stated that a special order would be issued terminating this rule making proceeding to the extent it pertains to the southern Louisiana area (mimeo p. 65). Paragraph (A)(1) of the order accompanying Opinion No. 598 provided that transportation charges for liquids and liquefiable hydrocarbons would be applicable to all contracts dated after August 1, 1971, and to all sales which have been certificated subject to the outcome of the proceeding in Docket No. R–338. The Commission has received southern Louisiana contracts dated prior to August 1, 1971, proposing sales which have not yet been certificated. Consequently, if this proceeding were terminated as to the southern Louisiana area, transportation services which might be rendered under such contracts would not be subject to the charges herein imposed. As hereinafter explained, the Commission has now concluded that the same transportation charge originally announced in Opinion No. 598 are appropriate for all other producing area. In view of the uniform rates to be imposed for all areas, the Commission finds that it is preferable to have the order herein issued remain applicable to southern Louisiana so that no producer proposing to sell gas and have liquids or liquefiable hydrocarbons transported from acreage in southern Louisiana shall escape coverage under the rule enunciated herein if the sale and transportation services are commenced pursuant to a contract dated prior to August 1, 1971, but certificated subsequent to the effective date of this order.

Although the Commission's experience in reviewing costs associated with the operation of multiphase pipelines has been related primarily to the southern Louisiana area, the studies presented by the pipeline companies at the conference held in this proceeding on October 15, 1970, show that the minimum charges established in Opinion No. 598 for the southern Louisiana area of 2 cents per Mcf per 100 miles and 20 cents per barrel for transporting liquefiable hydrocarbons and liquids, respectively, are appropriate for use in all other producing areas. The foregoing conclusion is supported by the fact that the transmission cost data of the 10 pipeline companies used in the study distributed at the conference reflected a cost for transporting liquefiable hydrocarbons of 2.042 cents per Mcf per 100 miles. When data for the six companies having facilities extending into southern Louisiana were isolated from the four companies which do not have such facilities, the transmission cost per 100 miles was shown to be 2.105 cents per Mcf. The slight increase in transmission cost associated with the six companies which have facilities extending into southern Louisiana is consistent with the fact that construction of offshore facilities has historically been more expensive than construction of onshore facilities.

The appropriateness of the 2-cent charge for use in all areas is further supported by the fact that when cost data for the four companies which do not have facilities extending into southern Louisiana (Cities Service Gas Co., El Paso Natural Gas Co., Northern Natural Gas Co., and Panhandle Eastern Pipe Line Co.) are isolated from the six companies which do have southern Louisiana facilities, a cost of 1.91 cents per Mcf per 100 miles for transporting gas is produced (total transmission costs of $416,680,512 divided by 21,816,706,802 Mcf per 100 miles=1.91 cents).

The Permian Basin area may be used as another area for comparative purposes in showing the general applicability of the 2-cent charge. Since Natural Gas Pipeline Co. of America, Northern Natural Gas Co., El Paso Natural Gas Co., and Transwestern Pipeline Co. are the only large interstate pipeline companies purchasing gas from the Permian Basin area, the transportation charge for that area should be based on their cost of transportation per 100 miles. Transwestern's costs were not given in the data distributed at the conferences held in this proceeding, but examination of its rate filing in Docket No. RP70–19 discloses that Transwestern's total system-wide transmission costs as presented in that case were $53,782,728 and that the Mcf transported per 100 miles of haul were 1,919,279,500. When the foregoing Transwestern cost data are added to the conference data for El Paso, Northern, and Natural, the total transmission costs are $518,079,346 and the Mcf per 100 miles of haul are 26,115,746,210 which produces an average cost for transporting Permian Basin gas of 1.98 cents per Mcf per 100 miles.

The pipeline companies' costs used for illustrative purposes in the foregoing discussion would be equally applicable for other producing areas, such as the Texas Gulf Coast area or the Hugoton Anadarko area, because several of those same companies purchase gas from all significant producing areas. Consequently, it appears that the charge of 2 cents per Mcf per 100 miles is a charge which can properly be utilized in all producing areas.

The widely varying conditions associated with transporting liquefiable hydrocarbons and liquids from producing areas to processing plants indicate a need for relying upon a transportation charge for such service which will be representative of the costs which the pipeline companies will experience. Variations in load factors, pipeline capacities, and length of haul have a significant effect on pipeline companies' unit transmission costs. For example, in Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Opinion No. 528, 38 FPC 691, Tennessee estimated that the cost of transporting gas through 156 miles of pipeline, ranging from 26 to 12 inches in diameter, would vary from 7.2 cents per Mcf at 31 percent load factor to 2.07 cents per Mcf at 100 percent loan factor (38 FPC at 724). Similarly, the estimated cost of transporting gas through the 294 miles of 30-inch pipeline which Red Snapper Pipe Line Co. proposed to construct would vary from 6.9 cents per Mcf at 50 percent load factor to 3.5 cents per Mcf at 100 percent load factor (38 FPC at 695–96).

Other examples of variations in transmission costs may be seen in such proceedings as Blue Dolphin Pipeline Co., 33 FPC 1141, in which Blue Dolphin proposed to charge 1.5 cents per Mcf for transporting gas through a 50-mile pipeline consisting of 41 miles of 20-inch and 9 miles of 16-inch pipeline, and Black Marlin Pipeline Co., 35 FPC 976, where

Black Marlin proposed to charge 2.1 cents per Mcf for transporting gas through 53 miles of 16-inch pipeline.

There have not been many proceedings in which pipeline companies have established a rate for transporting liquids. In the Tennessee case *supra* Red Snapper proposed to charge 27 cents per barrel for transporting liquids through the proposed extensive 295-mile, 30-inch pipeline there involved, while in the Blue Dolphin case *supra* the charge for transporting liquids through the 50-mile, 20-inch system constructed in that case was only 6 cents per barrel. Since natural-gas pipeline companies subject to the Commission's jurisdiction construct their systems almost entirely for the purpose of transporting dry gas, cost allocation methods must be developed to determine how much of the costs of operating their systems should be allocated to the transportation of liquids. Obviously, the charge for transporting liquids can be made relatively high or relatively low simply by varying the percentage of total costs which is allocated to the function of transporting liquids.

In designing facilities which will be used in multiphase operations, the pipeline companies have generally used a modification of the Panhandle flow formula providing for a loss of efficiency as a result of moving liquids along with gas in the same pipeline. At the conference held on October 15, 1970, in this proceeding the pipeline companies distributed a study showing that a charge of 20 cents per barrel was appropriate for transporting liquids. The 20-cent charge was based upon experience gained by Tennessee in operating its multiphase pipelines. That experience indicates that the efficiency of Tennessee's pipelines is reduced by 13 percent because of the friction or holdup in movement of the mixture of gas and liquids produced by introducing the liquids in the same pipeline with the gas. Therefore, a formula was developed which would allocate 13 percent of the cost of operating the pipelines to the function of transporting liquids.

In order to complete the allocation formula, it was necessary to determine the quantity of liquids which would be moved in a given pipeline in proportion to a given volume of gas. Here, again, the pipeline companies relied on Tennessee's experience which indicates that 15 barrels of liquids are transported for each 1,000 Mcf of gas. Any speculation as to whether a larger quantity than 15 barrels should be used in the formula is largely eliminated from consideration in light of Tennesee's experience showing that there is no apparent loss in efficiency when the quantity of liquids in a given multiphase pipeline is increased from 4 to 100 barrels per 1,000 Mcf of gas.

The cost for transporting dry gas has already been shown above to be approximately 2 cents per Mcf per 100 miles. Based on a 2-cent charge per 100 miles for transporting gas, and the further data indicating that 15 barrels of liquids will be transported with each 1,000 Mcf of gas with a 13-percent loss in efficiency, a charge for transporting liquids of 20 cents per barrel was developed by using the following formula:

$$\frac{\$.02 \times .13}{.015 \times .87} = \frac{\$.0026}{.01305} = \$.199 \text{ or } 20¢ \text{ per barrel}$$

The discussion above shows that the Commission, in fixing a charge for transporting liquefiable hydrocarbons and liquids, must take into consideration the fact that the producers' liquids and liquefiable hydrocarbons will be transported for varying distances through many sizes of pipelines and that the transportation service will extend from the commencement of production when load factors will be very low to full production when load factors will approach 100 percent. The diverse circumstances and conditions under which the transportation service will be rendered make the establishment of a general rate in a rule making proceeding especially desirable because an unwarranted amount of time would be required to fix an appropriate charge for each specific transportation service and to make necessary changes in the charge each time flow conditions and other factors change sufficiently to merit a reevaluation of the factors related to determining a unit transportation charge.

As hereinbefore indicated, the rule which the Commission is promulgating in this proceeding will fix the same charges for the remaining producing areas as those established for such transportation services for the southern Louisiana area in Opinion No. 598. The rule will be applicable to all sales certificated after the effective date of this order and to all sales which have heretofore been authorized under either temporary or permanent certificates with conditions making the sales subject to the outcome of the rule making proceeding in Docket No. R–338. The Commission has imposed such conditions in certificates authorizing the sale of gas from acreage in Colorado, Wyoming, the Permian Basin, Kansas, Oklahoma, Texas Railroad District No. 10, Mississippi, and the Texas Gulf Coast area.

The rule which is being promulgated by this order will allow contractual provisions to govern unless they provide for a charge of less than 2 cents per Mcf per 100 miles for transporting gas and 20 cents per barrel for transporting liquids. Examination of the producer sales contracts indicates that in the Texas Gulf Coast area most deliveries to the interstate pipelines occur after processing so that the pipeline companies perform no transportation services for the producers. There do not appear to be any consistent provisions in the few cases where the pipeline companies are performing transportation services. United Gas Pipe Line Co.'s and Texas Eastern Transmission Corp.'s contracts do not specify any charge, except that one of Texas Eastern's contracts provides for an offset of plant costs for dehydration against the cost of transporting gas to the processing plant. One of Trunkline Gas Co.'s contracts provides for a charge of 2 cents per Mcf per 100 miles for plant fuel and shrinkage.

In Mississippi, processing appears to have been completed prior to delivery to the pipeline companies in most instances so that no transportation services are performed for producers. In nearly all other areas, such as Oklahoma, Texas, Kansas, and Texas Railroad Commission District No. 10, the contracts do not provide for the producers to pay the pipeline companies a transportation charge.

The foregoing discussion shows that the minimum charges promulgated by this order will bring about uniformity for the transportation services performed by pipeline companies and will properly relieve gas consumers of paying costs which should be borne primarily by the producers. There is, of course, some merit to the producers' arguments that their processing plants remove impurities from the gas stream and improve the quality of the gas ultimately delivered to consumers. The latter point is one of the primary reasons for the Commission's conclusion that a generalized charge should be made for the service because of the many variables which would enter into a determination of an exact charge to fit each of the transportation services which is performed by the pipeline companies for producers.

At the conference held October 15, 1970, some of the respondents argued that the transportation rates heretofore discussed are too low to recover the full cost of rendering the service. The producers and pipeline companies cited some facts in answering those contentions which have a bearing on transportation rates applicable to producing areas involving offshore facilities, such as those in the Texas Gulf Coast area and in additional offshore areas from which future supplies of gas may be found. Specifically, it was pointed out that it is impossible to quantify the benefits to consumers from having the liquids and liquefiable hydrocarbons transported in the same pipelines with dry gas. One advantage of using the same pipelines for both condensates and gas, for example, may be found in the fact that weather conditions cause outages, ranging from 10 to 14 percent of the time, when barges are used to transport the producers' liquids from offshore areas. Introduction of the liquids and liquefiable hydrocarbons into the same pipelines which transport dry gas increases the reliability of offshore facilities and saves consumers the costs which would otherwise be associated with the construction of onshore storage facilities for use as a supplemental source of gas during adverse weather conditions.

Several questions were raised in the notice of proposed rule making issued in this proceeding. Among them was the query as to whether a standard of immateriality or a de minimis rule should be established. Thirteen respondents discussed a de minimis rule in their comments. Nine favored establishing a standard of immateriality, two opposed such a rule, and two believed that a determination of immateriality would have to be made on a case-by-case basis. It appears that providing for the charge to

be made on a per-mile basis, that is, 0.02 cent per Mcf per mile, obviates any need to provide for waiving the charge in cases where it will be de minimis because it is unlikely that a situation will occur in which the transportation will be for a distance of less than 1 mile. Since one of the reasons for using the rule making approach is to eliminate case-by-case determinations under a wide variance of conditions, it is appropriate that the charge be applied in every instance regardless of the distance involved.

Another question raised by the rule making notice was whether the charge for transporting liquids and liquefiable hydrocarbons should be applied retrospectively or only prospectively. All respondents discussed that issue in their comments and only three respondents (AGD and the California and New York Commissions) favor application of the charge to contracts executed prior to the issuance of the notice of rule making.

Those favoring application of a transportation charge on a retroactive basis argue that the producers have been obtaining a free ride for their hydrocarbons at the consumers' expense. They contend that if pipeline companies are transporting liquids and liquefiable hydrocarbons in facilities certificated solely for the transportation of dry gas, then the pipeline companies ought to apply for abandonment authority for the portion of the capacity which has been lost to the transportation of liquids and liquefiable hydrocarbons because that capacity would otherwise have been available for the transportation of dry gas for consumers. Since additional certificate proceedings would be necessary to make current authorizations track the use to which the facilities are being put, they do not see that the Commission should be barred from determining for past periods an appropriate charge for transportation of liquids and liquefiable hydrocarbons.

As hereinbefore stated, the notice of rule making had tentatively proposed that costs be allocated to the transportation of liquids and liquefiable hydrocarbons, thereby leaving to the pipeline companies the problem of recouping such costs from the producers. The pipeline companies' comments were made in light of that allocation proposal and they unanimously objected to retroactive application of any charge for transporting liquids and liquefiable hydrocarbons on the ground that they would not be able to recoup such costs from the producers if no such charge had been provided for in their gas purchase contracts with the producers.

The producers argue that a retroactive application of such charges would be contrary to their contracts and violative of due process because they had no prior notice when they agreed to sell their gas that they would be exposed to transportation charges. Additionally, many of the producers contend that their removal of liquids and hydrocarbons in producing areas is beneficial to the pipeline companies because their processing plants not only remove hydrocarbon products but also water and impurities which would otherwise lower the quality of the gas and impede the transportation of dry gas.

The Commission is of the opinon that the transportation charges should be applied only on a prospective basis. Ever since the notice of rule making was issued in this proceeding the Commission has been conditioning the granting of both temporary and permanent certificates involving transporting liquids and liquefiable hydrocarbons to make the related sales subject to the outcome of this proceeding. Application of the rule on a prospective basis would be consistent with the Commission's decision in Hugoton Production Co., 41 FPC 490 (1969)[4] to require refunds of excess charges only after the producers had been placed on notice by the Commission's opinion in Lo-Vaca Gathering Co., 26 FPC 606 (1961), affirmed sub nom. California v. Lo-Vaca Gathering Co., 379 U.S. 366 (1965), that the Commission would consider sales of gas for compressor fuel to pipeline companies to be subject to its jurisdiction if the producers' gas becomes commingled with other gas moving in interstate commerce.

The Commission's determinations in the remanded Catco proceeding (Continental Oil Co., 27 FPC 96 (1962)) are relevant in considering the question of retroactive application of the transportation charge involved in this proceeding. In its Catco opinion the Supreme Court referred to the fact that there was no evidence to show that the producers were entitled to "* * * free movement of distillates retained by the producers" (Atlantic Refining Co. v. P. S. C. of New York, 360 U.S. 378, 393 (1959)). After completion of the hearing held in the remanded Catco proceeding, the Commission reduced the cost allocated to the producers' gas by a credit equal to Tennessee's cost of transporting the producers' condensates to shore (Continental Oil Co. *supra* at 108).

Although the Catco case served the purpose of putting the producers on notice that some charge should be made for transporting their condensates, the fact that the Commission deducted the cost of transporting condensates from the price they were allowed to charge for their gas supports to some extent the producers' argument that the transportation charge for condensates should not be applied retroactively because they had reason to believe on the basis of the Catco case that the transportation charge was being taken into consideration in fixing the price at which their gas was to be sold in interstate commerce.

Only after the notice of rule making had been issued and the Commission had begun to condition producer certificates to the outcome of this proceeding, were the producers on specific notice that they might be required to pay the pipeline companies a charge for transporting their liquids and liquefiable hydrocarbons, that is, a specific charge other than an assignment by the Commission of value to transportation services and a crediting of that amount against the cost of producing gas in determining producer rates. In light of the foregoing considerations, the Commission concludes that the charges hereinafter established for transporting liquids and liquefiable hydrocarbons should be applied to all temporary and permanent certificates heretofore conditioned upon the outcome of this proceeding and to all certificates, involving the transportation of liquids and liquefiable hydrocarbons, which may hereafter be issued.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matter presently before this Commission through the submission, in writing, and presentation at conferences held on September 29, 1970, and October 15, 1970, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) Since the amendments made in the General Policy and Interpretations under the Natural Gas Act result from suggestions made by respondents to the notice of proposed rule making herein and since these revisions do not impose a further burden on persons subject to these interpretations and do not amount to a substantial departure from the original proposal, no further notice and hearing prior to adoption is necessary.

(3) In view of the foregoing, and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions, and other views expressed in the comments received and during the course of the conferences held on September 29, 1970, and October 15, 1970, it is necessary and appropriate for the administration of the Natural Gas Act that the General Policy and Interpretations of the Commission under the Natural Gas Act be amended as herein provided.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4(e), 5(a), and 16 (52 Stat. 822, 830 (1938); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717o) orders:

(A) Part 2, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new § 2.71 to read as follows:

§ 2.71 Charges applicable to the transportation of liquids, liquefiable hydrocarbons, etc., for others.

When pipeline companies contract to purchase gas and agree to transport liquids and liquefiable hydrocarbons from field delivery points to processing plants for removal of such hydrocarbons, the transportation charge to be imposed for such service shall be the consideration set forth in the contracts between the pipeline companies and those for

[4] Affirmed sub nom. Mesa Petroleum Co. v. F.P.C., 441 F.2d 182 (5th Cir. 1971) insofar as the Commission had required refunds to be made prospectively from the issuance of its Lo-Vaca opinion.

whom the transportation service is rendered, unless the contractual consideration is less than 0.02 cents per Mcf per mile for liquefiable hydrocarbons and 20 cents per barrel for liquid hydrocarbons, in which case the aforesaid minimum charges shall apply. For sales certificated subject to the outcome of the rule making proceeding in Docket No. R–338, and for sales certificated after March 1, 1972, the transportation charge as of March 1, 1972, or as of the date of initial delivery, whichever is later, shall be as set forth in the respective contracts, unless the contractual consideration is less than the aforementioned minimum charges, in which case the minimum charges shall apply. The payment of the charges hereinbefore specified shall exempt any sales associated therewith from reductions in ceiling prices because of the rendering of the above-described transportation services by pipeline companies for sellers of gas.

(B) Section 2.71, as hereinbefore promulgated, shall become effective 30 days after the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Comments in the rule making proceeding in Docket No. R–338 have been received from the following:

DISTRIBUTORS

Associated Gas Distributors, consisting of:
Atlanta Gas Light Co.
The Berkshire Gas Co.; Boston Gas Co.; Bristol and Warren Gas Co.; Brockton Taunton Gas Co.; Buzzards Bay Gas Co.; Cambridge Gas Co.; Central Massachusetts Gas Co.; city of Holyoke, Department of Public Utilities; city of Westfield Gas and Electric Light Department; Concord Natural Gas Corp.; The Connecticut Gas Co.; Fall River Gas Co.; Fitchburg Gas and Electric Light Co.; Gas Service, Inc.; The Greenwich Gas Co.; The Hartford Electric Light Co.; The Hartford Gas. Co.; Haverhill Gas Co.; Lawrence Gas Co.; Lowell Gas Co.; Lynn Gas Co.; Manchester Gas Co.; Mystic Valley Gas Co.; New Bedford Gas and Edison Light Co.; The New Britain Gas Light Co.; The Newport Gas Light Co.; Northhampton Gas Light Co.; North Attleboro Gas Co.; North Shore Gas Co.; Norwood Gas Co.; The Pequot Gas Co.; Providence Gas Co.; South County Gas Co.; Southern Connecticut Gas Co.; Springfield Gas Light Co.; Tiverton Gas Co.; Valley Gas Co.; Wachusett Gas Co.; and Worcester Gas Light Co. (jointly).
The Brooklyn Union Gas Co.
Central Hudson Gas and Electric Corp.
Consolidated Edison Company of New York, Inc.
The East Ohio Gas Co.; Consolidated Gas Supply Corp.; Lake Shore Pipe Line Co.; The Peoples Natural Gas Co.; and The River Gas Co. (jointly).
Elizabethtown Gas Co.
Long Island Lighting Co.
New Jersey Natural Gas Co.
New York State Electric & Gas Corp.
Philadelphia Electric Co.
Philadelphia Gas Works, Division of The United Gas Improvement Co.
Piedmont Natural Gas Co., Inc.
Public Service Company of North Carolina
Public Service Electric and Gas Co.
Rochester Gas and Electric Corp.
South Jersey Gas Co.
The United Gas Improvement Co.
Washington Gas Light Co.

INDEPENDENT PRODUCERS

Ashland Oil, Inc.
Atlantic Richfield Co.
California Co., The
Continental Oil Co.
Flag Oil Corp.
Humble Oil & Refining Co.
Kerr-McGee Corp.
Mobil Oil Corp.
Pan American Petroleum Corp.
Phillips Petroleum Co.
Shell Oil Co.
Sun Oil Co.
Superior Oil Co., The
Texaco Inc.
Union Oil Company of California

PIPELINE COMPANIES

Colorado Interstate Gas Co.
Columbia Gas System Service Corp.
Natural Gas Pipeline Company of America
Northern Natural Gas Co.
Panhandle Eastern Pipe Line Co. and Trunkline Gas Co. (jointly)
Tennessee Gas Pipeline Co., a division of Tenneco Inc.
Texas Eastern Transmission Corp.
Texas Gas Transmission Corp.
Transcontinental Gas Pipe Line Corp.
United Gas Pipe Line Co.

OTHERS

Independent Natural Gas Association of America
Public Service Commission of the State of New York
Public Utilities Commission of the State of California

[FR Doc. 72–1917 Filed 2–9–72;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

ERYTHROMYCIN THIOCYANATE AND ARSANILIC ACID; REVOCATION

Based on a notice of withdrawal of approval of a new animal drug application (Docket No. FDC–D–403) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the food additive regulations should be amended to revoke provisions for the use of erythromycin thiocyanate and arsanilic acid in complete chicken and turkey feed.

Therefore, purusant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 512, 72 Stat. 1785–88 as amended, 82 Stat. 343–51; 21 U.S.C. 348, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.253 *Arsanilic acid* is amended in the table in paragraph (c) as follows:

a. By revoking the entry "1.1" from the "Principal ingredient" column in subitems f and g under item 1.8.

b. In the "Limitations" and "Indications for use" columns for the entry for subitem f under item 1.8 by deleting the references to items 1.2, 2.2, and 4.2 in the table in § 121.292(d).

2. Section 121.292 *Erythromycin thiocyanate* is amended in the table in paragraph (d) by revoking items 1.2, 2.2, and 4.2 and by revoking from the "Principal ingredient" column the entry "1.2" in subitems a, b, and c under item 1.2; the entry "2.2" in subitems a, b, and c under item 2.2; and the entry "4.2" in subitems a, b, and c under item 4.2.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–10–72).

(Secs. 409, 512, 72 Stat. 1785–88 as amended. 82 Stat. 343–51; 21 U.S.C. 348, 360b)

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–1951 Filed 2–9–72;8:51 am]

PART 121—FOOD ADDITIVES

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

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2603) filed by The Dow Chemical Co., 2040 Dow Center, Midland, Mich. 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of styrene-butadiene copolymers containing not more than 10 weight percent of polymer units derived by copolymerization with 2-hydroxyethyl acrylate, as set forth below, to be

used as components of the food contact surface of paper and paperboard in contact with all foods instead of being limited for use in coatings for paper and paperboard in contact with bakery products and dry solids only.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(b)(2) is amended by deleting the text in the "Limitations" column for the item "Styrene-butadiene copolymers * * *" and amending the entry to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Styrene-butadiene copolymers containing not more than 10 weight percent of polymer units derived by copolymerization with one or more of the following monomers: Acrylic acid. Fumaric acid. 2-Hydroxyethyl acrylate. Itaconic acid. Methacrylic acid.	----------
* * *	* * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

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

Dated: January 27, 1972.

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

[FR Doc.72-1956 Filed 2-9-72; 8:51 am]

PART 121—FOOD ADDITIVES

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

POLY-1-BUTENE RESINS AND BUTENE/ETHYLENE COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2599) filed by Mobil Chemical Co., Edison, N.J. 08817, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use, as set forth below, of poly-1-butene resins and butene/ethylene copolymers as articles or components of articles intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended, as follows:

The following new section is added to Subpart F:

§ 121.2617 Poly-1-butene resins and butene/ethylene copolymers.

The poly-1-butene resins and butene/ethylene copolymers identified in this section may be safely used as articles or components of articles intended for use in contact with food subject to the provisions of this section.

(a) *Identity.* Poly-1-butene resins are produced by the catalytic polymerization of butene-1 liquid monomer. Butene/ethylene copolymers are produced by the catalytic polymerization of 1-butene liquid monomer in the presence of small amounts of ethylene monomer so as to yield no higher than a 5 weight percent concentration of polymer units derived from ethylene in the copolymer.

(b) *Specifications and limitations.* Poly-1-butene resins and butene/ethylene copolymers shall conform to the specifications prescribed in subparagraph (1) of this paragraph, and shall meet the extractability limits prescribed in subparagraph (2) of this paragraph.

(1) *Specifications*—(i) *Infrared identification.* Poly-1-butene resins and butene/ethylene copolymers can be identified by their characteristic infrared spectra.

(ii) *Viscosity.* Poly-1-butene resins and the butene/ethylene copolymers have an intrinsic viscosity 1.0 to 3.2 as determined by ASTM Method D-1601.

(iii) *Density.* Poly-1-butene resins have a density of 0.904 to 0.920 gms/cm^3, and butene/ethylene copolymers have a density of 0.890 to 0.916 gms/cm^3 as determined by ASTM Method D-1505-63T.

(iv) *Melt index.* Poly-1-butene resins have a melt index of 0.1 to 24 and the butene/ethylene copolymers have a melt index of 0.1 to 20 as determined by ASTM Method D-1238, Condition E.

(2) *Limitations.* Poly-1-butene resins and butene/ethylene copolymers for use in articles that contact food, and for articles used for packing or holding food during cooking shall yield no more than the following extractables:

(i) Poly-1-butene resins and butene/ethylene copolymers may be used as articles or components of articles intended for use in contact with food, provided that the maximum extractables do not exceed 2.5 percent by weight of the polymer when film or molded samples are tested for two hours at 50° C. in n-heptane; and provided further that the butene/ethylene copolymer contains no more than 1.5 percent by weight of polymer units derived from ethylene.

(ii) Butene/ethylene copolymers containing no more than 5 percent by weight of polymer units derived from ethylene may be used in food-contact films of no more than 1 mil thickness where such films are manufactured from this copolymer blended with polypropylene, complying with § 121.2501, provided that the finished film contain no more than 60 parts butene/ethylene copolymer and the maximum extractables of the finished film do not exceed 9.3 percent by weight of the film when extracted for two hours at 50° C. in n-heptane.

(iii) Poly-1-butene resins and butene/ethylene copolymers may be used as articles or components of articles intended for packaging or holding food during cooking, provided that the thickness of such polymers in the form in which they contact food shall not exceed 4 mils and yield maximum extractables of not more than 2.5 percent by weight of the polymer when films are extracted for two hours at 50° C. in n-heptane; and provided further that the butene/ethylene copolymer contain no more than 1.5 percent by weight of polymer units derived from ethylene.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

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

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1955 Filed 2-9-72;8:51 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

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

SYNTHETIC PETROLEUM WAX

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0L2539) filed by Petrolite Corp., Bareco Division, Post Office Drawer K, Tulsa, Okla. 74115, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of synthetic petroleum wax in or on food and as an article or component of an article intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. The following new section is added to Subpart D:

§ 121.1239 Petroleum wax, synthetic.

Synthetic petroleum wax may be safely used in or on foods in accordance with the following conditions:

(a) Synthetic petroleum wax is a mixture of solid hydrocarbons, paraffinic in nature, prepared by catalytic polymerization of ethylene, and refined to meet the specifications prescribed by this section.

(b) Synthetic petroleum wax meets the ultraviolet absorbance limits of § 121.1156(b) when subjected to the analytical procedure described therein.

(c) Synthetic petroleum wax has a number average molecular weight of not less than 500 nor greater than 1,200 as determined by vapor pressure osmometry.

(d) Synthetic petroleum wax may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the Act, in an amount not greater than that required to produce its intended effect.

(e) Synthetic petroleum wax is used or intended for use as follows:

Use	*Limitations*
In chewing gum base, as a masticatory substance.	In accordance with § 121.1059 in an amount not to exceed good manufacturing practice.
On cheese and raw fruits and vegetables as a protective coating.	In an amount not to exceed good manufacturing practice.
As a defoamer in food.	In accordance with § 121.1099.

2. In § 121.1059(a) by alphabetically inserting in the list of substances under "Masticatory Substances, *Synthetic*" a new item as follows:

§ 121.1059 Chewing gum base.

* * * * *

(a) * * *

MASTICATORY SUBSTANCES

NATURAL (COAGULATED OR CONCENTRATED LATICES) OF VEGETABLE ORIGIN

* * * * * *

Synthetic	*Specifications*
* * *	* * *
Petroleum wax synthetic.	Complying with § 121.1239.
* * *	* * *

* * * * *

3. In § 121.1099(a)(3) by alphabetically inserting in the list of substances a new item as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(3) * * *

Substances	*Limitations*
* * *	* * *
Petroleum wax, synthetic.	Not more than 150 p.p.m. in yeast, measured as hydrocarbons.
* * *	* * *

* * * * *

4. The following new section is added to Subpart F:

§ 121.2618 Petroleum wax, synthetic.

Synthetic petroleum wax may be safely used as a component of nonfood articles in contact with food, in accordance with the following conditions:

(a) The food additive meets the specifications and definition prescribed in § 121.1239 of this chapter.

(b) Synthetic petroleum wax is used or intended for use as follows:

(1) In combination with olefin polymers complying with § 121.2501(c) provided that the finished article is not used or intended for use in contact with food during cooking.

(2) As a component of paper and paperboard complying with § 121.2526 intended for use in contact with aqueous and fatty foods.

5. In § 121.2526(a)(5) by alphabetically inserting in the list of substances a new item as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Petroleum wax, synthetic	Complying with § 121.2618.
* * *	* * *

* * * * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

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

Dated: January 27, 1972.

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

[FR Doc.72-1957 Filed 2-9-72; 8:51 am]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

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

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Decoquinate, Chlortetracycline

The Commissioner of Food and Drugs has evaluated a new animal drug application (45-444V) filed by Hess & Clark, Division of Rhodia, Inc., Ashland, Ohio 44805 proposing the safe and effective use of decoquinate in combination with chlortetracycline in low calcium chicken feed for the purposes set forth below. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 135e, and 144 are amended as follows:

1. In Part 121, § 121.208 is amended in paragraph (d), table 1, by adding a new item 16, as follows:

§ 121.208 Chlortetracycline.

* * * * *

(d) * * *

TABLE 1—CHLORTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEEDS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
16. Chlortetracycline.	200	Decoquinate.....	27.2 (0.003%)	For broiler chickens; not to be fed to laying chickens; in low calcium feed containing 0.8% of calcium; not to be fed continuously for more than 8 weeks; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. mivati, E. maxima,* and *E. brunetti;* and for the treatment of chronic respiratory disease (air sac infection), prevention of synovitis.

2. In Part 135e, § 135e.51 is amended by adding a new subitem b under item 2 to the table in paragraph (g), as follows:

§ 135e.51 Decoquinate.

(g) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2. * * *					
b. 1.....	* * *	Chlortetracycline..	200	For broiler chickens; not to be fed to laying chickens; in low calcium feed containing 0.8% of calcium; not to be fed continuously for more than 8 weeks; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. mivati, E. maxima,* and *E. brunetti;* and for the treatment of chronic respiratory disease (air sac infection), prevention of synovitis.

3. In Part 144, § 144.26(b) is amended by adding the following new subparagraph:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

(b) * * *

(64) It is a medicated feed containing decoquinate and antibiotics and it is used in accordance with § 135e.51 of this chapter.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2–10–72).

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

Dated: January 13, 1972.

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

[FR Doc.72–1954 Filed 2–9–72;8:51 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

ASSIGNMENT OF NEW CODE NUMBER

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135.501 is amended in paragraph (c) by adding a new code number as follows:

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

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
050.....	Penwalt Corp., Post Office Box 1297, Tacoma, Wash. 98401.
* * *	* * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2–10–72).

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

Dated: January 28, 1972.

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

[FR Doc.72–1958 Filed 2–9–72;8:51 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

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

Diethylstilbestrol

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (11–485V) filed by Dawes Laboratories, 450 State Street, Chicago Heights, Ill., 60411, providing for the safe and effective use of diethylstilbestrol at an additional premix level in the manufacture of finished dry feeds and to provide a range of from 5 to 20 milligrams of diethylstilbestrol per head per day in beef cattle. The supplemental applications are approved.

The regulations are also amended to reflect a revision in the name and address of the sponsor, Dawes Laboratories, Inc.

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

1. Section 135.501 is amended in paragraph (c) by revising the name and address of the firm listed as Code No. 011 to read as follows:

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

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
011.....	Dawes Laboratories, Inc., 450 State Street, Chicago Heights, Ill. 60411
* * *	* * *

2. Part 135e is amended in section 135e.18 by designating the existing text in paragraph (c) following the word *"Approvals"* as subparagraph (1) and by adding thereto a new subparagraph (2) to read as follows:

§ 135e.18 Diethylstilbestrol.

(c) *Approvals.* (1) * * *

(2) In dry premix, levels of 2 grams (0.44 percent), 4 grams (0.88 percent), and 10 grams (2.2 percent) of diethylstilbestrol per pound has been granted for use in manufacturing finished feeds within currently approved use levels of 5–20 milligrams per head per day; for sponsor see code No. 011 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2–10–72).

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

Dated: January 28, 1972.

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

[FR Doc.72–1959 Filed 2–9–72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101–11—RECORDS MANAGEMENT

Disposal of Microfilmed Records, Microfilm Storage and Filming Standards, Criteria For Using Microfilm Copies, and Microfilm Services Available From GSA

This amendment provides the (1) procedures for requesting authority to dispose of microfilmed records, (2) standards to be used by Federal agencies for microfilming records, (3) criteria for using microfilm copies, (4) standards for storing microfilm copies of permanent records, and (5) information concerning microfilm services available from the National Archives and Records Service.

Part 101–11 is amended by the addition of revised Subpart 101–11.5 as follows:

Subpart 101–11.5—Microfilming

Sec.

101–11.500 Scope of subpart.
101–11.501 Authority.
101–11.502 Definitions.
101–11.503 Disposal of records.
101–11.503–1 Request for authority.
101–11.503–2 Deposit of copies.
101–11.503–3 Deteriorating microfilm.
101–11.504 Standards for microfilming permanent records.
101–11.504–1 Preparing and microfilming permanent records.
101–11.504–2 Microfilm stock.
101–11.504–3 Processing film.
101–11.505 Criteria for using microfilm copies of permanent records.
101–11.506 Standards for storing microfilm copies of permanent records.
101–11.506–1 Reels and cores.
101–11.506–2 Storage containers.
101–11.506–3 Storage rooms.
101–11.506–4 Environmental conditions.
101–11.506–5 Control of air conditioning.
101–11.506–6 Protection against air-entrained impurities.
101–11.506–7 Gaseous impurities.
101–11.506–8 Microfilm inspection.
101–11.507 Standards for microfilming nonpermanent records.
101–11.508 Centralized microfilm services.
101–11.508–1 Procedures for arranging for reimbursable services.
101–11.508–2 Fees for microfilming services.

AUTHORITY: The provisions of this Subpart 101–11.5 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 3302, 82 Stat. 1299, 44 U.S.C. 3302.

Subpart 101–11.5—Microfilming

§ 101–11.500 Scope of subpart.

This subpart provides the (a) procedures for requesting authority to dispose of microfilmed records, (b) standards to be used by Federal agencies for microfilming records, (c) criteria for using microfilm copies of permanent records, (d) standards for storing microfilm copies of permanent records, and (e) information concerning microfilm services available from the National Archives and Records Service (NARS).

§ 101–11.501 Authority.

As provided in 44 U.S.C. chapters 29 and 33, the Administrator of General Services is authorized to (a) establish standards for the photographic and microphotographic reproduction of permanent records by agencies of the Federal Government with a view to disposal of the original records; (b) establish uniform standards within Government agencies for the storage and use of processed microfilm copies of permanent records that have been authorized for disposal; (c) develop and promote standards to improve the management of records; and (d) establish, maintain, and operate centralized microfilming services for Federal agencies.

§ 101–11.502 Definitions.

For the purpose of this Subpart 101–11.5, the following definitions shall apply:

(a) *Permanent record.* Any record (see 44 U.S.C. 3301) that has been determined by the Archivist of the United States to have sufficient historical or other value to warrant its continued preservation by the Government. Such determinations take the form of approved agency records retention plans or an approved offer to transfer records to the National Archives. A determination is not made merely by NARS approval of a comprehensive records disposal schedule that also lists records that are identified as "permanent" or "retain" by the agency but are not clearly certified as permanent by NARS.

(b) *Original microfilm.* Original microfilm is camera microfilm whether produced by customary or Computer Output Microfilm (COM) methods and regardless of emulsion or base.

(c) *Silver original microfilm.* Silver original microfilm is camera microfilm meeting the requirements of Federal Standard No. 125a; Film Photographic and Film, Photographic, Processed (for permanent record use).

(d) *Silver duplicate negative.* A silver duplicate negative is a second generation negative microfilm meeting the requirements of Federal Standard No. 125a whether produced from an original negative or from an original positive.

(e) *Silver master positive.* A silver master positive is a second generation positive microfilm meeting the requirements of Federal Standard No. 125a produced from either an original negative or from an original positive.

§ 101–11.503 Disposal of records.

§ 101–11.503–1 Request for authority.

(a) Federal agencies proposing to preserve permanent records on microfilm and dispose of the original records shall request authority on Standard Form 115, Request for Authority to Dispose of Records, in accordance with Subpart 101–11.4.

(1) Agencies whose proposed microfilming procedures meet the standards in § 101–11.504 shall include on the SF 115 the following certification:

This certifies that the records described on this form shall be microfilmed in accordance with the standards set forth in 41 CFR 101–11.504 and that the (select appropriate words: Silver original microfilm, silver duplicate negative microfilm, or silver master positive microfilm) plus one positive copy of each microfilm shall be (select appropriate phrase: Offered to the Office of the National Archives (NN), National Archives and Records Service, General Services Administration, Washington, D.C. 20408; offered to the Federal Records Center (city and State); or transferred to an approved agency records center at (city and State)).

(2) Agencies whose proposed microfilming procedures do not meet the standards in § 101–11.504 shall include on the SF 115 an outline of the system, film, and processing which they propose to use.

(b) Agencies proposing to retain the silver original microfilm copy of permanent records after disposal of the original records must include as part of this request a statement that facilities meeting the standards of § 101–11.506 will be used to store the silver original microfilm. These facilities shall be subject to initial and subsequent inspection by NARS. Such agencies shall also indicate when the first inspection of microfilm required by § 101–11.506–8 will be conducted.

§ 101–11.503–2 Deposit of copies.

(a) The silver original microfilm copy or either of (1) a silver duplicate negative copy or (2) a silver master positive copy; plus one positive copy of each microfilm of permanent records microfilmed by an agency shall be verified for completeness and accuracy and then shall be either transferred to an approved agency records center or offered to either the Office of the National Archives (NN), National Archives and Records Service, General Services Administration, Washington, D.C. 20408; or the Archives Branch in the Federal Records Center where the original permanent records would normally be retired.

(b) After acceptance of the agency offer by NARS, the agency shall forward the microfilm copies as soon as the project is completed or, in the case of larger continuing projects, when a substantial and readily identifiable portion is completed.

(c) The microfilm copies shall be accompanied by adequate descriptive material to enable NARS or agency file personnel to service the records with reasonable facility and by a certification by an agency official that the microfilm was produced in the normal course of agency operations and that care has been taken to insure that the microfilm

is a complete and accurate copy of the original records.

§ 101–11.503–3 Deteriorating microfilm.

An agency having custody of a previously produced original microfilm (or, if the original microfilm is no longer in existence, the master copy) of permanent records shall prepare a silver duplicate negative copy for its own use, if required, when it finds that such copies are deteriorating or in danger of deterioration. The agency shall also offer an identical copy plus one positive copy as specified in this § 101–11.503–2.

§ 101–11.504 Standards for microfilming permanent records.

Federal agencies microfilming permanent records shall comply with the following standards which relate to the preparing and filming of permanent records, the selecting of film stock, and the processing of film.

§ 101–11.504–1 Preparing and microfilming permanent records.

(a) *General.* The integrity of the original records authorized for disposal shall be maintained by insuring that the microfilm copies are adequate substitutes for the original records and serve the purposes for which such records were created or maintained. The following measures and any others found necessary shall be observed in any Federal microfilming project to insure preservation of the integrity of the records:

(1) Copies shall contain all significant record detail shown on the originals;

(2) Copies of the records shall be so arranged, identified, and indexed that any individual document or component of the records can be located with reasonable facility;

(3) No photographic densities on negative copies higher than are required for the intended purposes shall be used. Where possible, densities on negative copies shall be between 1.0 and 1.2. On positive copies the background shall be kept as clear as practicable;

(4) A minimum resolution of 90 lines per mm. shall be obtained; and

(5) Military specifications and standards for microfilming and photographing engineering drawings and similar related documents shall be followed whenever applicable.

(b) *Roll microfilm.* (1) The photographic images at the beginning of each roll of microfilm shall include information identifying the agency and organization whose records it covers; the title of the records; the microfilm roll number; the security classification, if any; and, if possible, the inclusive dates, names, or other data identifying the first and last records on the roll; and

(2) Any indexes, registers, or other finding aids shall be microfilmed at the beginning of the records to which they relate.

(c) *Other microforms.* (1) Microfilming systems for unit microfilm records shall be so designed and supervised that the resulting microfilm file is an accurate representation of the original records.

(2) Any indexes, registers, or other finding aids shall be microfilmed and located in a readily identifiable place within the collection of microfilmed records.

(3) Systems (e.g., COM) producing original permanent records on microfilm with no paper original shall be designed so that they produce microfilm which meets the standards of this Subpart 101–11.5.

§ 101–11.504–2 Microfilm stock.

The film stock used to make photographic or microphotographic copies of permanent records shall be safety-base permanent record film as specified in American National Standards Institute (ANSI) PH1.25, Specifications for Safety Photographic Film; PH1.28, Specifications for Photographic Films for Permanent Records; PH1.29, Methods for Determining the Curl of Photographic Film; and PH1.31, Method of Determining the Brittleness of Photographic Film and shall comply with Federal Standard No. 125a. In order to afford adequate protection for permanent records, agencies using microfilm systems which do not produce an original microfilm meeting these standards for permanent records shall immediately make a silver duplicate negative or silver master positive which does meet the standards.

§ 101–11.504–3 Processing film.

The film used to make photographic or microphotographic copies of permanent records shall be so processed that the residual thiosulfate concentration shall be greater than zero but shall not exceed 1 microgram per square centimeter. An optimum concentration of 0.7 micrograms per square centimeter in a clear area is recommended. Agencies conducting their own microfilming program may determine whether their processed film meets this requirement by performing the tests specified in ANSI PH4.8; Methylene Blue Method for Measuring Thiosulfate and the Silver Densitometric Method for Measuring Chemicals in Films, Plates, and Papers; or by submitting a sample for testing from a clear area of the film, measuring at least 2 square inches, to the Office of the Executive Director (NAF), National Archives and Records Service, General Services Administration, Washington, D.C. 20408. A charge of $5 will be made for each sample tested, however, small numbers of samples will be tested by NARS without charge. COM-produced microfilm of permanent records shall meet the processing standards above. If the processing is to be of the reversal type it must be full photographic reversal and not the halide-type reversal.

§ 101–11.505 Criteria for using microfilm copies of permanent records.

The following criteria are required in using microfilm copies of permanent records:

(a) Original microfilm copies of permanent records shall not be used for reference purposes. Negative or positive copies of the original negative shall be used for reference purposes.

(b) Adequate measures shall be taken to keep the original microfilm clean and unscratched.

§ 101–11.506 Standards for storing microfilm copies of permanent records.

This section prescribes standards required for storing silver original microfilm copies or silver duplicate negative or silver master positive copies of permanent records.

§ 101–11.506–1 Reels and cores.

Microfilm stored in roll form shall be wound on cores or on reels of the type specified in ANSI PH5.6, Standard Dimensions for 100-foot Reels for Processed 16-mm. and 35-mm. Microfilm. The materials used for the cores and reels shall be noncorroding such as plastic compounds or nonferrous metals. The use of steel for reels shall be permitted provided the reels are well protected by lacquer, enamel, tinning, or other corrosion-resistant finish. Plastics and lacquers that might give off reactive fumes or exudations during storage shall not be used. The plastic materials must be free of peroxides. Paper strips or rubber bands shall not be used for confining film on reels or cores. The materials used shall not ignite, decompose, or develop reactive fumes and vapors.

§ 101–11.506–2 Storage containers.

The microfilm shall be stored in a closed container made of such inert material as metal or plastic of proven quality. The container shall be sealed where needed to maintain prescribed humidity limits or to protect the film against gaseous impurities. If proper temperature and humidity controls are maintained as prescribed in § 101–11.506–4, and if there is good ventilation and clean air in the storage area, the containers need not be sealed. Open containers such as folding cartons may be used only if it has been established that the container material will have no adverse effect on the film over long periods of time.

§ 101–11.506–3 Storage rooms.

Agencies retaining original microfilm copies of permanent records shall provide a fire-resistive vault or room. The storage area shall not be used as an office or working area. No flammable material shall be stored in the storage area. For full protection against exposure to fire and associated hazards, fire-resistive safes or insulated containers shall be placed within fire-resistive vaults or rooms constructed in accordance with recommendations of the National Fire Protection Association in their publication NFPA 232, Protection of Records, 1970. Particular care shall be taken to insure that the provisions of this § 101–11.506 are applied effectively when original negative microfilm is stored in such places as underground installations and insulated file cabinets where a high humidity is probable.

§ 101–11.506–4 Environmental conditions.

The relative humidity of the storage vault or room shall not exceed 40 percent. Temperatures shall not exceed 70° F. Rapid and wide-range cycling of humidity or temperature shall be avoided and shall in no instance exceed ±5 percent relative humidity or ±5° F. in a 24-hour period. Where inactivity of the film permits, protection may be increased by conditioning and sealing the film at a lower humidity and/or storing the film at a lower temperature. Film stored at a lower relative humidity than 30 percent or a temperature lower than 60° F. shall be sufficiently warmed and reconditioned before use to avoid any possible damage in handling. If possible, approximately 0.05 inches of water pressure above atmospheric pressure shall be maintained within the room or vault and in the film inspection area by means of an independent air-conditioning system.

§ 101–11.506–5 Control of air conditioning.

Air conditioning shall be kept under sufficient control to meet the standards for temperature and humidity as specified in § 101–11.506–4. Dehumidifiers using desiccants shall not be used since, with circulating air in the storage area, there is a danger of abrasive or reactive dust particles settling on the film. Humidification before storage is not necessary unless the prevailing relative humidity in storage areas is less than 15 percent for long periods of time. Water trays or saturated chemical solutions shall not be used due to the serious danger of overhumidification.

§ 101–11.506–6 Protection against air-entrained impurities.

Solid particles that abrade the film or react on the image shall be cleaned from the air supplied to microfilm storage and associated rooms by the use of dry media mechanical filters or electrostatic precipitators. These filters shall have an arrestance or cleaning efficiency of at least 80 percent when tested with atmospheric air using ANSI PH5.4; Standard Practice for Storage of Processed Silver Gelatin Microfilm; which cites the report to the National Board of Fire Underwriters for the installation of air conditioning, warm air heating, air cooling, and ventilating systems. Filtering media, casings, and castings, if used, shall be of the noncombustible type.

§ 101–11.506–7 Gaseous impurities.

Such gaseous impurities as sulfur dioxide, hydrogen sulfide, and others that may cause deterioration of the microfilm shall be removed from the air. Silver-gelatin microfilm shall not be stored with other types of film in the same room or in rooms connected by ventilating ducts because gases given off by the non-silver-gelatin microfilm may damage or destroy the safety-film base.

§ 101–11.506–8 Microfilm inspection.

At approximately 2-year intervals, a 1 percent sample of randomly selected rolls of microfilm shall be inspected. For each biennial inspection, a different lot sample shall be chosen, allowing some overlapping of inspection to note any changes in previously inspected samples. The guidelines in the National Bureau of Standards Handbook 96, Inspection of Processed Photographic Record Films for Aging Blemishes, shall be followed. The results of such inspections shall be reported to the Office of the National Archives (NN), National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 30 days after the inspection is completed. Reports shall include at least the (a) quantity of microfilm of permanent records on hand, i.e., number of rolls, microfiche, jackets, etc.; (b) quantity of microfilm inspected; (c) condition of the microfilm; and (d) corrective action required, if necessary.

§ 101–11.507 Standards for microfilming nonpermanent records.

(a) Agencies that wish to microfilm their own nonpermanent records should conduct a cost-benefit analysis according to their internal regulations and procedures to insure that the project or system is cost effective.

(b) Agencies that wish to microfilm their own nonpermanent records in order to dispose of the original records shall request authority in accordance with Subpart 101–11.4. The request for authority on SF 115 shall indicate whether the original records are required to be held less than 10 years or 10 years or more.

(c) After approval of the request the microfilming shall be done in accordance with the following:

(1) For nonpermanent records to be held 10 years or more, the standards set forth in § 101–11.504 for microfilming, in § 101–11.505 for using microfilm, and in § 101–11.506 for storing microfilm copies of permanent records should be used where applicable to insure the availability of the information for the period of time required.

(2) Nonpermanent records to be held less than 10 years may be microfilmed in accordance with agency standards and requirements for the retention of the records, including the option of using any film, processing system, or storage containers the agency may select.

§ 101–11.508 Centralized microfilm services.

The following microfilming services of the National Archives and Records Service are available to Federal agencies:

(a) Technical advice and assistance in establishing and promoting agency projects and programs to preserve records, reduce volume, provide security copies, make duplicate copies, or improve information retrieval systems;

(b) A central reimbursable microfilming service for Federal agencies including the preparation, indexing, and filming of records, inspection of film, and labeling of film containers; and

(c) Information on current uses of microfilm, new microfilm techniques, and developments in the field.

§ 101–11.508–1 Procedures for arranging for reimbursable services.

Federal agencies desiring microfilm services should contact the appropriate regional National Archives and Records Service. Agencies in the greater St. Louis area (Missouri only) should contact the Manager, National Personnel Records Center, St. Louis, Mo. 63132. Agencies in the District of Columbia, Maryland, Virgina, and West Virginia, should contact the Manager, Washington National Records Center, Suitland, Md. 20409. Elsewhere in GSA Region 3, agencies should contact the Region 3 National Archives and Records Service. An agreement of services to be provided will be negotiated before work is begun. This agreement may be in the form of an agency purchase order. The agency shall provide instructions that specify (a) location of the records to be filmed; (b) description of the records to include the volume, size, physical condition, filing arrangement, and the nature and frequency of additions, changes, and deletions, etc.; (c) size and format of the film to be used; (d) type of camera to be used and the reduction ratio at which the documents are to be filmed; (e) type of reader to be used; and (f) number and type (silver, diazo, vesicular) of reference copies.

§ 101–11.508–2 Fees for microfilming services.

Microfilming services normally available are: 16-mm. rotary, 16-mm. planetary, and 35-mm. planetary microphotography; negative film processing; 16-mm. cartridge loading; aperture card and microthin jacket mounting; and diazo duplication. The fees for these services will be announced in GSA bulletins issued and signed by the Archivist of the United States. For services not listed, contact the person or office shown in § 101–11.508–1.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (2–10–72).

Dated: February 3, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72–2011 Filed 2–9–72;8:54 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

PART 33—SPORT FISHING

Certain Wildlife Refuges in Southeast United States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (2–10–72).

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

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Area open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Ark., is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1972, through September 30, 1972.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 10 horsepower are prohibited. No boats are allowed in the Woody Ponds area on the south side of the refuge.

(4) The use of jug, drop, or trotlines are prohibited.

(5) The use of live carp, shad, buffalo, and goldfish for bait are prohibited.

(6) No fishing permitted within 100 yards of the bridge, water control structure and boat dock which is located behind the refuge headquarters.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, De Witt, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 acres are delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1972, through October 31, 1972.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs is prohibited.

(4) All fishermen must exhibit their fishing license, fish, and vehicle and boat contents to Federal and State officers upon request.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, De Leon Springs, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open year-round on refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. Refuge waters east of the canal bordering the east side of Norris Dead River, Lake Woodruff, and Spring Garden Creek will be open to fishing only when such use will not result in undue disturbance to wildlife or will not interfere with wildlife management practices being carried out on the area. Such periods of permitted use will be designated by appropriate signing and will generally occur during the period from March 15 to October 15.

(2) Limited areas throughout the refuge may be designated as closed by appropriate signing to protect wildlife or other refuge values.

(3) Fishing on refuge waters is permitted during daylight hours only.

(4) Airthrust boats are prohibited.

(5) Firearms of any type are prohibited.

(6) State regulations govern fishing in State-owned waters contained in Spring Garden Lake, Spring Garden Creek, Norris Dead River and Highland Park Canal, Lake Woodruff, Tick Island Mud Lake, Tick Island Creek, and Lake Dexter.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Delray Beach, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 23, 1972, to February 22, 1973.

(2) Fishing is restricted to 1 hour before sunrise until 1 hour after sunset.

(3) Boats may enter or leave the refuge only at the three public ramps as follows:

(a) North end of the refuge at S–5A landing.

(b) Headquarters boat ramp.

(c) S–39 boat ramp on south end of refuge.

(4) Method of fishing is with attended rod and reel and/or pole and line. Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge manager. Speedboats and racing craft are prohibited except for official purposes.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Ga., is permitted only on the areas designated by signs as open to fishing. Those open areas, comprising 680 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1972, through October 25, 1972.

(2) Fishing is permitted in daylight hours only.

(3) Boats with electric motors permitted. Boats with gasoline powered outboard motors prohibited.

(4) Use of live minnows as bait prohibited.

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Ga., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in acordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1972, through September 30, 1972.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited.

(4) Use of live minnows as bait prohibited.

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, Jasper County, Hardeeville, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1972, through October 25, 1972.

(2) Fishing is permitted during daylight hours only.

(3) Boats powered with electric outboard motors are permitted in the impoundments. Boats powered with gasoline outboard motors are prohibited in the impoundments.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1972, through October 15, 1972.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishing permitted from 45 minutes before sunrise to 45 minutes after sunset.

(4) Entry to Lacassine Pool restricted to four roller-ways provided.

(5) Boats may not be left inside the refuge overnight.

(6) Boats with outboard motors no larger than 10 horsepower permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

SABINE NATIONAL WILDLIFE REFUGE

Sport game fishing on the Sabine National Wildlife Refuge, Sulphur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport game fishing season on the refuge extends from March 1, 1972, through October 15, 1972.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishermen must not enter refuge waters earlier than 45 minutes before sunrise and shall leave refuge waters by 45 minutes after sunset.

(4) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(5) Boats may not be dragged across levees for access to pool areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(6) Boats with outboard motors not larger than 10 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Miss., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,892 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season extends from March 1 through October 31, 1972 on Ross Branch Reservoir, Bluff and Loakfoma Lakes, Keaton Tower Pond, Parker and Pete Sloughs, Cypress, Jones, and Octoc Creeks, and Noxubee River. Road borrow pits and Betts Ponds are open year-round.

(2) A daily permit (50 cents) is required by the Mississippi State Game and Fish Commission to fish in Bluff and Loakfoma Lakes, and tailwaters of the spillways.

(3) Fishing permitted during daylight hours only.

(4) Snag lines prohibited.

NORTH CAROLINA

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, Wadesboro, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1972, through September 30, 1972.

(2) Bank fishing only is allowed.

(3) Fishing permitted during daylight hours only.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1972, through September 30, 1972.

(2) Fishing permitted during daylight hours only. No overnight camping allowed.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in accordance with all applicable State regulations on all refuge controlled areas of Lake Marion and Moultrie, except that the following special conditions shall apply to Jack's Creek, Dingle Pond, Taw Caw Creek, Potato Creek, and Pinopolis Pool Impoundments (hatcheries) and areas behind dikes maintained on the Cuddo and Pine Island Units of the refuge. For further information contact the Refuge Manager, Santee National Wildlife Refuge, Post Office Box 158, Summerton, S.C. 29148 or the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

(1) Sport fishing in the above-mentioned impoundments (hatcheries) extends from March 15, 1972, through October 31, 1972, both dates inclusive.

(2) Fishing is permitted during daylight hours only.

(3) Only boats without motors and engines are permitted.

(4) Boats must be removed from these refuge impoundments at the close of each day.

(5) Areas behind dikes maintained on the Cuddo and Pine Island Units of the refuge are closed to fishing.

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 4,050 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open 24 hours per day year-round on Barkley Lake. The open season for Elk and South Cross Creek Reservoirs and the 15 smaller ponds extends from April 1 through September 15. Fishermen are permitted on the refuge bodies of water only from 30 minutes before sunrise to 30 minutes after sunset.

(2) Boats powered by outboard motors of 5 horsepower or less are permitted on Elk and South Cross Creek Reservoirs. Motor size is not restricted on Barkley Lake. Motors are not permitted in other refuge waters open to fishing.

(3) Methods of fishing the two reservoirs and impoundments are limited to hand fishing with rod and reel and/or pole and line.

(4) Overnight camping and/or overnight mooring of boats are prohibted on the refuge.

(5) Fishermen must follow designated routes of travel while on the refuge, and use the parking areas as provided.

(6) All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person to be exhibited to Federal or State officers upon request.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from the date of this publication through October 23, 1972, except that portion of the refuge located south of Upper Blue Basin remains open until the day preceding opening of the 1972 waterfowl season.

(2) Boats with outboard motors and inboard motors of not more than 10 horsepower may be used.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1972 through September 30, 1972, sunrise to sunset.

(2) Boats with outboard motors and inboard motors of not more than 6 horsepower may be used.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

C. EDWARD CARLSON,
Regulation Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 31, 1972.

[FR Doc.72-1964 Filed 2-9-72;8:52 am]

PART 33—SPORT FISHING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-10-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of the Washita National Wildlife Refuge during the open season in areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1972, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) All trot lines must be removed from refuge waters on or before October 14, 1972.

(4) From State Highway 33 south to Big Panther Creek, a "no visible wake zone" is in effect for all boats.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 14, 1972.

ROBERT H. STRATTON, Jr.,
Refuge Manager, Washita National Wildlife Refuge, Butler, Okla.

FEBRUARY 2, 1972.

[FR Doc.72-1965 Filed 2-9-72;8:52 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 80]

NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS

Notice of Proposed Rule Making

Notice is hereby given that in accordance with the provisions of section 111 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, it is proposed that Part 80, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, be amended by revising §§ 80.1, 80.22(a)(1), 80.23, 80.24, 80.31, 80.32, 80.35, and by deleting §§ 80.33 and 80.34. These proposed revisions, deletions and amendments would reduce recordkeeping by mine operators by eliminating the Daily Ledger Report, Quarterly Report, Individual Injury Report, and Summary Reports of Injuries and Employees and replacing them with a set of cards for reporting each accident and a separate form for reporting monthly employment and production. The revisions, amendments, and new report forms will provide the Bureau of Mines with current and timely information on accidents, and are also designed to avoid duplication in reporting pursuant to the Occupational Safety and Health Act of 1970.

For the information of interested persons replicas of the Coal Accident, Injury, and Illness Report (Form 6–347) and the Monthly Coal Employment and Production Report (Form 6–348) are set forth following this notice.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

FEBRUARY 8, 1972.

Part 80, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, will be amended and revised as follows:

§ 80.1 [Amended]

1. Paragraph (c) of § 80.1 will be amended and revised by deleting the words "occupational disease" and substituting in lieu thereof the words "occupational illness."

2. Section 80.1 will be amended by adding a new paragraph (h) to read as follows:

§ 80.1 Definitions.

* * * * *

(h) "Occupational illness" means any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, or direct contact, and which fall within the listing under the heading "Occupational Illness" on Form No. 6–347.

3. Section 80.22, paragraph (a), subparagraph (1) will be revised to read as follows:

§ 80.22 Written record.

(a) The written record of each investigation of an accident shall contain:

(1) An identification of, and correlation with, the record or records of the accident, injury, or occupational illness reported and required to be maintained by § 80.31.

* * * * *

4. Section 80.23 will be revised to read as follows:

§ 80.23 Maintenance of records.

The written records of investigation of accidents required by this Subpart C shall be maintained at the mine for a period of 5 years from the date of the accident and shall be open for inspection by interested persons. A copy of the written record of each investigation of an accident made under § 80.22 shall be furnished to the Bureau of Mines upon request by a Coal Mine Health and Safety District Manager.

5. Section 80.24 will be revised to read as follows:

§ 80.24 Reporting of accident, injury, occupational illness.

A report of the accident, injury, or occupational illness investigated as required by this Subpart C shall be made to the Bureau of Mines in the manner and at the times prescribed in Subpart D of this part.

6. Section 80.31 will be revised to read as follows:

80.31 Coal Accident, Injury, and Illness Report.

(a) The operator of a coal mine shall maintain at the mine office a Coal Accident, Injury, and Illness Report (Form 6–347)[1] on which there shall be entered and recorded specified information with respect to each accident, and each resultant injury by date of occurrence, and each occupational illness by date of diagnosis or occurrence. The Coal Accident, Injury, and Illness Report is organized to facilitate the recording and compilation of information for each occurrence. The operator's copy (white) shall be maintained at the mine for a period of 5 years from the date of occurrence or diagnosis, whichever is applicable, and shall be open for inspection by interested persons.

(b) The Coal Accident, Injury, and Illness Report shall consist of a set of three cards: an original (white) operator's copy, and two carbon copies (one pink and one green), which shall be maintained, filled in, and disposed of in accordance with the provisions of this Subpart D.

(c) The operator shall maintain at the mine office a supply of Accident, Injury, and Illness Report Forms (Form 6–347). Promptly after an accident or injury occurs, or an occupational illness accurs or is diagnosed, the immediate supervisor of the area of the mine where the accident occurred, or the immediate supervisor of the injured or ill person, shall fill out one set of cards for each accident, injury, or occupational illness. A single accident, injury, or illness shall be included and recorded on one set of cards. Where more than one person is injured in the same accident, or is affected simultaneously with the same occupational illness, a separate and additional set of cards shall be used and completed for each person injured or affected.

(d) Coal Accident, Injury, and Illness Reports shall be retained, completed and information recorded, disposed of and distributed and mailed to the Bureau of Mines as follows:

(1) Promptly after the occurrence of an accident, injury, or illness, the operator shall record the information required, and upon completion of the recording of the information shall retain the original (white) card for the operator's records and files.

(2) If an accident does not result in injury to any person, the operator, after recording the information required upon the original (white) card and the carbon copy (pink and green) cards, shall discard the pink card copy and promptly mail the properly filled in and completed green card copy to the Bureau of Mines.

(3) If an occupational illness occurs, the operator shall record the required information and complete one set of cards for each illness. The operator shall—

(i) Enter the date of the initial diagnosis of the illness; or

(ii) Enter the date of the first day of absence of the employee in connection with which the illness was diagnosed if the absence occurs before the diagnosis is made; and

(iii) Proceed in accordance with subparagraphs (4), (5), and (6) of this paragraph.

(4) If an accident results in a personal injury or if an illness occurs or is diagnosed, the operator shall retain the pink and green cards for a period of time not to exceed 72 hours after the occurrence of

[1] Filed as part of the original document.

the injury or illness, or diagnosis of an illness, pending the return to work of the person affected. Depending on whether the person affected does, or does not, return to work within the period of 72 hours the operator shall proceed in accordance with subparagraphs (5) or (6) of this paragraph.

(5) If the injured or ill person returns to work within 72 hours following an accident, or occurrence or diagnosis of an occupational illness, the operator shall enter the "Total number of lost work days," the "Number lost from regular job," the "Date returned to work," and other relevant data on the white and green cards, and promptly mail the green card to the Bureau of Mines, and discard the pink card.

(6) If the injured or ill person has not returned to work within 72 hours following an accident, or occurrence or diagnosis of an occupational illness, the operator shall leave blank the spaces designated "Total number of lost work days," "Number lost from regular job," "Date returned to work," and also those spaces for other relevant but unknown data or information, and promptly upon the expiration of the period of 72 hours the operator shall mail the green card to the Bureau of Mines. Thereafter, when the person returns to work, the operator shall enter the total number of lost work days, the number of days lost from regular job, the date the person returned to work, and complete and record all other relevant data or information in the spaces provided on the white and pink cards, and mail the pink card to the Bureau of Mines.

7. Section 80.32 will be amended and revised to read as follows:

§ 80.32 Monthly Coal Employment and Production Report.

On or before the 15th day of each month, the operator of a coal mine in which one or more men are employed on any calendar day of the month shall file with the Bureau of Mines a Monthly Coal Employment and Production Report (Form 6–348). Monthly Coal Employment and Production Reports shall be made by all mines for each month, or portion thereof, in which the mine is in operation even though the mine may be idle for all or a portion of the month. No report will be required from a mine which has been permanently closed or abandoned, except for the portion of a month during which the mine may have been in operation.

§§ 80.33 and 80.34 [Revoked]

8. Sections 80.33 and 80.34 will be revoked in their entirety.

9. Section 80.35 will be amended and revised to read as follows and will be renumbered § 80.33:

§ 80.33 Place to file reports; initial supply; additional forms.

All reports required by this Subpart D shall be mailed to the address printed on the green copy of Form 6–347, and on the copy of Form 6–348, and on envelopes to be supplied by the Bureau of Mines for the mailing of the pink copy of Form 6–347. An initial supply of the Coal Accident, Injury, and Illness Report (Form 6–347) and the Monthly Coal Employment and Production Report (Form 6–348) and preaddressed envelopes will be mailed to each operator. Additional report forms and envelopes may be obtained as needed, upon request, from the Coal Mine Health and Safety District or Subdistrict Offices of the Bureau of Mines of the District or Subdistrict in which the mine is located.

[FR Doc.72–2028 Filed 2–9–72;8:55 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1046]

MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is being considered pending action on the basis of the record of a hearing.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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

The provisions proposed to be suspended are as follows:

1. In paragraph (d) of § 1046.44, the provision, "or cream"; and

2. In the introductory text of paragraph (e) of § 1046.44, the provision, "located less than 250 airline miles as determined by the market administrator, from the nearer of the City Halls in either Louisville, Ky., or Evansville, Ind.".

This proposed suspension would remove the rule which requires Class I classificiation of fluid cream transferred in bulk from a pool plant to a nonpool plant located more than 250 miles from the nearer of the City Halls in Louisville, Ky., or Evansville, Ind. It would permit such transfers of cream to be classified according to use in the same manner as is now provided for transfers to nonpool plants within the 250-mile radius.

The suspension was requested by Dairymen, Inc., a cooperative representing a majority of the producers on the market. The cooperative states that the suspension will facilitate the removal of excess butterfat from the market by permitting cream to be classified as Class II milk if utilized in ice cream at plants located more than 250 miles from either Louisville, Ky., or Evansville, Ind.

Signed at Washington, D.C., on February 4, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72–1928 Filed 2–9–72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUG EFFICACY STUDY IMPLEMENTATION NOTICES

Applicability of DESI Notices to Identical, Related, and Similar Drug Products

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050–53 as amended; 21 U.S.C. 352, 355, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to add the following new section to Part 130:

§ 130.40 Applicability of Drug Efficacy Study Implementation Notices to identical, related, and similar drug products.

(a) The Food and Drug Administration's conclusions on the effectiveness of drugs are currently being published in the FEDERAL REGISTER as Drug Efficacy Study Implementation (DESI) Notices. The products listed in these notices include only those that were introduced into the market through the new-drug procedures from 1938–62 and were submitted for review by the National Academy of Sciences-National Research Council (NAS–NRC), Drug Efficacy Study Group. Many drug products which are identical to, related to, and similar to the drug products covered by these notices have been marketed under different names or by different firms during this same period or since 1962 without going through the new-drug procedures or the Academy review. It is not feasible for the Food and Drug Administration to list all products which are affected by each notice. However, it is essential that the FDA's conclusions be applied to all identical, related, and similar drug products to which those conclusions are reasonably applicable. Even though these products are not listed in the notices, they are subject to these notices.

(b) An identical, related, or similar drug includes other brands, potencies, dosage forms, salts, and esters of the same drug moiety as well as of any drug moiety related in chemical structure or known pharmacological properties. Where experts qualified by scientific training and experience to evaluate the

safety and effectiveness of drugs would conclude that the findings in a DESI Notice concerning effectiveness are applicable to an identical, related, or similar drug, such drug is affected by the notice. A combination drug product containing an identical, related, or similar drug is also subject to the conclusions contained in the notice.

(c) Manufacturers and distributors of drugs should review their products as DESI Notices are published and assure that identical, related, or similar drugs comply with all the provisions of the notices.

(d) The published notices and summary lists of the conclusions are of particular interest to drug purchasing agents. These agents should take particular care to assure that the same purchasing policy applies to drug products that are identical to, related to, or similar to those named in the DESI Notices. The Food and Drug Administration applies the same regulatory policy to all such products.

(e) Interested parties may submit to the Food and Drug Administration, Bureau of Drugs, Office of Compliance, BD-300, 5600 Fishers Lane, Rockville, Md. 20852, the names of drug products, and their manufacturers or distributors, that should be the subject of the same purchasing and regulatory policies as those reviewed by the Drug Efficacy Study Group. Appropriate action, including referral to purchasing officials of various government agencies, will be taken.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during business hours, Monday through Friday.

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1960 Filed 2-9-72;8:52 am]

Public Health Service

[42 CFR Parts 51b, 54]

COMMUNITY MENTAL HEALTH CENTERS

Proposed Construction and Staffing Program Grants

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 54 of Title 42, Code of Federal Regulations, presently entitled "Grants for Specialized Service Facilities."

The principal purposes of the revision are (1) to implement the amendments made to the Community Mental Health Centers Act by the Community Mental Health Centers Amendments of 1970 (Public Law 91-211); and (2) to update, clarify, and supplement existing regulations governing the community mental health centers construction and staffing programs in light of administrative and operating experience. In addition, Part 54 would be reorganized and its focus narrowed to community mental health programs by the transfer of subparts A (Grants for Construction of University Affiliated Facilities for the Mentally Retarded) and E (Grants for Regional Medical Programs) to other locations within the Code of Federal Regulations.

Among the major changes made by Public Law 91-211 which are reflected in the proposed revision of Part 54 are the following:

(1) An increase in the ceiling on grants for initial cost of professional and technical personnel of community mental health centers (staffing grants), including specific authority for the Secretary to pay up to 90 percent of such costs for the first 2 years of operation of centers serving persons in areas designated by the Secretary as urban or rural poverty areas. The ceiling for staffing grants to all other centers is 75 percent during the first 2 years of operation.

(2) Authority for the Secretary to waive, with respect to centers serving urban or rural poverty areas, the requirement that community mental health centers provide all the essential elements of comprehensive mental health services. Such waiver may be granted for a period of not more than 18 months following the date of application.

(3) A new program of grants for the initiation and development of community mental health services.

(4) A new program of grants to provide supplemental support for community mental health centers and other facilities which offer consultation services.

Among the regulatory changes not attributable to the new legislation but which are proposed in the light of operation of the community mental health center construction and staffing programs are the following:

(1) Precare and aftercare services and diagnostic services are deleted as elements of community mental health service which may be separately funded.

(2) Community mental health center program criteria have been expanded, and include statements describing the purpose of each fundable element of service.

(3) Criteria for transferring community mental health center construction allotments from one State to another have been expanded and clarified.

(4) Criteria have been included defining the scope and meaning of the assurance that community mental health centers will provide a reasonable volume of services to persons unable to pay therefor.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision of 42 CFR Part 54 to the National Institute of Mental Health, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, within 30 days after the date of publication of this notice in the FEDERAL REGISTER: *Provided*, That, comments are not invited with regard to § 54.103 of the proposed regulations, entitled "Determination of urban or rural poverty areas". The provisions of such § 54.103, which currently appear as 42 CFR Part 54, Subpart B, were published as a notice of proposed rule making in the FEDERAL REGISTER (36 F.R. 6144) on April 2, 1971, with an invitation for public comment, and became effective upon republication in the FEDERAL REGISTER (36 F.R. 10874) of June 4, 1971. Those provisions have been relocated as § 54.103 of the proposed regulations, and are included in this notice of proposed rule making only for the sake of completeness.

Comments received will be available for public inspection at Room 17-99, Parklawn Building, during regular business hours.

It is therefore proposed to revise Part 54 of Title 42 in the manner set forth below:

Dated: November 23, 1971.

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

Approved: January 27, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Subpart A of Part 54, entitled "Grants for Construction of University Affiliated Facilities for the Mentally Retarded", is redesignated as Part 415 of 45 Code of Federal Regulations, and the sections thereof (presently 42 CFR 54.1 through 54.7) renumbered 45 CFR 415.1 through 415.7, respectively.

2. Subpart E of Part 54, entitled "Grants for Regional Medical Programs", is redesignated as Part 51b of Title 42, and the sections thereof (presently §§ 54.401 through 54.414, renumbered §§ 51b.101 through 51b.114, respectively).

3. Part 54 is revised to read as follows:

PART 54—GRANTS FOR COMMUNITY MENTAL HEALTH SERVICES AND FACILITIES

Subpart A—General

Sec.
54.101 Applicability.
54.102 Definitions.
54.103 Determination of urban or rural poverty areas.
54.104 Nondiscrimination—Title VI of the Civil Rights Act of 1964.

Subpart B—Construction of Community Mental Health Centers

54.201 Applicability.
54.202 Allotments; transfer of allotments.
54.203 State plan; purpose; relationship to other planning; adequate facilities.
54.204 State plan; catchment areas; determination of relative need; priorities; construction program.
54.205 State plan; administration.

Sec.
54.206 State plan; standards of maintenance and operation.
54.207 State plan; requests for construction payments; fiscal and accounting requirements.
54.208 Processing of construction grant applications.
54.209 Content of construction grant applications.
54.210 Construction bidding.
54.211 Construction contract requirements.
54.212 Acquisition of facilities.
54.213 Records and reports.
54.214 Approval of applications.
54.215 Change of status of facility or change of ownership.
54.216 Good cause for other use of facility.
54.217 General standards of construction and equipment.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Health Centers

54.301 Applicability.
54.302 Submittal of staffing grant applications.
54.303 Evaluation of application by State authorities.
54.304 Content of application—assurances.
54.305 Content of application—supporting information.
54.306 Evaluation and disposition of applications.
54.307 Priority of projects.
54.308 Eligible costs.
54.309 Program criteria.
54.310 Waiver of elements of comprehensive mental health services.
54.311 Grantee accountability.
54.312 Records, reports, inspection.
54.313 Other conditions.
54.314 Early termination of grant and withholding of payments.

Subpart D—Grants for Initiation and Development of Community Mental Health Services

54.401 Applicability.
54.402 Eligibility.
54.403 Submittal of application.
54.404 Content of application.
54.405 Review by State and local mental health authorities.
54.406 Evaluation and disposition of applications.
54.407 Period and beginning date of grant.
54.408 Grant payments.
54.409 Eligible costs.
54.410 Publication and copyright.
54.411 Grantee accountability.
54.412 Records, reports, inspections.
54.413 Other conditions.
54.414 Early termination of grant and withholding of payments.

Subpart E—Grants for Consultation Services

54.501 Applicability.
54.502 Eligibility.
54.503 Submittal of application.
54.504 Content of application.
54.505 Evaluation and disposition of applications.
54.506 Grant period.
54.507 Grant payments.
54.508 Eligible costs.
54.509 Grantee accountability.
54.510 Records, reports, inspection.
54.511 Other conditions.
54.512 Early termination of grant and withholding of payments.

AUTHORITY: The provisions of this Part 54 issued under secs. 201–207, 220–224, 264–266, 401–410 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended; 42 U.S.C. 2681–2687, 2688–2688d, 2688r–2688t, 2691–2697b.

Subpart A—General

§ 54.101 Applicability.

The provisions of this subpart apply to all grants authorized by title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2661 et seq.).

§ 54.102 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this part:

(a) "Act" means the Mental Retardation Facilities and Community Mental Health Centers Act of 1963, as amended (42 U.S.C. 2661 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State agency" means the agency designated by a State pursuant to section 204(a)(1) of the Act.

(d) "Catchment area" means a geographic area, delineated in the State plan submitted pursuant to section 204 of the Act, whose purpose is to designate the location of and the population to be served by a community mental health center.

(e) "Comprehensive mental health planning" means planning for the provision of adequate mental health services for the total population of a State.

(f) "Construction" includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment (including medical transportation facilities) of such buildings, whether or not newly constructed, acquired, expanded, remodeled, or altered with the aid of a construction grant under the Act); including architects' fees, but excluding the cost of off-site improvements and the cost of the acquisition of land.

(g) "Equipment", in connection with a grant for construction under the Act, means those items which are necessary for the functioning of the facility or portion thereof with respect to which the grant is made, but does not include items of current operating expense such as glassware, chemicals, food, fuel, drugs, paper, printed forms, and dispensable housekeeping items.

(h) "Grant period" means any period with respect to which assistance is granted under the Act with respect to a particular project.

(i) "Initial grant period" means the first grant period with respect to a particular project.

(j) "Population", with respect to any State or any area thereof, means the latest figures of total population certified by the U.S. Department of Commerce.

(k) "Predecessor of the applicant" means any public or private agency or organization providing services for which the applicant proposes to assume responsibility under his application.

§ 54.103 Determination of urban or rural poverty areas.

The Secretary will from time to time, but not less often than annually, promulgate a list of catchment areas in each State which he has designated as urban or rural poverty areas for purposes of title II of the Act, determined in the following manner:

(a) *State ranking.* (1) Using the latest available published data from the Department of Commerce, Bureau of the Census, each State shall determine what percentage of families living in each catchment area have incomes below the poverty level as determined in accordance with the following standards.

(i) For the 50 States and the District of Columbia, the Revised Office of Economic Opportunity Income Poverty Guidelines (Published in OEO Instruction, No. 6004–1.b, dated December 1, 1970). Those Guidelines are as follows:

(*a*) All States (including the District of Columba) except Alaska and Hawaii:

Family size	Nonfarm family	Farm family
1	$1,900	$1,600
2	2,500	2,000
3	3,100	2,500
4	3,800	3,200
5	4,400	3,700

For families with more than 5 members, add $600 for each additional member in a nonfarm family and $500 for each additional member in a farm family.

(*b*) Alaska:

Family size	Nonfarm family	Farm family
1	$2,400	$2,000
2	3,150	2,625
3	3,900	3,275
4	4,750	3,975
5	5,500	4,600

For families with more than 5 members, add $750 for each additional member in a nonfarm family and $625 for each additional member in a farm family.

(*c*) Hawaii:

Family size	Nonfarm family	Farm family
1	$2,250	$1,875
2	2,900	2,400
3	3,550	2,950
4	4,250	3,550
5	4,900	4,075

For families with more than five members, add $650 for each additional member in a nonfarm family and $525 for each additional member in a farm family.

(ii) For American Samoa, Guam, Puerto Rico, the Trust Territories of the Pacific Islands, and the Virgin Islands, income poverty levels established by the respective territorial or commonwealth governments.

(2) Each State shall rank its catchment areas according to the percentage of families whose incomes fall below the poverty level in each area. The catchment area in each State with the highest percentage of families whose incomes

fall below the poverty level shall be designated as No. 1, and areas with lower percentages of such families shall be arrayed in ascending numerical order.

(b) *Designation of poverty areas.* (1) The Secretary will designate as poverty areas that percentage of catchment areas in each State which is determined by subtracting 25 percent from such State's Federal percentage established pursuant to section 401(i) of the Act and promulgated in 33 F.R. 18593 for fiscal years 1971 and 1972.

(2) Example: If the Federal percentage for State X is 50 percent, subtraction of 25 percent leaves a balance of 25 percent. Accordingly, the highest ranking 25 percent of the catchment areas listed by such State pursuant to paragraph (a) of this section would be designated by the Secretary as poverty areas.

(c) *Additional poverty area designations.* (1) An applicant for a grant under any program authorized by title II of the Act who wishes to serve a catchment area which has not been designated as an urban or rural poverty area pursuant to paragraph (b) of this section may apply to the Secretary to have such area designated as a poverty area under the provisions of section 410 of the Act.

(2) The Secretary shall add such area to the list of designated poverty areas with respect to the particular project if the applicant demonstrates to the satisfaction of the Secretary that:

(i) At least one-half of the population of such area lives in one or more impoverished subareas;

(ii) The percentage of families with incomes below the poverty level (as determined in accordance with paragraph (a) of this section) who live in such impoverished subareas is at least 1½ times greater than the percentage of families with incomes below the poverty level living in the least poor of the areas of that State initially designated as poverty areas pursuant to paragraph (b) of this section; and

(iii) The project, facility, or program of services for which the applicant seeks support does or will focus on the needs of persons living in such impoverished subareas.

§ 54.104 Nondiscrimination — Title VI of the Civil Rights Act of 1964.

Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of actiyity receiving Federal financial assistance. A regulation implementing such title VI, applicable to grants awarded under title II of the Act, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

Subpart B—Construction of Community Mental Health Centers

§ 54.201 Applicability.

The regulations of this subpart apply only to grants for the construction of community mental health centers under part A of title II of the Act.

§ 54.202 Allotments; transfer of allotments.

(a) Allotments to States: The allotments to the several States under part A of title II of the Act shall be computed as follows:

(1) One-third weight on the basis of facility need, expressed by the relationship of the population in each State to the total population of all the States.

(2) Two-thirds weight on the basis of total population weighted by financial need, as determined by the relative per capita income for each State for the three most recent consecutive years for which data is available from the U.S. Department of Commerce.

(b) No portion of a State's allotment under this subpart for any fiscal year shall be obligated during any fiscal year with respect to any project until the Secretary has been notified in writing by the State agency that the annual review of its State plan required by § 54.205(d) for such fiscal year has been carried out and the State plan resulting from such review, including any modifications thereof, has been approved by the Secretary.

(c) Transfer of allotment to another State: A State may submit a request in writing to the Secretary that its allotment or a specified portion thereof be added to the allotment of another State for the purpose of meeting all or a portion of the Federal share of the cost of a project for the construction of a community mental health center in such other State.

(1) In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, will assist in carrying out the purposes of part A of title II of the Act, the Secretary shall consider the accessibility of the facility and the extent to which services will be made available to the residents of the State making the request.

(2) No such transfer will be approved by the Secretary with respect to any fiscal year until he has been notified in writing by the State agency requesting the transfer that the annual review of its State plan required by § 54.205(d) for such fiscal year has been carried out and the State plan resulting from such review, including any modifications thereof, has been approved by the Secretary.

(d) Transfer of allotment to the allotment for facilities for the developmentally disabled: A State may submit a request in writing to the Secretary that a specified portion of its allotment be added to the allotment to such State for the construction of facilities for the developmentally disabled under part C of title I of the Act.

(1) The Secretary shall adjust the allotments of such State upon either:

(i) Certification by the State agency that it has afforded a minimum of 6 months (but not exceeding the period of availability under the Act), from the date of availability of such allotment to the State during which the availability of such funds was made known to potential applicants for community mental health center construction grants and during which applications could be made for the portion so specified, and that no approvable applications for such funds were received during that period of time; or

(ii) A demonstration satisfactory to the Secretary that the need for facilities for the mentally retarded is substantially greater than for community mental health centers. Such demonstration shall include the concurrence or other views of the State advisory council designated under section 204(a)(3) of the Act.

(2) No such adjustment shall be made by the Secretary with respect to any fiscal year until he has been notified in writing by the State agency that the annual review of its State plan required by § 54.205(d) for such fiscal year has been carried out and the State plan resulting from such review, including any modifications thereof, has been approved by the Secretary.

§ 54.203 State plan; purpose; relationship to other planning; adequate facilities.

(a) *Purpose.* The purpose of the State plan is to provide a rational basis for the utilization of Federal, State, and all other available resources in the provision of adequate community mental health centers for people residing in the State.

(b) *Relationship to other planning.* The State plan must show:

(1) That it is consistent with the mental health component of the State plan for comprehensive health planning developed pursuant to section 314(a) of the Public Health Service Act if an identifiable mental health component of such plan exists, and, to the extent practicable, other statewide and local plans for mental health planning in the State;

(2) That cognizance has been taken of areawide or regional planning in such areas as comprehensive health, urban development, model cities, and welfare services, including any pertinent plans developed pursuant to section 314(b) of the Public Health Service Act;

(3) That in the case of interstate catchment areas there has been consultation with the other State or States concerned; and

(4) That there has been, to the maximum extent practicable, coordination with city, metropolitan area, and interstate planning agencies to achieve consistency between planning for community mental health centers and other health, welfare, and physical development plans.

(c) *Adequate centers.* The State plan shall provide for adequate community mental health centers for the provision of programs of comprehensive mental health services, as described in § 54.309, to all persons residing in the State, and for furnishing such services to persons unable to pay therefor.

§ 54.204 State plan, catchment areas; determination of relative need; priorities; construction program.

(a) *Catchment areas.* The State plan shall set forth a division of the entire State into catchment areas for the provision of community mental health centers. The population of each shall be not less than 75,000 or more than 200,000 except that in particular cases the Secretary may permit modifications of this population range for individual catchment areas if he finds that such modifications will improve the effectiveness of the community mental health center program.

(b) *Determination of relative need.* The State plan shall set forth for each catchment area the relative need for community mental health services, determined on the basis of the following criteria:

(1) Indices of need for such services, considering both the proportion of the population involved and the total number affected, taking into account such variables as:

(i) The demographic characteristics of the population;

(ii) The extent of mental illness and emotional disorders, including the special problems of such groups as the handicapped, children, and the aged;

(iii) Economic indicators such as income, unemployment and substandard housing;

(iv) Social problem indicators such as alcoholism, drug abuse, homicide, suicide, accidents, crime, and delinquency.

(2) The present availability and accessibility of public and private community mental health resources, including personnel and facilities.

(c) *Priorities.* The State plan shall rank the catchment areas according to their relative need for community mental health centers as determined pursuant to paragraph (b) of this section, giving special consideration to:

(1) The extent to which the proposed project will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive mental health services to such community; or

(2) The extent to which the proposed community mental health center is to be a part of or closely associated with a general hospital.

(d) *Development of construction program.* After having determined the need for facilities and services, the State agency shall develop an overall construction program. The program shall set forth all such needs in accordance with the standards specified in paragraph (b) of this section and the requirements of § 54.203(c) for furnishing needed services for persons unable to pay therefor and shall, insofar as funds are available, provide for construction in the order of relative need as so determined.

(e) *Statistical procedures.* The State plan shall describe the statistical procedures used in the determination of priorities, including the relative weighting of the indices applied pursuant to paragraph (b) of this section.

(f) *Publicizing the State plan.* At least 30 days prior to submission to the Secretary of the State plan or any modification thereof, the State agency shall publicize a general description of the proposed plan or modification, and the State plan shall be readily available and accessible for examination and comment by interested persons prior to submission to the Secretary and during the period it is in effect.

§ 54.205 State plan; administration.

(a) *Use of portion of allotment for administration.* Upon application by any State, on such forms and in such manner as the Secretary shall prescribe, a portion of any allotment or allotments of such State under Part A of Title II of the Act shall be available in accordance with section 403(c) of the Act and, except as may otherwise be provided by this section, in conformance with the applicable principles set forth in Chapter 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual,[1] to pay a portion of the costs of administration of the State plan.

(1) *Eligible costs.* Funds made available pursuant to this paragraph may be used to pay costs incurred for the following purposes:

(i) Costs of compensation of personnel and other administrative expenses directly related to the functions of the State agency in developing and administering the State plan in accordance with the applicable provisions of the Act and the regulations of this subpart;

(ii) Expenses of the State advisory council designated pursuant to section 204(a)(3) of the Act, including per diem and travel expenses incurred by council members at rates not exceeding those established under applicable State law; and

(iii) Expenses of regional and local mental health advisory groups to the extent that such groups provide advice or contractual services related to the administration of the State plan by the State agency.

(2) *Applications.* (i) The first application submitted by each State agency under this paragraph shall contain a statement of the expenditures incurred by the State agency in administering the State plan during the fiscal year ending June 30, 1968.

(ii) Each application submitted under this paragraph shall state the amount requested to be made available for expenditures under this paragraph.

(3) *Certification of expenditures.* Not later than 60 days after the end of each fiscal year during which a portion of a State's allotment is made available to the State agency for expenditures under this paragraph, the State agency shall certify the amount of Federal funds expended under this paragraph and that such funds have been expended in accordance with the applicable provisions of the Act and this paragraph.

(4) *Records, reports, inspection.*—(i) *Records and reports.* The approval of each application under this paragraph shall be subject to the condition that the State agency shall maintain such fiscal records, and file with the Secretary such fiscal reports relating to the expenditure of Federal funds made available under this paragraph, as the Secretary may find necessary to carry out the purposes of section 403(c) of the Act and these regulations. All records shall be retained for 3 years after the close of the period for which the funds involved are available for expenditure. Such records may be destroyed at the end of such 3-year period if the State agency has been notified of the completion of the Federal audit by such time. If the State agency has not been so notified by the end of such 3-year period, such records shall be retained (*a*) until the expiration of 5 years after the close of the period for which the funds involved are available, or (*b*) until the State agency is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(ii) *Inspection and audit.* Any application for funds under this paragraph shall constitute the consent of the State agency to inspections and fiscal audit at reasonable times by persons designated by the Secretary of fiscal records relating to the use of funds made available under this paragraph.

(b) *Personnel administration.* The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State agency in the administration of the State plan. Conformity with Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91–648; 84 Stat. 1915) modifying or superseding such standards, will be deemed to meet this requirement as determined by said Commission.

(c) *Conflict of interest.* No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs shall receive funds from any applicant directly or indirectly for payment for services provided in connection with the planning, design, construction, or equipping of any project.

(d) *Review and modification of the State plan.* The State agency shall as necessary, but not less often than annually, review the State plan, and shall submit to the Secretary for approval a

[1] The Department Grants Administration Manual is available for inspection at the Public Information Offices of the several Department Regional Offices and is available for purchase at the Government Printing Office, GPO Document No. 894–523.

new State plan or any necessary modifications of the existing State plan or, if the State agency determines that no modifications are necessary, a statement to that effect.

(e) *Fair hearing.* The State agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with the action of the State agency regarding its application.

§ 54.206 State plan; standards of maintenance and operation.

The State plan shall set forth:

(a) Minimum standards for the maintenance and operation of community mental health centers receiving assistance under part A of title II of the Act; and

(b) The method to be used and the persons or agencies legally employed to enforce such standards, the sanctions or penalties imposed for noncompliance, and the incentives, if any, offered for compliance.

§ 54.207 State plan; requests for construction payments; fiscal and accounting requirements.

(a) *Certification by State agency.* The State plan shall set forth the manner in which the State agency will certify to the Secretary the amount of payments due an applicant for the cost of work performed and materials and equipment furnished. As a basis for such certification, the State agency, without expense to the Federal Government, shall make adequate inspections to determine that the work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications.

(b) *Fiscal and accounting requirements*—(1) *Construction allotments.* (i) The State plan shall set forth procedures by which the State agency will establish and maintain accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(ii) Such fiscal records shall be so designed as to show at any given time the unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(2) *Construction payments.* (i) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, the State plan shall set forth procedures under which adequate records of account and fiscal controls will be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local, or other funds used for matching purposes.

(ii) The States which by law are authorized to make payments to grantees shall promptly pay such grantees funds certified for payment by the Secretary for approved constructed projects.

§ 54.208 Processing of construction grant applications.

(a) *Submittal of applications.* Applications for construction grants under part A of title II shall be submitted to the Secretary through the State agency on such forms and in such manner as the Secretary may from time to time prescribe. A copy of such application shall be submitted concurrently for review and comment to the State mental health authority, if the State agency is not such State mental health authority.

(b) *Execution.* Each such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant all of the obligations imposed by the terms and conditions of the grant, including the regulations of this part.

(c) *Approval and recommendation by the State agency.* The State agency shall approve and recommend to the Secretary each application for a construction project with respect to which it finds:

(1) That the application is in conformity with all the requirements of the State plan;

(2) That the application is in conformity with all of the applicable requirements of the Act and of these regulations; and

(3) That sufficient funds remain available from the State's allotment under part A of title II of the Act and have been set aside by the State agency for the project.

(d) *Order of processing applications.* The State agency shall approve and recommend applications to the Secretary in the order of priority, except that the State agency may recommend applications for approval and forward them to the Secretary out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) The State agency certifies to the Secretary that financial resources for the construction, maintenance, and operation of projects of higher priority are not then available.

(e) *Amendment to application.* (1) A proposed amendment which does not significantly affect the program of services to be offered by the center may be submitted through the State agency to the Secretary and approved by him without regard to the requirements for processing an original application.

(2) A proposed amendment to an approved application, which substantially changes the program of services through changes in the scope or method of service delivery or level of funding, or through other program modifications, may be submitted to the Secretary for his determination as to whether such changes are sufficiently significant as to require review and approval in the same manner as an original application.

(3) A proposed amendment to an approved application which involves changes in design criteria or building specifications shall be submitted to the Secretary for review and approval through the Regional Office of the Facilities Engineering Construction Agency (ROFEC).

(i) All such changes shall be submitted at least 15 days prior to the expected date of change order issuance by the applicant, except that if emergency site conditions make this impossible, applicant may contact the ROFEC Engineer by telephone to request verbal clearance.

(ii) If the proposed design criteria or building specification change is related to a change in the proposed program as described in subparagraph (2) of this paragraph, prior approval of such program change must be secured as prescribed in such subparagraph (2).

(iii) Requests for changes in design criteria or building specifications must include a detailed description of the change, and, if applicable, a cost breakdown, drawings and specifications, and other pertinent data.

(4) If an amendment to an approved application does not modify the factors on which priority was granted to the original application, no further demonstration of conformity to priority regulations is required.

§ 54.209 Content of construction grant applications.

(a) *General supporting information.* Each application for a grant under part A of title II of the Act shall contain the following supporting information:

(1) Information as to the extent of the need in the community for the mental health services and facilities to be provided, and the studies, surveys, inventories, recommendations of community representatives, and other means of determining the existence and extent of such need.

(2) Detailed descriptions of all services and staff of the program of the center, including those to be provided in the facilities for which construction assistance is requested and the manner in which such services will be coordinated and administered to form a comprehensive program of community mental health services, as described in § 54.309.

(3) A narrative and graphic description of the nature of new construction planned or of existing buildings to be acquired and any additions, alterations, repairs, remodelling, or renovations planned in connection with such existing buildings, detailing the architectural performance criteria, including schematic drawings of all the facilities to be used in the treatment program.

(4) A narrative and graphic description of the site on which the proposed facility is to be situated and outline specifications describing the environmental aspects of the project. Such descriptions shall include access to and egress from the site, location and relationship of the proposed facility to other existing and/or proposed facilities, and a description of the site on which the proposed facility is to be situated, including outline specifications describing the environmental features of the project. Facilities, whether existing or proposed, and

whether owned or to be acquired, shall be described in sufficient detail to demonstrate to the satisfaction of the Secretary that the accessibility, location, site, and other pertinent features, either existing or proposed, or both, will be suitable for facilities to accommodate the mental health service program and architectural program requirements of these regulations.

(5) Information which satisfies the Secretary that sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility. Such information shall include:

(i) A detailed estimate of all the costs of the construction project, including costs of equipment. In the case of a project involving acquisition of existing facilities, the application shall include in the detailed estimate of the project cost the cost of acquiring such facilities and the cost of remodeling, renovating, or altering such facilities to serve the purposes for which they are to be acquired.

(ii) A statement describing the extent to which elements of the proposed program are eligible for and are receiving financial assistance under Federal, State, and local programs other than this title and an analysis of the portion of the costs to be paid by the Federal Government, State government, local government, other third party resources, and the applicant, respectively.

(iii) A statement identifying funds immediately available, placed in escrow, or acceptably pledged; or funds or fund sources specifically earmarked in a sum sufficient to meet the non-Federal share of the cost of construction of the project.

(6) Information supporting the assurance provided pursuant to paragraph (b)(7) of this section that sufficient funds will be available when construction is completed for effective use of the facility for the purpose for which it is being constructed. Such information shall include a description of the proposed sources of operating income for all elements of service included in the program, and a proposed operating program budget for the 2-year period immediately following the completion of construction of the facility: *Provided*, That the construction grant application need not include such operating program budget where the applicant is concurrently submitting an application for a staffing grant under part B of title II of the Act, and where the requirements of § 54.306(k) are satisfied.

(7) A description of the manner in which residents of the catchment area and representatives of concerned agencies or organizations which serve the catchment area have been and will be involved on a continuing basis in the planning and implementation of the program or community mental health services for which assistance is sought, in order to insure that the program will be responsive to the needs of the catchment area.

(b) *Assurances required.* In addition to any other requirements imposed by law and by these regulations, each applicant for a construction grant must furnish and comply with the following assurances. The Secretary may at any time approve exceptions to these assurances and conditions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program. The applicant shall provide assurance that:

(1) That applicant posseses legal authority to apply for and receive the grant, 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.

(2) That applicant or a public or nonprofit private agency which is to operate the center has or will have a fee simple or such other estate or interest in the proposed site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the community mental health center.

(3) That applicant will comply with the provisions of the National Environmental Policy Act, Public Law 91–190; Executive Order 11296, relating to the prevention, control, and abatement of water pollution.

(4) That approval by the Secretary of the final working drawings and specifications will be obtained before the project is advertised or placed on the market for bidding; that applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved drawings and specifications; that it will submit to the Secretary 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 project or a part thereof until the conditions of the grant have been met.

(5) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications.

(6) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility.

(7) That sufficient funds will be available when construction is completed for effective use of the facility for the purpose for which it is being constructed.

(8) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages or rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any work week in excess of 8 hours in any calendar day or 40 hours in the work week (40 U.S.C. 327–332).

(9) That the facility will be operated and maintained in accordance with minimum standards prescribed by the State agency for the maintenance and operation of centers.

(10) That the services to be provided by the facility, alone or in conjunction with other facilites owned or operated by the applicant in the catchment area, will be made available for a program providing, principally for persons residing in a particular community or communities in or near which such facility is to be situated, at least those essential elements of comprehensive mental health services prescribed in § 54.309(b).

(11) That the facility to be constructed will furnish a community service in accordance with § 54.309(a).

(12) That all services and facilities of the entire community mental health center will be available to all persons in need thereof who reside in the catchment area without discrimination on the basis of creed, sex, duration of residence, or ability to pay for such services. (See also § 54.104.)

(13) That in the selection, compensation, or other employment practices with respect to personnel employed or otherwise engaged in carrying out the center program, there shall be no discrimination on the basis of race, creed, color, sex, or national origin.

(14) That the center will furnish below cost or without charge a reasonable volume of services to persons unable to pay therefor.

(i) For purposes of this subparagraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but who are unable to pay the full cost of needed services.

(ii) For purposes of this subparagraph, "a reasonabe volume of services to persons unable to pay therefor" means a volume which, together with services otherwise available to residents of the catchment area, is sufficient to meet the total need for such services in the catchment area; except that the Secretary may in particular cases determine that a volume of services to persons unable to pay therefor which meets less than the total need for such services in the catchment area is "a reasonable volume of services for persons unable to pay therefor" where he finds, on the basis of information supplied by the applicant, that such lesser volume of services is the maximum volume which the center can provide, for such period as the Secretary may determine, without placing such a severe financial hardship on the center as to jeopardize its continued operation.

(iii) The requirement of assurance under this subparagraph may be waived only if the Secretary finds, on the basis of information set forth in the application, that the furnishing of any such services by the center would place such

a severe financial hardship on the center as to jeopardize its continued operation.

(15) That 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," Number A117.1–1961, as modified by other standards prescribed by the Secretary of HEW or Administrator of General Services. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(16) That the applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the Secretary or his designee that funds have been awarded, and that the project will be prosecuted to completion with reasonable diligence.

(17) That any Federal funds received pursuant to a grant or loan will be used solely for defraying the development cost of the proposed project.

(18) That the applicant will conform to all the applicable requirements of the State plan and the regulations in this part.

§ 54.210 Construction bidding.

(a) In the case of any project other than a project solely involving acquisition, the Secretary's approval of the final working drawings and specifications which conform to the general standards of construction and equipment as prescribed by § 54.217 must be obtained before the project is advertised or placed on the market for bidding.

(b) Except as otherwise provided by State or local law, all contracting for construction (including the purchase and installation of built-in equipment) shall, except as provided in paragraph (c) of this section, 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 or local law shall 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 paragraph.

(c) (1) A substitute bidding procedure of selective solicitation with response from three or more bidders may be used if:

(i) The applicant requests and justifies the use of the procedure;

(ii) The procedure is consistent with State and local laws; and

(iii) The Secretary determines that it is necessary to limit bidding to contractors of proven competence due to the complexity or specialty of the project, or that the time element is of primary consideration.

(2) When the selective solicitation bidding procedure is to be used, the applicant shall establish reasonable bid prequalification standards for contractors which shall be included in an "Information for Bidders" form provided by the Secretary. The applicant shall then accept and consider bids from any contractor who requests permission to bid and who is determined by the applicant to meet these prequalification standards.

(d) Adequate time (normally 30 days) shall be allowed for contractors to prepare bids.

(e) Award of construction contracts shall be made to the lowest qualified and responsible bidder whose bid is considered fully responsive to the bid invitation.

§ 54.211 Construction contract requirements.

The following conditions and provisions must be included in all construction contracts:

(a) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities", Form DHEW 514 (April 1969) (issued by the Office of Grants Administration Policy, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less.

(b) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price.

(c) Unless otherwise authorized by the Secretary, the contractor shall maintain, during the life of the contract, adequate fire and workman's compensation insurance and the following minimum insurance coverage for public liability and property damage:

(1) Contractors Protective Liability Insurance—Bodily injury liability $300,000–$500,000, and property damage $100,000–$300,000.

(2) Owners Protective Liability Insurance—Bodily injury $300,000–$500,000, and property damage $100,000–$300,000.

(3) Property Insurance (Builders Risk)—Full insurable value of entire work at the site. This insurance coverage may be provided by the applicant in lieu of the construction contractor at the option of the applicant.

(d) Representatives of the Secretary and the State agency will have access at all reasonable times to work whenever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 54.212 Acquisition of facilities.

In addition to the other requirements of this subpart, the following provisions are also applicable to the acquisition of existing facilities.

(a) *Secretary's approval.* In the case of any project involving acquisition, the Secretary's approval of the architectural program, structural description and, if remodelling, renovation or alteration is proposed, working drawings and specification which conform to the general standards of construction and equipment as prescribed by § 54.217 will be obtained before entering into a final and unconditional contract for such acquisition.

(b) *Determination of necessary cost.* The necessary cost of such acquisition, excluding the value of the site, will be determined on the basis of such documentation submitted by the applicant as the Secretary may prescribe (including the reports of such real estate appraisers as the Secretary may approve) and other relevant factors.

(c) *Bone fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant, and will result in additional or improved facilities for the provision of mental health services as described in § 54.309.

(d) *Facility which has previously received Federal grant.* No grant for acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee of the facility with respect to any right of recovery on the part of the Federal Government or to relieve such applicant or other transferee from any obligation of accountability imposed by the Federal Government by reason of such prior grant.

§ 54.213 Records and reports.

(a) *Records.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by the grantee of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit. All records shall be retained for 3 years after the close of the fiscal year in which construction is completed. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified by the end of such 3-year period, such records shall be retained (1) for 5 years after the close of the fiscal year in which construction is completed, or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Reports.* The applicant shall furnish such progress and other reports as the Secretary may require.

(c) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections at reasonable times by

persons designated by the Secretary and by the Comptroller General of the facilities, equipment and other resources of the applicant and to interviews with principal staff members to the extent that such resources are, or will be, involved in the center program. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress, fiscal and other records relating to the use of grant funds.

§ 54.214 Approval of applications.

The Secretary shall approve each application which has been approved and recommended to him by the State agency if:

(a) The Secretary finds that sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment of the State;

(b) The Secretary finds that the application satisfies the applicable requirements of the Act and of these regulations; and

(c) The National Mental Health Advisory Council has recommended the project for approval.

§ 54.215 Change of status of facility or change of ownership.

The State agency shall promptly notify the Secretary, in writing, if at any time within 20 years after the completion of construction any facility with respect to which funds have been paid under part A of title II of the Act is sold or transferred to any person, agency, or organization not qualified to file an application under title II of the Act or not approved as a transferee by the State agency, or ceases to be used as a public or nonprofit community mental health center.

§ 54.216 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be used as a public or nonprofit community mental health center, the Secretary, in determining whether there is good cause for releasing the grantee or other owner of the facility from the obligation to continue such facility as a public or other noprofit community mental health center, shall take into consideration the extent to which:

(a) The facility will be devoted by the grantee or other owner to use for another public purpose which will promote the purpose of the Act; or

(b) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for the care of the mentally ill will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 54.217 General standards of construction and equipment.

(a) *Introduction.* The standards set forth in this section have been established by the Secretary as required by the Act. These standards constitute minimum requirements for construction and equipment, including acquisition, remodeling, renovation, or alteration of existing buildings, and shall apply to all projects for which Federal assistance is requested under part A of title II of the Act. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that each project will have to meet the requirements of local codes and ordinances relating to construction.

(b) *Flexibility.* All project facilities shall be designed and constructed so as to permit maximum flexibility in the proposed use of these facilities. Provision shall be made, wherever possible, for

(1) Future expansion of the elements of service, particularly consultation and educational services, outpatient services and partial hospitalization services; and

(2) Variable use of space and adaptability of space to changing program needs.

(c) *Architectural procedures.* To assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates, the submission of material shall be in three stages as follows (such material shall be in addition to program and financial information in connection with such applications as may be required by the Secretary):

(1) *First stage.* Architectural program and schematic design documents.

(i) Schematic drawings and the architectural programs, considered part of the community mental health center program description to be provided with the initial narrative or graphic description, and required of all facilities utilized for the treatment program, including patient, staff, and public circulation systems.

(ii) Outline specifications, containing sufficient information to describe the environmental aspects of the project.

(iii) The Site Survey, consisting of the following:

(*a*) A catchment area map noting the principal means of transportation, travel time, location of other community services, and visibility as part of the catchment area.

(*b*) A local area map noting relationships of adjoining neighborhood activities.

(*c*) A site plan noting property boundaries, parking areas, entrances, outdoor activity areas and directional indicators.

(iv) The estimated construction cost, determined on the basis of current local building costs for proposed facilities. Costs of outdoor parking, planting, landscaping, paving of outdoor program activity areas, transportation equipment for program needs, and program consultant fees may be included.

(v) A report of the preconstruction conference.

(2) *Second stage.* Design development documents (transition stage between schematic drawings and construction documents).

(i) Preliminary plan.

(ii) Site survey drawings.

(iii) Engineering subsurface investigation.

(iv) Outline specifications.

(v) Equipment list.

(vi) Revised cost estimates.

(3) *Third stage.* Final design documents.

(i) Proposed bidding package.

(ii) Final working drawings.

(iii) Final technical specifications.

(iv) Current working construction cost estimates.

(d) *Construction (minimum design criteria).* Facilities should be fire safe, and so planned as effectively to carry out the proposed program. Subject to prior approval by the Secretary, these requirements may be varied for free-standing facilities containing only outpatient, educational, recreational, or workshop function utilized by ambulant groups. It is recognized that approval must also be given by local and State authorities with respect to their construction requirements.

(e) *Structural requirements.* (1) One story buildings shall be constructed of not less than 1-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials shall be of 2-hour fire-resistive construction.

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(2) Multistory buildings: Buildings more than one story in height (including basement) shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

	Hours
Columns, girders, trusses	1½
Floor construction including beams	1½
Roof construction including beams	1
Beams supporting masonry; individually protected.	2
Bearing walls	2
Corridor partitions	1
Walls enclosing stairways, elevator shafts, chutes, and other vertical sharts, boiler rooms, and room used for storage of combustible materials.	2

(3) Interior finish walls and ceilings of all exit ways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of 25 or less.

(4) Carpet covering shall have a flame spread rating of 75 or less. Flame spread ratings shall be on the basis of tests conducted in accordance with: American Society for Testing Materials, Publication No. E84.

(f) *Mechanical.* (1) Installations of fuel-burning equipment, steam, heating, air conditioning and ventilation, and plumbing systems shall comply with the

requirements of the following national codes:

(i) National Board of Fire Underwriters, 85 John Street, New York, NY.

(ii) National Fire Protection Association, 60 Batterymarch Street, Boston, MA.

(iii) American Standards Association, 70 East 45th Street, New York, NY.

(iv) American Gas Association, 1725 Eye Street, NW., Washington, DC.

(v) National Plumbing Code: American Society of Mechanical Engineers, 29 West 39th Street, New York, NY.

(2) Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. Codes relating to pressure vessels), and shall be installed to meet the requirements of State and local codes and regulations.

(g) *Electrical.* All installations and equipment shall comply with the requirements of local and State codes and the applicable section of the National Electrical Code and the following:

(1) Installations and equipment in rooms in which flammable, anesthetic, and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) Installations and location of manually operated fire alarm system shall comply with the requirements of NFPA No. 72 and No. 101.

(3) Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements as follows:

(i) National Bureau of Standards Handbook 55, Protection Against Betatron-Synthrotron Radiations up to 100 Million Electron Volts.

(ii) National Bureau of Standards Handbook 73, Protection Against Radiations From Sealed Gamma Sources.

(iii) National Bureau of Standards Handbooks 76, Medical X-Ray Protection up to Three Million Volts.

(4) Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exists Code, NFPA No. 101.

(h) *Circulation*—(1) *Exit facilities.* Exit facilities shall comply with the requirements of the Building Exits Code, NFPA No. 101. Buildings or sections of buildings which house or in which care is rendered to mental patients who, in the opinion of a competent medical authority approved by the State agency having jurisdiction, are capable of self-preservation, may come under sections of this code other than section 10.

(i) Mixed occupancies are recommended where appropriate (NFPA No. 101, section 4–121) and occupancy classifications are to be those which most adequately describe occupancies and uses of the facilities.

(ii) Occupancy classification recommendations for 24-hour inpatient care facilities:

(*a*) Appropriate residential occupancies are recommended for care of ambulatory inpatients requiring minimal supervision, who are capable of normal self-preservation activities in case of fire (NFPA No. 101, chapter 11).

(*b*) Institutional occupancies are required for units providing for nursing care of nonambuatory patients and for persons defined in NFPA No. 101, section 10–112.

(2) *Vertical circulation.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A–17; 1–1960.

(3) *Access for physically handicapped persons.* All services shall be made accessible to and useable by physically handicapped persons.

(i) *Equipment.* Equipment necessary for the functioning of the facility or the program as planned shall be provided in the kind and to the extent required to perform the needed service. The necessary equipment may be included in the cost of the project.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Health Centers

§ 54.301 Applicability.

The regulations of this subpart apply only to grants under section 220(a) of the Act for the initial cost of professional and technical personnel of community mental health centers.

§ 54.302 Submittal of staffing grant applications.

(a) *Form, time, and manner.* Each application for a grant under section 220(a) of the Act shall be submitted to the Secretary on such forms, at such times, and in such manner as the Secretary may from time to time prescribe. A copy of such application shall be submitted concurrently for review and comment to the State mental health authority.

(b) *Execution.* Each application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant all of the obligations imposed by the terms and conditions of the grant, including these regulations.

(c) *Concurrent construction and staffing applications.* Any applicant for a grant under section 220(a) of the Act which is concurrently applying for a grant under part A of title II of the Act shall so state; and documentation meeting the requirements of § 54.306(k) (relating to the operating program budget of the center) will be deemed to satisfy the requirements of § 54.209(a)(6).

(d) *Amendment of application.* An amendment to any application previously approved by the Secretary shall be submitted and processed in the same manner as an original application, except that an amendment which does not significantly affect the program of services to be offered by the center may be submitted directly to the Secretary and approved by him without regard to the requirements for processing an original application.

(e) *Applications for subsequent grants.* Where the application requests assistance for periods subsequent to the initial grant, it shall set forth such amendments to the documents which are submitted at the time of the application for an initial grant as may be necessary to support such request and as may be required by the Secretary in order to act on the request.

§ 54.303 Evaluation of application by State authorities.

(a) *State mental health authority.* In connection with each application for a grant under section 220(a) of the Act, the State mental health authority for the State in which the center is located shall submit to the Secretary.

(1) An evaluation of the application, taking into consideration such factors as the feasibility and probable effectiveness of the proposed program in meeting the needs of the catchment area; and

(2) A statement of whether the services to be provided by the center are described in the State mental health plan in accordance with section 221(a)(5) of the Act.

(b) *Other agencies designated by Governor.* Such other agencies and organizations as may be designated by the Governor of the State may transmit to the Secretary for consideration documents evaluating applications under this subpart.

§ 54.304 Content of application—assurances.

In addition to any other requirements imposed by law (including these regulations), each application for a grant under section 220(a) of the Act shall contain the following assurances:

(a) That the program of services to be provided by the center will meet the minimum criteria specified in § 54.309.

(b) That all services and facilities of the entire community mental health center will be available to all persons in need thereof who reside in the catchment area without discrimination on the basis of creed, sex, duration of residence, or ability to pay for such services. (See also § 54.104.)

(c) That in the selection, compensation, or other employment practices with respect to personnel employed or otherwise engaged in carrying out the center program, there shall be no discrimination on the basis of race, creed, color, sex, or national origin.

(d) That the center will furnish below cost or without charge a reasonable volume of services to persons unable to pay therefor.

(1) As used in this paragraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but who are unable to pay the full cost of needed services.

(2) For purposes of this paragraph, "a reasonable volume of services to persons unable to pay therefor" means a volume which, together with community mental health services otherwise available to residents of the catchment area, is sufficient to meet the total need for such services in the catchment area; except that the Secretary may in particular cases determine that a volume of services to persons unable to pay therefor

which meets less than the total need for such services in the catchment area is "a reasonable volume of services for persons unable to pay therefor" where he finds, on the basis of information supplied by the applicant, that such lesser volume of services is the maximum volume which the center can provide, for such period as the Secretary may determine, without placing such a severe financial hardship on the center as to jeopardize its continued operation.

(3) The requirement of assurance under this paragraph may be waived only if the Secretary finds, on the basis of information set forth in the application, that the furnishing of any such services by the center would place such a severe financial hardship on the center as to jeopardize its continued operation.

(e) (1) That, in the case of any center for which a grant was made under section 220(a) of the Act for any period which began on or before June 30, 1970, the amount of total eligible costs, Federal and non-Federal (as described in section 220(a) of the Act and § 54.308), which will be incurred by such center for staffing costs during any grant period which begins after June 30, 1970, will not be less than the amount of such total eligible costs for the grant period which last commenced on or before June 30, 1970: *Provided*, That the grantee shall not be required to increase the dollar amount of its contribution as the non-Federal share of such costs in the event the amount of the Federal participation is reduced; or

(2) That in the case of any center for which no grant was made under section 220(a) of the Act for any period which began on or before June 30, 1970, there will be expended in the program during the grant period, in addition to the non-Federal funds required to be expended to match Federal funds granted under this subpart, an amount of funds other than funds granted under section 220(a) of the Act which is at least as great as the average amount of funds expended by the applicant and affiliates and predecessors of the applicant for such purposes for the 2 years preceding the initial grant period.

(f) That the services to be provided with the aid of a grant under section 220(a) of the Act will constitute an addition to, or a significant improvement in quality as determined in accordance with the criteria set forth in § 54.309 (d)(6) in services that would otherwise be provided by the center.

§ 54.305 Content of application—supporting information.

Each application for a grant under section 220(a) of the Act shall contain the following information:

(a) If the applicant is a private nonprofit agency or organization, a letter from the Internal Revenue Service stating that the applicant is exempt from Federal income taxation under the appropriate provisions of the Internal Revenue Code; or, if such exemption from Federal income taxation has not been obtained, other evidence of the applicant's status as a private nonprofit agency or organization.

(b) A detailed description of all the services which will be included in the community mental health center program to be provided by the applicant and those agencies affiliated with the applicant, including information which satisfies the Secretary that the criteria for an acceptable program of community mental health center services as prescribed by § 54.309 have been met.

(c) Information as to the extent of the need in the catchment area for the mental health services to be provided, and the features of the population to be served which indicate the appropriateness of the proposed program, including the modalities of treatment and services to be provided, as evidenced by the data of a community survey of such need and an inventory of existing services.

(d) Maps or other graphic descriptions of the geographical and other characteristics of the catchment area which indicate the appropriateness of proposed arrangements for physical and psychological accessibility of the services to be provided, taking into account such factors as hours of service and availability of public transportation.

(e) A description of the staff of the center, including their disciplines, numbers, assignments, and the manner in which they are organized to carry out the proposed program of community mental health services; and information as to the need for and the availability of the kinds and quantities of staff proposed, the qualifications proposed to be required of each individual filling a proposed position, and the adequacy of plans for recruitment and compensation.

(f) A description of the arrangements proposed to assure maximum coordination with other public and private agencies in the catchment area which serve persons who may have mental health problems and those which provide programs to promote mental health.

(g) Information as to the extent to which elements of the proposed program will be receiving financial assistance under Federal, State, and local programs other than title II of the Act.

(h) Information as to the relationship of services to be provided by the proposed center program to services included in comprehensive mental health planning.

(i) A detailed description of the methods of administering the proposed program, including information as to the provisions for:

(1) Policy making;

(2) Assuring continuity of care;

(3) Maintaining and sharing of clinical records;

(4) Maintaining and sharing of financial records;

(5) Fostering satisfactory relationships between the proposed community mental health center and the community it serves;

(6) Discharging clinical, administrative and program coordination responsibilities with affiliates and other community agencies; and

(7) Assuring fulfillment of all other obligations and assurances required by the Act and these regulations: *Provided*, That, in cases where individual elements of service are provided by different organizations, agencies, or persons, the relationships between the applicant and its affiliates must be evidenced by appriprate contracts which specifically provide for assuring compliance with the requirements of these regulations. Copies of such contracts must accompany the application.

(j) Information which satisfies the Secretary that residents of the catchment area and representatives of concerned agencies or organizations which serve the catchment area have been and will be involved on a continuing basis in the planning and implementation of the program of the community mental health center for which assistance is sought, in order to insure that its program is and continues to be responsive to the needs of the catchment area.

(k) The following budget and staffing information:

(i) Identification of all actual and contemplated staff positions for each grant period, and the qualifications and compensation for such positions.

(ii) Identification of those costs for which Federal assistance is requested and the amount thereof.

(l) Information providing an adequate basis for a determination by the Secretary that the applicable assurance required by § 54.305(f) (relating to maintenance of effort as required by section 221(a)(4)(B) of the Act) is satisfactory.

(m) In the case of any application which contains a request, pursuant to section 221(a) of the Act and § 54.310, for an exception to the requirement that a center must provide all essential elements of comprehensive mental health services, detailed information justifying such request.

§ 54.306 Evaluation and disposition of applications.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants to those applicants whose applications have been recommended for approval by the National Advisory Mental Health Council.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the performance of the project: *Provided, however*, That such amount shall not represent a percentage of the total cost of the project which exceeds the applicable maximum percentage of Federal participation specified in section 220(b) of the Act.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts of encumbrance of Federal funds available for such purposes on the date of the award.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion

thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 54.307 Priority of projects.

In determining the priority of projects, the Secretary will take into account the relative needs of the several States for community mental health center programs, their relative financial needs, and their population, and the relative extent to which each project will, in his judgment, further the purposes of the Act.

§ 54.308 Eligible costs.

(a) *Personnel covered.* For purposes of section 220(a) of the Act and of this subpart, "professional and technical personnel" shall mean all those persons employed by a center or an affiliate thereof to participate in the provision of an element or elements of service eligible for support in accordance with section 220 (a) of the Act and as set forth in § 54.309, and who are found by the Secretary to be appropriately qualified under the circumstances to occupy such positions by virtue of their professional or special mental health training or experience. For purposes of this section:

(1) The term "technical personnel" shall include but is not limited to such personnel as are specified in section 265 of the Act. Such term includes personnel who perform minor clerical, maintenance or housekeeping duties if their duties involve direct contact with persons served by the center and if they have been found by the Secretary to be receiving or to have received mental health training appropriate to such contact.

(2) "Persons employed by a center or an affiliate thereof" shall include persons whose services are obtained through a contractual arrangement that meets the requirements of paragraph (c) of this section.

(b) *Allowable compensation.* Funds granted under section 220(a) of the Act may be expended, in accordance with the applicable principles set forth in Chapters 1–76, 2–65, 2–66, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual,[2] for the costs of compensation of personnel of the types described in paragraph (a) of this section.

(c) *Utilization of consultants.* (1) Funds granted under section 220(a) of the Act may be utilized for consultants' services only if the applicant is unable to recruit and hire center employees to provide the services in question. The applicant must be prepared to document such inability to the satisfaction of the Secretary, upon the Secretary's request.

(2) Such consultants must be retained under contracts which contain at least the following provisions:

(i) A description of the particular services to be provided;

(ii) A statement of the number of hours per week which the consultant agrees to provide;

(iii) A statement of the amount of compensation to be paid;

(iv) A statement that the fee for services rendered is payable by the center or its affiliate only, and may not be collected directly from the patient;

(v) An agreement by the consultant that he will abide by the terms and conditions of the grant, including the regulations of this subpart, pertaining to direct patient care and other services provided by the center; and

(vi) A provision for termination of the contract in case of violation of any of the above provisions.

(d) *Expenditures by applicant.* Any funds paid pursuant to a grant under section 220(a) of the Act may be expended by the applicant for compensation of personnel as provided in paragraph (b) of this section only for obligations incurred during the period for which the grant was approved by the Secretary.

§ 54.309 Program criteria.

(a) *Community service.* In addition to fulfilling the assurances required by § 54.305 with respect to nondiscrimination, all services included in the center program shall be

(1) So publicized as to be generally known to the population of the catchment area;

(2) Available as appropriate to all residents of the catchment area in all age groups who are suffering from all types of mental or emotional disorder, whether such services are sought by the patient voluntarily or are, in accordance with and to the extent permitted under applicable State law, ordered to be provided to the patient; and

(3) So located as to be readily accessible to the general population of the catchment area.

(b) *Essential elements of comprehensive mental health services.* No grant may be made under section 220(a) of the Act unless the Secretary is satisfied that the program described by the applicant will stress prevention and will include at least the following essential elements of comprehensive community mental health services, as described below:

(1) "Emergency service" designed to provide immediate evaluation of persons in emotional crisis situations and to provide immediate mental health care as needed to such persons.

(i) Such service may be provided in center facilities, in the patient's home, or elsewhere, but must be available on a 24-hour-a-day, 7-day-a-week basis.

(ii) Such service must be so publicized as to be generally known to the population of the catchment area.

(iii) Such service must be clearly identified and coordinated with other service components of the community mental health center.

(iv) The need for continuing such service in each individual case shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge or for transfer to other elements of service or referral to another provider of services where clinically appropriate in each individual case.

(2) "Inpatient service" service designed to provide on a 24-hour-a-day, 7-days-a-week basis a wide range of treatment, including a wide range of therapies such as individual, family and group psychotherapy and chemotherapy, and may also include appropriate occupational and recreational activities.

(i) Such service shall be designed to facilitate the patient's return to the community as rapidly as is consistent with sound treatment.

(ii) Such service shall be provided in a therapeutic milieu.

(iii) The need for continuing such service in each individual case shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge or for transfer to other elements of service or referral to another provider of services where clinically appropriate in each individual case.

(iv) Such service must be clearly identified and coordinated with other service components of the community mental health center.

(3) "Partial hospitalization service" designed to provide the same range of therapies as that specified in subparagraph (2) of this paragraph, for persons requiring less than 24-hour-a-day care but more than outpatient care.

(i) Such service shall include at least day care and, to the extent possible, night and weekend care.

(ii) Such service shall be designed to obviate the patient's need for partial hospitalization as rapidly as is consistent with sound treatment.

(iii) Such service shall be provided in a therapeutic milieu.

(iv) The need for continuing such service in each individual case shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge or for transfer to other elements of service or referral to another provider of service where clinically appropriate in each individual case.

(v) Such service must be clearly identified and coordinated with other service components of the community mental health center.

(4) "Outpatient service" designed to provide the same range of treatment as that specified in subparagraph (2) of this paragraph, for persons not requiring care on an inpatient or partial hospitalization basis.

(i) The need for continuing such service in each individual case shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge or for transfer to other elements of service or referral to another provider of service where clinically appropriate in each individual case.

(ii) Such service must be clearly identified and coordinated with other service

[2] The Department Grants Administration Manual is available for inspection at the Public Information Offices of the several Department Regional Offices and is available for purchase at the Government Printing Office, GPO Document No. 894–523.

components of the community mental health center.

(5) "Consultation and education service" (i) Consultation services shall be designed to provide case and program advice and assistance by qualified mental health personnel to a wide variety of community human service agencies, community organizations and individuals, including but not limited to schools, courts, probation officers, police, clergy, welfare case workers, residential care personnel, and other health care personnel such as physicians and public health nurses.

(ii) Education services shall be designed to promote mental health and prevent mental illness throughout the catchment area, make the public more aware of the center and its services, improve public attitudes toward mental illness, and stimulate public support and participation in planning for new or improved community mental health services. Education services may be rendered through use of a variety of communication media, or through speeches, lectures, and other public meetings.

(c) *Additional elements of mental health services.* The following additional elements of mental health services, as described below, may also be included in a program of services for which assistance is granted under section 220(a) of the Act:

(1) "Rehabilitation service" designed to reduce the residual deficits of emotional disturbance and to facilitate the adjustment of mental health center patients in the community through a variety of vocational and social programs, including, though not limited to, vocational testing, counseling, job placement, and other relevant group activities, as appropriate.

(2) "Training service" designed to increase the job-related mental health skills of a wide range of community mental health center personnel, including though not limited to psychiatrists, psychologists, social workers, nurses, volunteers and indigenous workers, through the provision of lectures, seminars, workshops and other educational program.

(3) "Research and evaluation service" including appropriate measurement, data collection and analysis designed to provide objective information regarding community mental health needs and resources, the impact of mental health service delivery, and the extent to which the community mental health center is meeting its objectives and goals.

(4) "Central administrative service" designed to provide for overall administration of the total center program of comprehensive community mental health services.

(d) *Services not previously provided.* For purposes of section 221(a)(3)(A) of the Act, an element of service will not be regarded as having been previously provided by the center if it is an element of service:

(1) Which during the 2 years immediately preceding an initial grant period, has not been provided by the applicant or any affiliate or predecessor of the applicant; or

(2) Which the applicant proposes to provide in accordance with methods of treatment or delivery of service not used by the applicant or any affiliate or predecessor of the applicant during such 2-year period; or

(3) Which the applicant proposes to provide in a way designed to meet the needs of a specific group not served by such a service provided by the applicant or any affiliate or predecessor of the applicant during such 2-year period; or

(4) Which represents an expansion of a previously provided service which results in either an absolute increase in the number of patients who will receive care from such service or in the case of consultation and education service will result in an absolute increase in the number of persons affected by such service; or

(5) Which has been provided by the applicant or predecessor of the applicant only on a pilot or developmental basis for a period of 1 year or less prior to the date on which the application is filed; or

(6) Which has been provided by the applicant, affiliates of the applicant or by its predecessors but will be continued with significant improvements in quality. Such services will be considered to constitute an improvement in quality if: (i) Adjustments in the hours of service or in the location of the service provider make the services more physically accessible to the catchment area population; (ii) the method of delivery of services is changed so as to become more appropriate and responsive to the actual mental health needs of the catchment area residents; (iii) there is an upgrading of position requirements prior to hiring new staff, and existing staff are given in-service training if necessary to conform to the new requirements; and (iv) additional staff is employed which has skill levels and/or specific specialties not previously available.

(e) *Continuity of care.* The relationships between individual elements of services in the community mental health center must be designed to assure:

(1) That any person eligible for treatment within any one element of service will also be eligible for treatment within any other element of service;

(2) That any patient within any one element can and will be transferred without delay to any other element of service whenever such a transfer is indicated by the patient's clinical needs;

(3) That the clinical information concerning a patient which was obtained within one element will be made available to those responsible for that patient's treatment within any other element;

(4) That those responsible for a patient's care within one element can, when practicable and when not clinically contraindicated, continue to care for that patient within any of the other elements;

(5) That mental health practitioners who are not physicians, and nonpsychiatric as well as psychiatric physicians in the community, will be allowed, when qualified, to follow and assist in the care of their patients on the various services of the center, provided they are working under the general supervision of the staff of the center; and

(6) That the center will coordinate its services with those provided by other community resources, and will establish followup procedures designed to assure, to the extent practicable, that patients referred by the center to other providers of service receive appropriate medical treatment or other services. Such procedures shall include provision for the routine exchange of all necessary information concerning patients so transferred.

(f) *Administration.* All elements of the center shall be under the general administrative control of a single administrative units, so constituted as to assure

(1) That such single administrative unit will be responsible for carrying out each of the functions enumerated in § 54.306(i);

(2) That the overall direction of the center is vested in a single center director, employed full time, who is a qualified member of any one of the mental health professions; and

(3) That the medical responsibility for each patient will be vested in a physician: *Provided, except,* That if such physician is not a psychiatrist, psychiatric consultation must be available to such physician and to other center staff on a continuing and regularly scheduled basis, not less than once weekly.

§ 54.310 Waiver of elements of comprehensive mental health services.

(a) The requirement that a center must provide all essential elements of comprehensive mental health services shall apply in those cases where the Secretary finds, with respect to a particular project, that

(1) The center will serve a catchment area which has been designated by the Secretary, pursuant to § 54.103, as an urban or rural poverty area;

(2) The program of services will include at least three of the essential elements of comprehensive mental health services specified in § 54.309(b);

(3) The element or elements of service with respect to which a waiver is sought are specifically designated in the application;

(4) The application is a complete application for a grant under section 220(a) of the Act which describes all the proposed services of the center, including those elements of service with respect to which a waiver is sought; and

(5) The applicant will provide all elements of comprehensive mental health services prior to the end of the 18-month period commencing on the date of the filing of the application.

(b) Each application requesting a waiver of one or more elements of comprehensive mental health services shall set forth the arrangements under which the applicant will, to the extent practicable, obtain for the residents of the catchment area it serves, those elements of services with respect to which a waiver is sought.

(c) A grantee shall be eligible to receive grant support under section 220(a) of the Act for any service with respect to which a waiver is granted for a period of 8 years beginning with the first day of the first month after the initiation of such service, at rates not in excess of the rates of Federal participation specified in section 220(b)(2) of the Act.

(d) No funds awarded under this subpart shall be expended for costs of providing any service with respect to which a waiver is granted unless the Secretary determines, prior to the time such service is inaugurated, that such service will be provided in conformance with the approved application or an approved modification of such application.

§ 54.311 Grantee accountability.

(a) *Accounting for grant funds.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expeditures for the costs of compensation of professional and technical personnel meeting the requirements of this subpart.

(b) *Accounting for grant-related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds pending their disbursement for grant purposes. A State, as defined in section 202 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of a State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal Government.

(2) *Other income.* Other income earned by the grantee shall be disposed of in accordance with the alternatives specified in the Department of Health, Education, and Welfare Grants Administration Manual (available for purchase at the Government Printing Office (GPO 894–523)), as determined by the Secretary in the grant award.

(c) *Grant conclusion*—(1) *Date of final accounting.* A grantee shall, with respect to each approved project, render a full account, as provided herein, as of the date of the termination of grant support, the Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the sum of

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b)(1) of this section; and

(iii) Any other settlements required pursuant to paragraph (b)(2) of this section.

Such total shall constitute a debt owed by the grantee to the Federal Government and shall be rendered by the grantee or its successors and assignees by set-off or other action as provided by law.

§ 54.312 Records, reports, inspection.

(a) *Records.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee (including its affiliates) shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by the grantee of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit. All records shall be retained for 3 years after the close of the grant period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified by the end of such 3-year period, such records shall be retained (1) for 5 years after the close of the grant period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Reports.* The applicant shall furnish such progress and other reports as the Secretary may require.

(c) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and by the Comptroller General, and to interviews with principal staff members to the extent that such resources and personnel are, or will be, involved in the center program. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits, by such persons, of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 54.313 Other conditions.

The Secretary may, with respect to any grant award, impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 54.314 Early termination of grant and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or the terms of the grant, including the regulations of this subpart, he may, on reasonable notice to the grantee, withheld further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart D—Grants for Initiation and Development of Community Mental Health Services

§ 54.401 Applicability.

The regulations of this subpart apply only to grants under section 224(b) of the Act for assessing local needs for mental health services, designing mental health service programs, obtaining local financial and professional assistance and support for community mental health services, and fostering community involvement in initiating and developing community mental health services.

§ 54.402 Eligibility.

A grant under section 224(b) of the Act may be made only to a local public or nonprofit private organization, and only if:

(a) The project with respect to which the grant is sought will serve a catchment area which has been designated by the Secretary as a rural or urban poverty area pursuant to § 54.103;

(b) Such organization is located in the catchment area to be served by the project or has been designated by the State agency as the organization responsible for the planning and development of community mental health services for such catchment area;

(c) No grant under section 224(b) of the Act has previously been made with respect to any project in the catchment area; and

(d) There is no community mental health center in the catchment area to be served by the project.

§ 54.403 Submittal of application.

(a) *Form, time and manner.* Each application for a grant under section 224(b) of the Act shall be submitted to the Secretary on such forms, at such times and in such manner as the Secretary may from time to time prescribe. A copy of the application shall be submitted concurrently for review and comment to the mental health authority of the State in which the project is to be conducted and to the local mental health authority if any.

(b) *Execution.* Each application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including these regulations.

§ 54.404 Content of application.

(a) *Assurances.* Each application for a grant under section 224(b) of the Act shall contain the following assurances:

(1) That in the selection, compensation, or other practices with respect to the employment of personnel in the project there shall be no discrimination on the basis of race, creed, color, sex, national origin, or duration of residence.

(2) That all activities (including planning) under the project will be conducted without discrimination on the basis of creed, sex, duration of residence, or ability to pay for mental health services. (See also § 54.104.)

(b) *Supporting information.* Each application for a grant under section 224 (b) of the Act shall contain the following information:

(1) Information which satisfies the Secretary that each of the eligibility requirements set forth in § 54.402 is met.

(2) A narrative statement describing the need for a grant under section 224 (b) of the Act with respect to the particular catchment area involved.

(3) Preliminary plans describing the methods by which the applicant will:

(i) Collect and evaluate (*a*) quantitative data pertaining to the assessment of need in the catchment area for community mental health services, such as admission rates to existing mental health treatment facilities, size and composition of waiting lists for such facilities, sample survey reports, requests for services from courts, welfare, and other agencies, and U.S. Census Bureau statistics; and (*b*) qualitative information on potential community participation and involvement, such as ideas and attitudes expressed by potential consumers of community mental health services in the catchment area, community leaders, service providers, and potential sources of financial support for such services;

(ii) Develop local financial assistance and support for the provision of community mental health services;

(iii) Design a program of comprehensive community mental health services for the catchment area; and

(iv) Assure adequate community involvement in carrying out the project with respect to which a grant under section 224(b) is sought. For purposes of section 224(b) of the Act and this subpart, "community involvement" shall mean the continuing participation of (*a*) actual or potential consumers of community mental health services who reside in the catchment area and (*b*) representatives of concerned public agencies and of private groups or other organizations in the catchment area in identifying needs for community mental health services, planning for the development of new or the utilization of existing resources to meet such needs, and in such other activities as are necessary to initiate and develop a program of comprehensive community mental health services in the catchment area.

(4) Descriptions of all staff positions and duties related thereto necessary to carry out the project (including a description of the abilities, skills, and training to be required of each individual filling a proposed position) and a description of the method by which personnel will be recruited to fill each position.

(5) A budget identifying all costs for which Federal assistance is requested and the amount of each such cost, including compensation for each staff position identified pursuant to subparagraph (4) of this paragraph.

§ 54.405 Review by State and local mental health authorities.

No application for a grant under section 224(b) of the Act will be approved by the Secretary unless the mental health authority of the State in which the project is to be conducted and the local mental health authority, if any, have been given at least 60 days to review and comment on such application.

§ 54.406 Evaluation and disposition of applications.

(a) *Priorities.* Within the limits of funds available for such purpose, the Secretary may award grants to those applicants whose approved projects will, in his judgment, best promote the purposes of section 224(b) of the Act. In making such judgment, the Secretary will give due weight to the evaluation of each application by the State and local mental health authorities, and will take into account:

(1) The relative need of each catchment area for a project of the type authorized by section 224(b) of the Act, based on such factors as the existence and availability of information and data relating to the need for community mental health services, the financial inability of the applicant to purchase the necessary skills to design a program of community mental health services without a grant under section 224(b) of the Act, and the inability of the applicant to obtain local financial and professional assistance and support;

(2) The relative probability, with respect to each catchment area, that such a project can obtain adequate financial assistance from sources other than section 224(b) of the Act; and

(3) The relative effectiveness of each project in achieving the purpose of section 224(b) of the Act.

(b) *Amount of grant.* The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as hospital per diem rates or fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount which exceeds $50,000. In determining the grantee's share of project costs, costs for which Federal grants from other sources have been or may be claimed or received or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant related income (except as may be permitted by chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual [3]) may not be included.

(c) *Direct and indirect costs.* Except as may otherwise be provided by the regulations of this part, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapters 1–76, 2–65, 2–66, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) *Grant Award.* All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts an encumbrance of Federal funds available for such purposes on the date of the award.

§ 54.407 Period and beginning date of grant.

(a) *Period of grant.* No grant under section 224(b) of the Act shall be for a period in excess of 1 year.

(b) *Beginning date.* The beginning date of each grant under section 224(b) of the Act shall be on the first day of a month, and shall be not later than 3 calendar months after the close of the month in which the grant was awarded.

§ 54.408 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the project, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 54.409 Eligible costs.

Any funds granted under section 224(b) of the Act shall be expended by the grantee solely for costs of carrying out the approved project in accordance with the Act, the regulations of this subpart, the terms and conditions of the award, and cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual: *Provided,* That no such funds shall be used to provide mental health or other treatment services.

§ 54.410 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications,

[3] The Department Grants Administration Manual is available for inspection at the Public Information Offices of the several Department Regional Offices and is available for purchase at the Government Printing Office, GPO Document No. 894–523.

films or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 54.411 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1–410–50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other projects.* Equipment may be used without adjustment of accounts or other projects within the scope of section 224(b) of the Act, and no other accounting for such equipment shall be required: *Provided, however,* That (i) during such period of use no charge for depreciation, amortization or other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if within the period of its useful life the equipment is transferred by sale or otherwise for use outside the scope of section 224(b) of the Act, the Federal share of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of sale credited to the grant account for project use, or it may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased with grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1–410–50B of the Department of Health, Education, and Welfare Grants Administration Manual may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivision of a State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the cost of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with the alternatives specified in the Department of Health, Education, and Welfare Grants Administration Manual as determined by the Secretary in the grant award.

(c) *Grant conclusion*—(1) *Date of final accounting.* A grantee shall, with respect to each approved project, render a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of

(i) any amount not accounted for pursuant to paragraph (a) of this section;

(ii) any credits for material on hand as provided in paragraph (b) of this section;

(iii) any credits for earned interest pursuant to subparagraph (1) of this paragraph; and

(iv) any other settlements required pursuant to this subparagraph (2) and subparagraph (3) of this paragraph. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 54.412 Records, reports, inspection.

(a) *Reports.* Each grant awarded pursuant to section 224(b) of the Act shall be subject to the condition that the grantee shall file with the Secretary such progress and fiscal reports relating to the use of grant funds as the Secretary may find necessary to carry out the purposes of the Act and the regulations, including the following:

(1) *Interim report.* Not more than 3 months after the beginning date of the grant, the grantee shall submit to the Secretary an interim progress report. Approval by the Secretary of the interim report will constitute his approval of any changes in the project as originally approved.

(i) The interim progress report shall contain the following information:

(*a*) A description of any changes which have been made by the grantee in the preliminary plans set forth in the application as required by § 54.404 (b)(3);

(*b*) Identification of all staff positions filled;

(*c*) A description of any changes in necessary staff positions described in the application in accordance with § 54.404 (b)(4);

(*d*) A summary of progress to date in carrying out the plans set forth in the application, including any data which has been gathered in accordance therewith, any problems which have developed in carrying out the approved project, and a description of any consultation or other help needed in connection with the project;

(*e*) A report of all grant funds expended to date and the purposes of such expenditures; and

(*f*) Such other information as the Secretary may specifically require.

(ii) The permissible changes in the project will be limited to changes which will expedite achievement of the project objectives, including changes that grow out of the approved project and serve the best strategy for achieving the purposes of the grant. Changes in the project after the interim report has been filed may be made only with the specific approval of the Secretary.

(2) *Final report.* Not less than 60 days after the close of the grant period, the grantee shall submit to the Secretary a final report containing the following information:

(i) A narrative description of the nature and extent of community involvement in carrying out the project.

(ii) A narrative and statistical demographic description of the population of the catchment area, including cultural and socioeconomic conditions of minority and poverty groups;

(iii) A description of the existing mental health services in the catchment area and the extent of their ultilization by residents of the catchment area;

(iv) A description of the actual and potential sources of financial support for the provision of community mental health services for the catchment area;

(v) A description of current mental health needs of the catchment area and the factors responsible for such need;

(vi) A design of a proposed program of comprehensive community mental health services to meet the needs of the catchment area;

(vii) A description of the method to be used in evaluating the effectiveness of such proposed program in meeting the needs of the catchment area;

(viii) A final report of expenditures showing any unexpended balance remaining in the grant account, including cash on hand and interest or other income earned on grant funds; and

(ix) Such other information as the Secretary may specifically require.

(b) *Records.* Each grant awarded under section 224(b) of the Act shall be subject to the condition that the grantee shall maintain such progress and accounting records as the Secretary may find necessary to carry out the purposes of the Act and these regulations. All records shall be retained for 3 years after the close of the period for which the grant is made. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the period for which the grant is made of (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(c) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and by the Comptroller General, and to interviews with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under tihs subpart shall constitute the consent of the grantee to inspections and fiscal audits, by such persons, of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 54.413 Other conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 54.414 Early termination of grant and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or with the terms of the grant, including the regulations of this subpart, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be notified promptly of such action, in writing, and given the reasons therefor.

Subpart E—Grants for Consultation Services

§ 54.501 Applicability.

The regulations of this subpart apply only to grants under section 264 of the Act with respect to community mental health centers, alcoholism prevention and treatment programs, specialized programs for alcoholics, treatment programs for narcotic addicts, or programs for mental health of children to which grants are made under part B, C, D, or F of title II of the Act to assist such centers or facilities in meeting a portion of the costs of compensation of professional and technical personnel who provide consultation services.

§ 54.502 Eligibility.

A grant under section 264 of the Act may be made only:

(a) With respect to a community mental health center, alcoholism prevention and treatment program, specialized program for alcoholics, treatment program for narcotic addicts, or program for mental health of children to which a grant is made under part B, C, D, or F of title II of the Act to assist such center or program in meeting a portion of the cost of professional or technical personnel who provide consultation services; and

(b) To a public or nonprivate agency or organization which is the recipient of a grant specified in paragraph (a) of this section.

§ 54.503 Submittal of application.

(a) *Form, time and manner.* Each application for a grant under section 264 of the Act shall be submitted to the Secretary on such forms, at such times and in such manner as the Secretary may from time to time prescribe.

(b) *Execution.* Each application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act and the terms and conditions of any award, including the regulations of this subpart.

§ 54.504 Content of application.

Each application for a grant under section 264 of the Act shall contain a budget and a narrative plan specifying the costs for which Federal funds are requested.

§ 54.505 Evaluation and disposition of applications.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to those applicants whose applications have been recommended for approval by the National Advisory Mental Health Council and which will in his judgment best promote the purposes of section 264 of the Act.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the performance of the project: *Provided,* That no such grant will exceed whichever of the following is the lesser:

(1) Fifteen per centum of the costs with respect to which a grant has been awarded under part B, C, D, or F of the Act with respect to the program of center; or

(2) That percentage of such costs which when added to the percentage of such costs covered by such other grant equals 100 per centum.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts an encumbrance of Federal funds available for such purposes on the date of the award.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 54.506 Grant period.

A grant under section 264 of the Act may be made only for the period determined by the Secretary to be applicable to the grant made under part B, C, D, or F of the Act, as the case may be, with respect to the center or program.

§ 54.507 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the project, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 54.508 Eligible costs.

(a) *Personnel covered.* For purposes of section 264 of the Act and of this subpart, "professional and technical personnel who provide consultation services" shall mean all those persons employed by a center or program or an affiliate thereof to participate in the provision of consultation services eligible for support in accordance with section 220(a), 242(a), 243(a), 251(a), or 271(a) of the Act, as the case may be, and as described in § 54.309(b)(5)(i), and who are found by the Secretary to be appropriately qualified under the circumstances to occupy such positions by virtue of their professional or special mental health training or experience. For purposes of this section:

(1) The term "technical personnel" shall include but is not limited to such personnel as are specified in section 265 of the Act. Such term includes personnel who perform minor clerical, maintenance or housekeeping duties if their duties involve direct contact with persons served by the center or program and if they have

been found by the Secretary to be receiving or to have received mental health training appropriate to such contact.

(2) "Persons employed by the center or program or an affiliate thereof" shall include persons whose services are obtained through a contractual arrangement that meets the requirements of § 54.308(c).

(b) *Allowable compensation.* Funds granted under section 264 of the Act may be expended for the costs of compensation, as defined in § 54.308(b), of personnel of the types described in paragraph (a) of this section.

(c) *Expenditures by applicant.* Any funds paid pursuant to a grant under section 264 of the Act may be expended by the applicant for compensation of personnel as provided in paragraph (b) of this section only for obligations incurred during the period for which the grant was approved by the Secretary in accordance with § 54.506.

§ 54.509 Grantee accountability.

(a) *Accounting for grant funds.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for the costs of compensation of professional and technical personnel meeting the requirements of this subpart.

(b) *Accounting for grant related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds pending their disbursement for grant purposes. A State, as defined in section 202 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, and territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivision of a State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal overnment.

(2) *Other income.* Other income earned by the grantee shall be disposed of in accordance with the alternatives specified in the Department of Health, Education, and Welfare Grant Administration Manual (available for purchase at the Government Printing Office (GPO 894–523)), as determined by the Secretary in the grant award.

(c) *Grant conclusion*—(1) *Date of final accounting.* A grantee shall, with respect to each approved grant, render a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved grant the sum of

(i) any amount not accounted for pursuant to paragraph (a) of this section:

(ii) any credits for earned interest pursuant to paragraph (b)(1) of this section; and

(iii) any other settlements required pursuant to paragraph (b)(2) of this section.

Such total shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set-off or other action as provided by law.

§ 54.510 Records, reports, inspection.

(a) *Records.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee (including its affiliates) shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by the grantee of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the grant period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such five-year period, records shall be retained until resolution of all such questions.

(b) *Reports.* The applicant shall furnish such progress and other reports as the Secretary may require.

(c) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and by the Comptroller General, and to interviews with principal staff members to the extent that such resources and personnel are, or will be part of the program. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits, by such persons, of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 54.511 Other conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of public health, or the conservation of grant funds.

§ 54.512 Early termination of grant and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or the terms of the grant, including the regulations of this subpart, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.72-1877 Filed 2-9-72;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 415]

COMMUNITY MENTAL HEALTH CENTERS

Proposed Construction and Staffing Program Grants

CROSS REFERENCE: For a document relating to grants for community mental health centers (42 CFR Parts 51b, 54), see F.R. Doc. 72-1877, Department of Health, Education, and Welfare, Public Health Service, *supra*.

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

BANK OF CALIFORNIA, N.A.

Notice of Application for Unlisted Trading Privileges

FEBRUARY 4, 1972.

Notice is hereby given that the Boston Stock Exchange, 2314 Penobscot Building, Detroit, Mich. 43226, has filed an application with the Comptroller of the Currency pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934, as amended, for unlisted trading privileges in the common stock of The Bank of California, N.A., San Francisco, Calif., which securities are listed and registered on the New York Stock Exchange.

Notice is hereby given that any interested person may, not later than February 29, 1972, at 5:30 p.m., submit to the Comptroller of the Currency in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the comptroller should order a hearing thereon. Any such communication should be addressed: Office of the Comptroller of the Currency, Attention: Mr. Robert Bloom, Chief Counsel, Treasury Building, Washington D.C. 20220. 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 attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, an order disposing of the application herein may be issued by the Comptroller of the Currency upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Comptroller'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.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.72-1980 Filed 2-9-72;8:53 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-10]

UNIFORM MANUFACTURERS

Cost of Living Council Ruling

Facts. X is a uniform manufacturer who makes uniforms according to standard sizes and then makes alterations to fit the purchaser. All uniforms are custom fitted by X to the individual.

Issue. Recognizing that the tailoring of clothing to individual order is exempt under Economic Stabilization Regulations, 6 CFR 101.34(c)(2)(i), 37 F.R. 1240 (January 27, 1972) would X also be exempt?

Ruling. X would not be exempt from price controls. As a practical matter X is in the business of producing uniforms which, from their inception, are not intended for any particular individual. Thus, the element of being custom made for the individual is missing. It could be argued that since X sells only custom fitted uniforms the fact that he first makes them in standard sizes is merely an expedient to meet production requirements (That is, making each uniform to individual order from the beginning would be more time consuming) and therefore should not be determinative of his exempt status. The fact that he must make standard sizes and then alter them to meet production, however, is indicative that X is not engaged in the custom making of clothing to individual order.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1981 Filed 2-9-72;8:45 am]

[Cost of Living Council 1972-12]

EXEMPTION FOR CHRISTMAS TREES

Cost of Living Council Ruling

Facts. Retailer R sold Christmas trees during the 1971 holiday season. The trees were obtained from a Maine supplier and were sold untrimmed and untreated in the same state that the supplier had delivered them. Retailer X obtained Christmas trees from the same supplier but before selling them trimmed off the lower branches, rounded the trunk to fit in standard tree holders, and sprayed the trees with a "fireproofing" solution.

Issue. Were prices on the trees sold by either of these retailers exempt from the coverage of the Economic Stabilization Program?

Ruling. Economic Stabilization Regulations, 6 CFR 101.32, 37 F.R. 1237 (January 27, 1972), exempts price adjustments on "raw agricultural products" from the coverage of the Economic Stabilization program. Raw agricultural products are defined in § 101.32(a) of the regulations to be, "Agricultural products which retain their original physical form and have not been processed." Processed products are those that have been, "Changed in their physical form."

One raw agricultural product specifically enumerated in the exempt class of products in § 101.32(a) of the regulations is "Stumpage, or trees cut from the stump." A Christmas tree is a "tree cut from the stump," and is therefore within the exempt class. The operations performed by Retailer X or any other such operations to enhance the beauty or safety of a Christmas tree does not make the tree a "processed" raw agricultural product because the tree retains its same physical form.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1982 Filed 2-9-72;8:45 am]

[Pay Board Ruling 1972-1]

CONTINUED PAYMENT OF CHALLENGED PAY ADJUSTMENTS

Pay Board Ruling

Facts. Corporation A has a contract with its employees that was in existence prior to November 14, 1971, which provides for pay adjustments to take effect thereafter which exceed the 5.5 percent standard established by the Pay Board. The contract is challenged and the challenge is pending before the Pay Board.

Issue. May the employer continue to pay its employees the increased wages provided in the contract during the period the challenge to the pay adjustments is pending before the Pay Board.

Ruling. So long as the pay adjustments were provided for in a contract that was existing prior to November 14, 1971, the employer may continue to pay the employees at the increased rate during the period the pay adjustments are under challenge unless and until the Pay Board rules otherwise.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1992 Filed 2-9-72;8:46 am]

[Pay Board Ruling 1972–3]

APPROPRIATE EMPLOYEE UNIT

Pay Board Ruling

Facts. Corp. A has 200 employees and 4 different labor unions representing different units of employees. One of the unions seeks a contract which would increase the wages of its particular unit of employees 10 percent over the present wages of the unit, but not more than 5.5 percent of total wages paid by the corporation.

Issue. Is the wage increase sought by the union prohibited?

Ruling. Yes. The 5.5 percent standard is applied to the aggregate annual wage and salary increase within any appropriate employee unit and not to the total payroll of the corporation. In the absence of unusual circumstances, the established collective bargaining units, where they exist, are presumed to be the "appropriate employee units" for the measurement of changes in wage and salary levels.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1993 Filed 2–9–72;8:46 am]

[Pay Board Ruling 1972–4]

BONA FIDE PROMOTIONS

Pay Board Ruling

Facts. Due to a vacancy Corp. A promoted one of its office managers to be a vice president of the corporation. The starting salary for the position as vice president represented an increase in salary of 30 percent over what the employee had been receiving.

Issue. Is the increase of salary prohibited?

Ruling. No. Bona fide promotions to positions of greater skill, effort, and responsibility are excluded from the 5.5 percent limitation since remuneration goes with the job, not the man.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72–1994 Filed 2–9–72;8:46 am]

[Pay Board Ruling 1972–5]

COSTS OF LIVING INCREASES AS PART OF EXISTING CONTRACTS AND PAY PRACTICES

Pay Board Ruling

Facts. Employer A and his employees negotiated a new labor contract, effective July 1, 1971, providing for an automatic cost of living increase every 3 months. The increment due October 1, 1971, was precluded by Phase I. The employer wants to make said increase effective November 14, 1971, and continue to make future 3-month increases under the labor contract.

Issue. May the past due increase be made, effective November 14, 1971? May future increases be made at 3-month intervals, as provided by the labor contract, assuming that the cost of living continues to rise?

Ruling. Yes. Economic Stabilization Regulations, 6 CFR 201.3, 36 F.R. 21790 (November 13, 1971), defines "wages and salaries" as including:

> all forms of direct and indirect remuneration or inducement to employees by their employers for personal services, which are reasonably subject to valuation, including * * * cost-of-living allowances * * *

Economic Stabilization Regulations, 6 CFR 201.14, 36 F.R. 21790 (November 13, 1971), states that:

> Existing contracts and pay practices previously set forth will be allowed to operate according to their terms except that specific contracts or pay practices are subject to review, when challenged by a party at interest or by five or more members of the Pay Board, to determine whether any increase is unreasonably inconsistent with the criteria established by the Board.

Although a cost-of-living increase comes within the Regulations § 201.3 definition of "wages and salaries", and is subject to the post-freeze 5.5-percent limitation, the contract predated November 14, 1971, and therefore is permitted by § 201.14 of the Regulations to take effect as of November 14, 1971, subject to the above-stated Pay Board review. In addition, all increases which affect more than 1,000 employees must be reported by the employer to the Pay Board no later than January 31, 1972. Subject to the above review, however, the cost of living increases may be continued in the future pursuant to the contract provisions.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1995 Filed 2–9–72;8:46 am]

[Price Commission Ruling 1972–35]

INSURANCE BROKERS COMMISSIONS

Price Commission Ruling

Facts. An insurance company wishes to raise the percentage commission it pays to independent brokers for selling its insurance. Although the brokers have not requested higher commissions nor indicated that their costs have increased, the insurance company believes that higher commissions will encourage greater efforts from the brokers and result in an increase in sales.

Issue. May the insurance company voluntarily pay more commissions without considering whether the brokers would be justified in requesting higher commissions due to increased costs?

Ruling. This situation is to be distinguished from that where the insurance salesmen are employees of the insurance company rather than independent contractors as is the case with brokers. Payments to the brokers are regarded as fees for services and are regulated as prices.

The insurance company must first determine whether the brokers could justify charging an additional amount for their services. By accepting a larger percentage commission the brokers would be put in the position of having to justify a higher "price" for their services. See, Economic Stabilization regulations, 6 CFR 300.14, 36 F.R. 23974 (December 16, 1971). To the insurance company the result of increasing commissions will be to increase its costs. In the exercise of sound business judgment a company may voluntarily increase its costs of operation, but in the instant case, the insurance company cannot pay higher commissions if the brokers are forbidden to receive them.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1989 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–37]

SERVICE ORGANIZATION NOT A UTILITY SERVICE

Price Commission Ruling

Facts: A is a trash hauling company which contracts with retailers and building owners to remove and dispose of trash from stores and residences for a fee. A has several competitors who offer the same service and are competitive as to their fee schedules. A is seeking to increase his rates because of increased costs.

Issue. Is A a "service organization" or a "public utility" within the Economic Stabilization Regulations?

Ruling. A is a "service organization" within the regulations, and its price increases are controlled by § 300.14, 36 F.R. 23974 (December 16, 1971). The removing and disposing of trash for a fee is clearly a "service" as that word is defined in § 300.5 of the Economic Stabilization Regulations, 36 F.R. 23974 (December 16, 1971), and thus A is a "service organization" as that phrase is likewise defined, since it is carrying on the trade or business of performing that service.

A is not a "public utility," as that phrase is defined in § 300.16 of the regulations, 37 F.R. 652 (January 14, 1972). It is clear that, on the above facts, A does not fit any of the categories specifically included in the definition of a "public utility," nor does it fit the more general definition as one who furnishes "utility services" to the public or a recognized segment of the public. As defined in § 300.16, a "utility service" is a commodity or service "affected with a public interest." Since A's trash hauling service is not unique in character, nor provided in essentially noncompetitive circumstances, under the above facts, it is affected with no particular public interest beyond that normally surrounding any other service or commodity. Therefore, A is not a "public utility" and is not governed by § 300.16.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1991 Filed 2-9-72;8:46 am]

[Price Commission Ruling 1972-34]

SIMILAR PRODUCT NOT NEW

Price Commission Ruling

Facts. A is manufacturer of product X which crushes trash into small and compact size for easy disposal. On December 1, A began to manufacture product Y, which not only crushes trash like product X, but also deodorizes it by injecting a deodorant spray and then seals the top of the paper container. A has now begun to offer product Y to its customers, and is seeking to establish a "base price" for it under the Economic Stabilization Regulations.

Issue. What is the base price of product Y under the Economic Stabilization Regulations?

Ruling. The base price for product Y is the highest price charged to a specific class of purchasers in a substantial number of transactions involving product X during the freeze base period, under § 300.405 of the regulations, 36 F.R. 23974 (December 16, 1971) or the price of product X on May 25, 1970, whichever is higher.

Product Y does not qualify for treatment as a "new product" under Economic Stabilization Regulation, 6 CFR 300.409, 36 F.R. 23974 (December 16, 1971). Even though A has not offered product Y at any time during the 1-year period immediately preceding his offering date, § 300.409(b) of the regulation clearly provides that property must be "substantially different from other property * * * in purpose, function, quality, or technology or the use of that property * * * must effect a substantially different result" in order for it to qualify as new property. On the facts provided product Y performs essentially the same function as that performed by product X, with some additional conveniences which clearly do not "effect a substantially different result." Thus the base price for product Y is determined by reference to the base price of product X.

Even though the base price of product Y is determined by reference to product X, this does not mean that A cannot offer product Y a higher price than product X. In order to do so, however, he must justify the higher price on the basis of increased costs being incurred in manufacturing product Y, pursuant to Economic Stabilization Regulation, 6 CFR 300.12, 36 F.R. 23974 (December 16, 1971). This ruling has been approved by the general counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1988 Filed 2-9-72;8:45 am]

[Price Commission Ruling 1972-38]

ADMINISTRATIVE APPEAL OF O.E.P. DETERMINATION UNDER PHASE I

Price Commission Ruling

Facts. Manufacturer X mailed its new price lists to distributors hours before the Executive order of August 15, 1971, implemented the 90-day freeze. X sought a determination from the Office of Emergency Preparedness that the new price list was in effect prior to the freeze. OEP ruled adversely. The desired price increases are in excess of those allowed by regulation § 300.12.

Issue. May X take an administrative appeal from the OEP ruling?

Ruling. No provision was made under Phase I for administrative appeal. OEP determined that X's new price list was not effective prior to the freeze and X's prices were frozen. X is therefore bound to its old prices as base prices. Unless X can show in a request for an exception that limiting its price increases to those allowed by regulation will result in serious hardship or gross inequity, it is also bound by § 300.12 of the Economic Stabilization Regulations.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 7, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1997 Filed 2-9-72;8:46 am]

[Price Commission Ruling 1972-29]

REPORTING REQUIREMENTS OF INSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Price Commission Ruling

Facts. A profitmaking hospital wishes to increase its prices. The proposed increases are based on allowable costs, reduced to reflect productivity gains, and will not result in an increase in the hospital's base period profit margin. The proposed prices will increase the hospital's aggregate annual revenues by more than 2.5 percent but less than 6 percent over the amount such revenues would have been if the prices previously authorized under the Regulations had been charged.

Issues. Must the hospital obtain the prior approval of the appropriate District Director of Internal Revenue and medicare intermediary before it can put the proposed price increase into effect?

Ruling. No. Under § 300.18(c)(1) of the Economic Stabilization Regulations, the hospital must send a copy of its revised price schedule to its Internal Revenue Service District Director accompanied by a statement specifying the price increases, the previous price levels for the services affected, and the increased cost factors that justify the increased prices. Economic Stabilization Regulations 6 CFR 300.18, 36 F.R. 25384 (December 30, 1971). A copy of the revised price schedule must also be sent to the medicare intermediary that services the provider's geographic area. The District Director and the medicare intermediary, however, do not have to give prior approval before a price increase resulting in a 2.5 percent to 6 percent increase in aggregate annual revenues can go into effect.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1983 Filed 2-9-72;8:45 am]

[Price Commission Ruling 1972–30]

PHARMACISTS—CLASSIFIED AS RETAILERS

Price Commission Ruling

Facts. Mr. A is a professional pharmacist, licensed by the government of his State after completing a prescribed course of study and passing a qualifying examination. Mr. A owns and operates a drug store in the State.

Issue. Are professional pharmacists, such as Mr. A, treated as retailers for the purposes of the posting-of-base-prices requirement of Economic Stabilization Regulations 6 CFR 300.13 (b), 36 F.R. 23974 (December 16, 1971)?

Ruling. Yes, professional pharmacists are regarded as retailers for the purposes of the Economic Stabilization Regulations, including the base prices posting provision. (See, Economic Stabilization Regulations 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971) for the definition of "retailer.") The requirement that pharmacists post base prices is in no way inconsistent with their recognized professional standing, but is considered by the Price Commission to be necessary to achievement of stabilization objectives.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1984 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–31]

BASE PRICE OF AUTOMOBILES AND ACCESSORIES

Price Commission Ruling

Facts. During the freeze base period, an automobile dealer sold a particular model automobile with several "additional cost" accessories for $3,000 in a substantial number of transactions. The dealer's cost was $2,500; the suggested retail or "sticker" price was $3,500 including a breakdown of the accessories. The dealer made no apportionment of the price (either published or disclosed to the customer) between the car and the accessories.

Issue. How does the dealer determine the base price for the car and each accessory?

Ruling. The dealer's percentage mark-up on the car as a whole (i.e., the difference between his total cost of the car and accessories and the actual sales price (not the sticker price)) used in a substantial number of transactions in the freeze base period should be applied separately to the cost of the car and each accessory. The resulting figure will then be added to each component's cost to determine the base price for each component. Accordingly, the base price for an accessory may vary from car to car. On the other hand, if during the freeze base period a dealer charged a specific price for an accessory in a substantial number of transactions, that price would be the base price.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1985 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–32; Cost of Living Council Ruling 1972–9]

PRENOTIFICATION REQUIREMENTS

Price Commission Ruling and Cost of Living Council Ruling

Facts. Corporation A, manufacturer of automobile supplies, having annual revenues of over $100 million, owns a subsidiary corporation that operates a hospital which is an institutional provider of health services within the meaning of § 300.18 of the Economic Stabilization Regulations. Economic Stabilization Regulations, 6 CFR 300.18, 36 F.R. 25384 (December 30, 1971). The annual revenues of the hospital do not exceed $4 million. As a result of allowable cost increases the hospital wishes to raise its prices in an amount that will increase its aggregate annual revenues by more than 6 percent over the amount those revenues would have been if the prices previously authorized by the Price Commission Regulations had been charged.

Issue. Must Corporation A prenotify the Price Commission of the hospital's proposed price increase under section 300.51 of the regulations?

Ruling. No. Generally, for reporting purposes, if a business unit or units are controlled directly or indirectly by another business unit or units, the Price Commission will treat the controlled and controlling units as a single entity. However, § 300.51(j) of the regulations provides that § 300.51 (which generally contains the prenotification requirements) does not apply to, among others, providers of health services covered by § 300.18. Therefore Company A does not have to prenotify the Price Commission of the proposed price increase by its subsidiary, the hospital. The hospital, however, must request an exception from the Price Commission by applying to the local District Director of Internal Revenue because the proposed increase meets the more-than-6 percent of revenues requirement of § 300.18(c)(2).

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1986 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–36; Cost of Living Council Ruling 1972–11]

PROFIT MARGIN COMPUTATION INCLUDES EXEMPT AND NONEXEMPT PRODUCTS

Price Commission and Cost of Living Council Ruling

Facts. Prenotification firm has sales of both exempt agricultural products and nonexempt products and makes sales at both the retail and wholesale levels.

Issue. Does the profit margin limitation apply to the total sales and profits per profit and loss statement, or should there be an allocation of income and expenses between exempt and nonexempt sales before application of the limitation?

Ruling. "Profit margin" refers to the ratio that net profits (determined before taxes) bears to gross sales as reported on the person's financial statement prepared in accordance with generally accepted accounting principles consistently applied. (§ 300.5 of the Economic Stabilization Regulations) The net profits and gross sales utilized in the computation of both base period and current period profit margins include profits and sales relating to both exempt and nonexempt products.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1990 Filed 2–9–72;8:46 am]

[Price Commission Ruling 1972–33; Cost of Living Council Ruling 1972–8]

COVERAGE OF STATE PAYMENTS MADE DIRECTLY TO PERSONS PROVIDING SERVICES FOR WELFARE RECIPIENTS

Price Commission Ruling and Cost of Living Council Ruling

Facts. In conducting its welfare program, State A makes payments directly

to licensed private skilled nursing homes for the care of persons in the homes who are eligible for welfare assistance. The uniform monthly rate for welfare recipients is set by the State legislature following negotiations between the State welfare board and the association representing the participating nursing homes. All of the homes provide 24 hour in-patient health services.

Issue. Is the uniform rate set by the legislature and charged by the private nursing homes for care of welfare recipients a welfare payment, and thus exempt from the Economic Stabilization Regulations?

Ruling. No. The charges made by the skilled nursing homes are prices and controlled by the Economic Stabilization Regulations. A charge made by a person for furnishing housing, goods, services, or other items to a welfare recipient is a price or rent even though payment is made directly to the person furnishing such items by the State or other agency administering the welfare program. The nursing home rates are subject to § 300.18 of the Economic Stabilization Regulations. Economic Stabilization Regulation, 6 CFR 300.18, 36 F.R. 25384 (December 30, 1971).

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1987 Filed 2-9-72;8:45 am]

[Price Commission Ruling 1972-39]

DETERMINATIONS UNDER PHASE I

Price Commission Ruling

Facts. Landlord raised the yearly fee for use of his apartment house health club facilities shortly prior to the 90-day wage-price freeze. A tenants' association sought a ruling from the Office of Emergency Preparedness that the increase was in violation of the freeze. OEP ruled the increase proper. Tenants' association now reports to the Internal Revenue Service that the landlord's increase violates Phase II.

Issue. Will the Internal Revenue Service make de novo findings or will it be bound by OEP's ruling?

Ruling. To the extent that OEP determined under Phase I, that the material facts supported an increase, the Internal Revenue Service will be bound. Since OEP did not rule on Phase II, any determination of a violation under Phase II will be de novo, except for situations where a Phase I determination will establish a basic fact (e.g. base price) required for a Phase II computation. In addition, parties will not be allowed to take indirect appeals from Phase I or Phase II rulings by alleging violations. Where, however, one party to a transaction is issued a favorable ruling on specific facts and the other party to the transaction alleges a violation or seeks a ruling based on material facts not previously submitted, the second determination will be de novo.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 7, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1998 Filed 2-9-72;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 8969]

OREGON

Notice of Proposed Classification of Public Lands for Disposal by Exchange

FEBRUARY 2, 1972.

Pursuant to 43 CFR Part 2460 (Subpart 2462), it is proposed to classify the lands described below for disposal through exchange, under section 8 of the Taylor Grazing Act of June 28, 1934 (43 U.S.C. 315g), for lands within the Prineville District:

WILLAMETTE MERIDIAN

CROOK COUNTY

T. 15 S., R. 16 E.,
Sec. 18, E½SE¼.
T. 15 S., R. 18 E.,
Sec. 8, W½NW¼.
T. 16 S., R. 15 E.,
Sec. 3, E½SW¼ and SW¼SE¼.
T. 16 S., R. 19 E.,
Sec. 14, N½N½ and E½SE¼;
Sec. 22, S½.
T. 16 S., R. 20 E.,
Sec. 22, N½NW¼.
T. 16 S., R. 25 E.,
Sec. 15, E½SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, NW¼NW¼.

The areas described aggregate approximately 1,080 acres.

Publication of this notice will segregate the lands from all appropriations, including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. In accordance with 43 CFR 2201.1 and 2201.2, no application for an exchange will be accepted until the land has been classified and the application is accompanied by a statement from the Bureau of Land Management, Prineville District Manager, that the proposal is feasible.

Information concerning these lands is available at the BLM District Office, Prineville, Oreg.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Prineville District Manager, Bureau of Land Management, 185 East Fourth Street, Post Office Box 550, Prineville, OR 97754.

ARCHIE D. CRAFT,
State Director.

[FR Doc.72-2004 Filed 2-9-72;8:54 am]

[Wyoming 30041]

WYOMING

Opening Lands to Small Tract Application

FEBRUARY 4, 1972.

1. Pursuant to Small Tract Classification Wyoming 30041 dated September 22, 1971, the following described land will be opened to small tract application as set out below, for lease only for business site purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 Act of June 1, 1938 (52 Stat. 609; 43

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 87 W.,
Sec. 8, a tract of land lying in lot 161 described as follows: Beginning at the northeast corner of lot 161; thence N. 89°52' W. a distance of 220 feet, thence S. 0°13' E. a distance of 183 feet, thence S. 89°52' E. a distance of 133.24 feet, thence N. 19°31' E. a distance of 47 feet, thence N. 26°51' E. a distance of 155.80 feet to the point of beginning.

The above-described parcel of land contains 0.73 acre.

The land is located in Carbon County approximately one-half mile north of the downtown section of Rawlins, Wyo.

2. At 10 a.m. on February 16, 1972, the land will be open to applications for a business site lease under the Small Tract Act. All valid applications received at or prior to 10 a.m. on February 16, 1972, will be considered as simultaneously filed at that time. All applications filed after that time will be considered in the order of filing.

3. Applicants must file, in duplicate, with the Chief, Lands and Mining Section, Bureau of Land Management, Post Office Box 1828, 2120 Capitol Avenue, Cheyenne, WY 82001, application form 2233-1 filled out in compliance with instructions on the form and accompanied by evidence that they have submitted an acceptable bid to the U.S. General Services Administration, for the construction of facilities in accordance with GSA Solicitation for Offers No. 72-5. Copies of the application form can be secured from the above-named official. The application must be accompanied by a filing fee of $10 and a deposit of $100 advance rental for 1 year. Failure to transmit these payments with the application will render the application invalid. Advance rentals

will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

4. The lease will be issued for a term of 20 years.

DANIEL P. BAKER,
State Director.

[FR Doc.72-1966 Filed 2-9-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of North Carolina natural disasters have caused a general need for agricultural credit:

COUNTY

Cleveland.

Emergency loans will not be made in the above named county under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 7th day of February 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-2014 Filed 2-9-72;8:54 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

AUGUSTANA COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00452-01-28600. Applicant: Augustana College, 29th and Summit, Sioux Falls, SD 57102. Article: SIRIGOR gas exchange chamber and associated control and measurement components. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used to study the process of photosynthesis in plants which inhabit the extreme environments of the arctic and alpine tundra. The main properties to be investigated are the CO_2 and H_2O exchange rates from individual species and land areas as these are related to growing seasons, temperature, time of day, and light intensity in the Arctic. The temperature responses, light responses, water use efficiencies, diffusion resistance, energy exchange, and other properties will be examined.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for examining photo synthesis by determining the net carbon dioxide exchange between the vegetative layer and the atmosphere in controlled microenvironments and macroenvironments. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 9, 1971, that the above cited capability is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no comparable domestically manufactured system which is scientifically equivalent to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-1931 Filed 2-9-72;8:49 am]

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00571-33-46040. Applicant: Case Western Reserve University School of Medicine, Institute of Pathology, 2085 Adelbert Road, Cleveland, OH 44106. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used to mass produce low power electron micrographs of peripheral nerves and central nervous tissue (human and animal) for measurements and statistical studies on the size and geometry of cells. The electron microscope will also be used in the Training Program in Neuropathology of the Institute for pathologists, neurologists, and neuropathologists.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 1, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-1932 Filed 2-9-72; 8:49 am]

CHILDREN'S CANCER RESEARCH FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00459–33–60060. Applicant: The Children's Cancer Research Foundation, 35 Binney Street, Boston, MA 02115. Article: Reflection photometer. Manufacturer: Karolinska Institute, Sweden.

Intended use of article: The article will be used to produce characteristic fluorescence curves or patterns from photographic negatives of human and other metaphase chromosomes after selecting staining with quinacrine mustard or other fluorochromes. In particular, chromosomes from cancer patients will be examined and analyzed.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant is engaged in a collaborative program in cancer research with the institute that manufactures the foreign article wherein comparison of data and results require duplicate instruments. The detailed design specifications of the article and the comparison testing which it affords are pertinent to the purposes for which the article is intended to be used. We are advised by the Department of Health, Education and Welfare (HEW) in its memorandum dated July 16, 1971 that it knows of no comparable domestic instrument or apparatus with all of the pertinent capabilities of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1933 Filed 2–9–72;8:49 am]

HEALTH RESEARCH CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00549–00–41200. Applicant: Health Research Center, 606 Elm Street, Buffalo, NY 14203. Article: Kylstron tube, Model VC 104. Manufacturer: Varian Associates of Canada, Ltd., Canada.

Intended use of article: The article is a replacement tube for a microwave generator used for the study of radiation damage.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a replacement for a Klystron tube incorporated in a microwave generator that was manufactured in the United States. However the Klystron tube is no longer being produced in the United States by the manufacturer of the generator, but in a Canadian facility of this manufacturer.

The Department of Commerce knows of no other Klystron tube being manufactured in the United States which is capable of fulfilling the technical requirements specified by the applicant, or can be adapted or modified to serve the purposes for which the foreign article is intended to be used.

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

[FR Doc.72–1934 Filed 2–9–72;8:49 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00585–33–90000. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Rotating anode assembly; Model GX–6. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom.

Intended use of article: The article, which produces a high intensity beam of X-rays, will be used to study the diffraction from heavily hydrated crystals. The studies are directed toward the solution of structure of transfer RNA, an important molecule in the synthesis of proteins in living systems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a fine focus to a spot size of 0.2 square millimeter and high intensity by using a rotating anode. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 8, 1971, that the characteristics described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no comparable instrument or apparatus being manufactured in the United States which possesses both pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1935 Filed 2–9–72;8:49 am]

OCHSNER FOUNDATION HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00547–33–43780. Applicant: Ochsner Foundation Hospital, 1516 Jefferson Highway, New Orleans, LA 70121. Article: Inoescu-Ross-Wooler fascia lata valve supports. Manufacturer: Hypodermic Services, United Kingdom.

Intended use of article: The articles are being used in a clinical study in which these valves are used in humans. The fascia lata from the human is attached to the frame, which is used to replace the diseased heart valve that has been excised.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 29, 1970).

Reasons: The foreign article consists of dacron covered lightweight titanium frames and templets which were used in prior studies to fashion heart valve replacements utilizing the fascia lata from the same human receiving such replacements. The applicant intends to perform similar studies. The equivalency of the article to the supports used in the

earlier studies is pertinent to the applicant's intended purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971, that it knows of no domestic instrument or apparatus which was available at the time the foreign article was ordered, of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

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

[FR Doc.72-1936 Filed 2-9-72;8:49 am]

OCHSNER FOUNDATION HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00551-33-43780. Applicant: Ochsner Foundation Hospital, 1516 Jefferson Highway, New Orleans, LA 70121. Article: Inoescu-Ross-Wooler fascia lata valve supports. Manufacturer: Hypodermic Services, United Kingdom. Intended use of article: The articles are being used in a clinical study in which these valves are used in humans. The fascia lata from the human is attached to the frame, which is used to replace the diseased heart valve that has been excised.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of Dacron covered lightweight titanium frames and templets which were used in prior studies to fashion heart valve replacement utilizing the fascia lata from the same human receiving such replacements. The applicant intends to perform similar studies. The equivalency of the article to the supports used in the earlier studies is pertinent to the applicants intended purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971, that it knows of no domestic instrument or apparatus which was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-1937 Filed 2-9-72;8:49 am]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00545-33-07730. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Searle X-ray camera with toroid optics. Manufacturer: Baird & Tatlock, United Kingdom.

Intended use of article: The article will be used to study nucleic acids and mucopoly-saccharides by the methods of X-ray diffraction analysis. The experiment to be conducted will involve the recording of the fiber diffraction on photographic plates: Measurement of the intensities and their spatial distribution and the computation therefrom of the geometrical parameters of the molecules and molecular assemblies that would produce such a pattern.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a minimum exposure time by means of toroidal optics and a focused X-ray beam of high intensity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1971, that a minimum exposure time is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no scientifically equivalent domestic instrument.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-1938 Filed 2-9-72;8:49 am]

UNIVERSITY OF ARIZONA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00478-33-46040. Applicant: The University of Arizona, Arizona Medical Center, 1501 North Campbell Avenue, Tucson, AZ 85724. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research, teaching, and diagnosis. Projects concern the examination of biopsy material from living patients: muscle, kidney, brain, and other tissues. Slow virus infections, the reaction of human tissues to drugs, and microtubules obtained from homogenates of brain will also be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 22, 1970).

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument was the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C had a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 1, 1971 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

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

[FR Doc.72-1939 Filed 2-9-72;8:50 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00481–81–80500. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Two each blackbody standard lamps. Manufacturer: General Electric Co., Ltd., United Kingdom.

Intended use of article: These lamps are used as primary standards of temperature for the calibration of manual-balancing and automatic optical pyrometers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides radiation capable of serving as a primary standard temperature for the calibration of optical pyrometers. We are advised by the National Bureau of Standards (NBS) in its memorandum dated September 30, 1971, that the characteristic listed above is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no comparable domestic instrument or apparatus being manufactured in the United States that can be used for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1940 Filed 2–9–72;8:50 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00557–33–25100. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Two Leichardt rowing ergometers (1 port and 1 starboard). Manufacturer: E. R. Curtain Pty. Ltd., Australia.

Intended use of article: The article will be used in courses entitled General Kinesiology, Assessment of Human Movement Skill, Conditioning for Maximal Performance, and Kinesiometrics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires engometers which are suitable for instruction in specific problems in kinesiometric measurement. The capacity to provide accurate measurement of work output for any given period of time is pertinent to the applicants' educational purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971, that the article has scientific value as a demonstration and evaluation device for teaching. HEW further advises that it knows of no scientifically equivalent instrument which is manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1941 Filed 2–9–72;8:50 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00519–33–16095. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Sealed gas-filled proportional counter type CPX180M1 with built-in preamplifier. Manufacturer: Compagnie Generale de Radiologie, France.

Intended use of article: The article will be used to measure the radiation of very low energy, emitted in small numbers by certain very toxic radioactive materials (such as plutonium) when deposited in the human body (especially the lung), in order to determine the amount of such material present.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a large window area, very low background and energy resolution. The most closely comparable instrument, the Model RSG–41, manufactured by Reuter-Stokes Electronic Components Inc. (Reuter-Stokes), Cleveland, Ohio, does not provide a larger window area than the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1971, that the combination of a large window area, very low background and energy resolution is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no available comparable domestic instrument with all the pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1942 Filed 2–9–72;8:50 am]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00334–88–43000. Applicant: University of Colorado, Purchasing Department, Regent Hall, Room 122, Boulder, CO 80302. Article: Magnetometer, Model MF2–100. Manufacturer: Edgar Sharpe & Associates, Ltd., Canada.

Intended use of article: The article will be used in the Geological Sciences

Building for instruction in geophysics at all levels. A freshman course, Physical Science-Introduction to Geophysics, and a senior level course, Geophysical Prospecting, will use the instrument as a teaching tool, for laboratory work, and for individual research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities of a portable hand-held, flux gate type magnetometer. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1971, that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no scientifically equivalent domestic instrument which is available in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-1953 Filed 2-9-72;8:51 am]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00430-33-07520. Applicant: University of Minnesota Hospitals, University of Minnesota, Mayo Box 494, Minneapolis, MN 55455. Article: Batch calorimeter (microcalorimeter) system. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in the investigation of the calorimetric features of the antibody-antigen interaction. Antibody shall be obtained by stimulation of several mammalian species with both particulate and soluble antigens (antibody inducing substances). The source of the antibody will be the serum of these species, and the antibody will be purified from the serum by standard chromatography procedures. The experiment to be conducted will be the reaction of the purified antibody with the antigen in the microcalorimeter.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a sensitivity of one microcalorie. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 9, 1971, that the sensitivity of the foreign article is a pertinent characteristic. HEW further advises that it knows of no scientifically equivalent instrument or apparatus being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72-1943 Filed 2-9-72;8:50 am]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00456-33-68200. Applicant: University of Minnesota, Office of the Purchasing Agent, Administrative Services Building, 2610 University Avenue, St. Paul, MN 55455. Article: High precision fluid pump (motor-driven, for maintaining constant flow of reactant solutions through a microflow calorimeter (calorimeter manufactured by LKB Produkter, Sweden, No. 10700-1). Pumping must be uniform in rate to a noise level no greater than the intrinsic noise level of the calorimeter and must be designed to drive syringes. Flow rate to be appropriate to the calorimeter, i.e. from 1 ml./hr. to 50 ml./hr. in steps. Manufacturer: Thermochemistry Institute of the University of Lund, Sweden.

Intended use of article: The article will be used to measure the quantitative behavior of hemoglobin in binding oxygen and other more sensitive substances. The study insofar as it includes calorimetric measurements of oxygen binding and the dissociation of hemoglobin into subunits is of fundamental importance to the physiology of blood and also the pilot study in area of protein behavior for proteins which consist of dissociable subunit.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

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

[FR Doc.72-1944 Filed 2-9-72;8:50 am]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00219-33-46070. Applicant: University of Missouri-Columbia, Hospital Purchasing Department, Room W128, Columbia, MO 65201. Article: Scanning electron microscope, Model SSM-2. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used in a comparative pathology program of the departments of Medical Pathology, Veterinary Pathology, and Plant Pathology, for training electron microscope techniques at the graduate level.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 30, 1970).

Reasons: The foreign article is an intermediate scanning electron microscope which in terms of sophistication and capabilities lies a step below the highly complex research types. The applicant intends to use the foreign article for teaching untrained individuals the fundamentals of scanning electron microscope techniques and for this purpose,

requires a transitional instrument for bridging the gap between the use of light microscopes and the research types of scanning electron miscroscopes. The most closely comparable domestic scanning electron microscopes available at the time the foreign article was ordered were the Model 700 manufactured by the Materials Analysis Co., the Model SM–2 manufactured by the Ultrascan Corp., and the Model 900 manufactured by the Advanced Metals Research Corp. The domestic models are highly sophisticated and relatively complex scanning electron microscopes intended for the use of an expert. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of February 5, 1971, that design simplicity and relative ease of operation are pertinent to the applicant's educational purposes.

For this reason, we find that the domestic scanning electron microscopes models cited above are not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the foreign article was ordered.

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

[FR Doc.72–1945 Filed 2–9–72;8:50 am]

UNIVERSITY OF NORTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00491–33–46040. Applicant: University of North Carolina, Chapel Hill, N.C. 27514. Article: Electron microscope with X-ray microanalyzer, Emma–4. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom.

Intended use of article: The article will be used for the study of fine structure and microelementary analysis of spermatozoa, ova, early developing embryos, and other biological specimens utilized in research in reproductive biology. Living materials taken from animals and plants will be used for the experiments which involve the detection and the measurement of specific species of atoms in various small volumes of cells and tissues.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides transmission electron microscopy and X-ray spectrometry in the same instrument. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. (Forgflo) which provides the capability for transmission electron microscopy but does not provide the capability for X-ray spectrometry. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 1, 1971, that the capability of analyzing material by the usual transmission electron microscopy and then to analyze precise area by X-ray spectrometry is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no transmission electron microscope with an X-ray spectrometer which is being manufactured in the United States.

We, therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1946 Filed 2–9–72;8:50 am]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00543–07–30650. Applicant: University of Washington, Seattle, Wash. 98105. Article: Meat separator. Manufacturer: Yanagiya Machinery Works, Inc., Japan.

Intended use of article: The article will be used for the research purpose of deboning fishery products prior to preparation of prepared foods such as fish sausage and fish protein concentrate. Educational purposes include food science courses, and advanced unit operations and processes in food engineering.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a complete and simple device which can debone fish without prior grinding of the whole fish. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1971, that the characteristics described above are pertinent to the purpose for which the foreign article is intended to be used. HEW also advises that it knows of no scientifically equivalent domestic instrument.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1947 Filed 2–9–72;8:50 am]

VETERANS ADMINISTRATION HOSPITAL, NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00582–33–46500. Applicant: Veterans Administration Hospital, 4101 Woolworth Avenue, Omaha, NE 68105. Article: Ultramicrotome, Model OmU3. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used for several projects involving tissues and mitochondrial suspensions of differing origin. These include rat liver, kidney, pancreas, adrenal, and thyroid. Mitochondrial suspensions from in vitro experiments will also be used.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being

sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 8, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicants research studies involving serial sectioning for high resolution electron microscopy of soft specimens, including mitochondrial suspensions and tissue with massive accumulation of lipid. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00149–33–46500 which conforms in many particulars with the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1948 Filed 2–9–72;8:50 am]

VETERANS ADMINISTRATION HOSPITAL, CALIF.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00546–33–41400. Applicant: Veterans Administration Hospital, San Francisco, Calif. 94121. Article: SI-RO-KEEN microtome knife sharpener. Manufacturer: Peter T. Lawson, Scientific Instruments, Australia.

Intended use of article: The article will be used to sharpen the microtome knives for use in the applicant's paraffin and colloidin neurohistology laboratory. Studies concern nervous system diseases and autopsy and biopsy material.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for a setting box with precise optical orientation of the knife angle prior to honing. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971, that the capability described above is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no comparable domestic instrument or apparatus being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[FR Doc.72–1949 Filed 2–9–72;8:50 am]

WASHINGTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article 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 decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00593–00–46040. Applicant: Washington University, 660 South Euclid, St. Louis, MO 63110. Article: Siemens image intensifier, No. M311191–A1–A20. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing Elmiskop 101 electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

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

[FR Doc.72–1950 Filed 2–9–72;8:51 am]

UNIVERSITY OF MINNESOTA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72–00242–01–11000. Applicant: University of Minnesota, Institute of Agriculture, Minneapolis, Minn. 55455. Article: LKB Combined Gas Chromatograph—Single focusing mass spectrometer. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used in the following research projects:

1. Biosynthesis studies and identification of mycotoxins.

2. Terpene degradation and biosynthesis in bacteria.

3. Production and turnover rates of hormones in intact humans.

4. Identification of bile acids and their sterospecific configuration and identification of terminal glycosyl moieties.

5. Control mechanisms regulating the metabolic formation of naphtheleneacyl asparatic acid.

In addition the article will be used in the training of graduate students in modern methods of chemical analyses. Application received by Commissioner of Customs: November 22, 1971.

Docket No. 72-00199-33-46040. Applicant: The University of Chicago, Department of Biophysics, 5640 South Ellis Avenue, Chicago, IL 60637. Article: Electron microscope, HU-12. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of Article: The article is intended to be used in a two phase project which consists of the following:

1. Design, construction and study of performance of modifications to a conventional electron microscope which is intended to result in a new and powerful tool for biological investigations.

2. Biological research, particularly the study of unstained macromolecules and ribosomes with regard to protein synthesis.

The article will also be used in the education of students either in course work or in thesis research projects. Application received by Commissioner of Customs: October 21, 1971.

Docket No. 72-00205-00-46000. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Counting chamber. Manufacturer: Hawskley and Sons, Ltd., United Kingdom. Intended use of Article: The article is an accessory for an existing standard microscope. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00246-91-4604. Applicant: University of Washington, Quarternary Research Center, Seattle, Wash. 98195. Article: Electron microscope, JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article is intended for morphological and developmental studies of micro-organisms, organs (including pollen), and microfossils. The article will also be utilized for the training of graduate students (including technically oriented students) to provide an indispensible tool in studying ultrastructural development of pollen and other organelles. Application received by Commissioner of Customs: November 22, 1971.

Docket No. 72-00219-80-84300. Applicant: Drexel University, 32d. and Chestnut Streets, Philadelphia, Pa. 19104. Article: Wind Tunnel. Manufacturer: Armfield Engineering Limited, United Kingdom. Intended use of article: The article is intended to be used in the course E105 Chemical Engineering Thermodynamics for experimental demonstration of the following compressible-flow phenomena:

1. Relation between frictional losses and Reynold's number.

2. Effect of sudden enlargement on total mechanical energy of gas stream.

3. Measurement of gas flow rates by means of orifice plates.

4. "Choked" flow in convergent-divergent nozzle.

5. Flow demonstrations of convergent nozzles.

Application received by Commissioner of Customs: November 4, 1971.

Docket No. 72-00223-33-46040. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to study the central nervous system of both vertebrates and invertebrates in relation to understanding nervous function. In addition the article will be used to train scientists in the research techniques of ultrastructure. Application received by Commissioner of Customs: November 9, 1971.

Docket No. 72-00221-75-44500. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Research Micro-metallograph. Manufacturer: E. Leitz, Inc., West Germany. Intended use of article: The article is intended to be used to examine highly radioactive experimental fuel materials for nuclear reactors. The usual fuel materials being examined will consist of long slim cylinders of uranium and plutonium contained in a tubular jacket of stainless steel. Typical metallographic samples will consist of short cross-sections of the fuel or tubing suitably mounted and polished. Application received by Commissioner of Customs: November 4, 1971.

Docket No. 72-00220-00-11000. Applicant: Rockland State Hospital, Research Center, Orangeburg, N.Y. 10962. Article: Mid peak matcher, LKB 9060. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory for an existing mass spectrometer. Application received by Commissioner of Customs: November 4, 1971.

Docket No. 72-00218-33-46040. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, CT 06115. Article: Electron microscope, EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in experiments consisting of observation, recording and photographing of renal ultrastructure and a wide variety of pathologic states including lipoid nephrosis, post Streptococcus glomerulonephritis, collagen vascular diseases, idiopathic membranous glomerulonephritis, juvenile and adult nephrotic syndrome, and clinical and subclinical diabetes mellitus. The article will also be used for the training of residents in pathology. Application received by Commissioner of Customs: November 4, 1971.

Docket No. 72-00217-33-46500. Applicant: Huntington Institute of Applied Medical Research, 734 Fairmount Avenue, Pasadena, CA 91105. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section mammalian normal and pathological tissues collected from experimental animals previously injected with radioisotopes or electron dense markers. These sections will be investigated to (a) characterize certain barrier systems in the central nervous system, (b) determine sites of elaboration and egress of the cerebrospinal fluid, and (c) assess junctional transport of solutes in normal and pathological preparations. Application received by Commissioner of Customs: November 3, 1971.

Docket No. 72-00216-33-07700. Applicant: University of Iowa Department of Zoology, Iowa City, Iowa 52240. Article: Oscilloscope Camera. Manufacturer: Tonnies Laboratorium for Elektrophysik, West Germany. Intended use of article: The article is intended to be used in the study of neuronal aspects of behavior in insects, specifically the activity of motor neurons innervating muscles controlling locomotion. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00215-99-77040. Applicant: Columbia University Department of Chemistry, Box 666 Havemeyer Hall, New York, NY 10027. Article: Mass spectrometer, JMS-07. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is to be used in the course "Chemistry G9307 x and y—Research for the doctorate" to teach students how to conduct research in such fields as organic chemistry, bioorganic and biophysical chemistry and inorganic chemistry as well as how to use and operate the complex instrumentation used in the various areas of modern chemistry. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00214-33-46500. Applicant: Stanford University, 820 Quarry Road, Palo Alto, CA 94304. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The ultramicrotome is to be used to cut ultrathin sections of mammalian (excluding human) tissue culture cells for the study of their cell membranes. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00213-00-46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Electro magnetic shutter with exposure meter. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory for an existing electron microscope. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00212-33-46000. Applicant: Washington University, Ophthalmology Department, 660 South Euclid, St. Louis, MO 63110. Article: Biovert microscope. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used

in the study of living slices of retinas. In particular the osmotic properties of the photoreceptors will be investigated by sequentially photographing and studying their volume changes in the face of various artificial solutions, noxious agents, etc. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00211-33-46070. Applicant: Medical University of South Carolina, Pathology Department, 80 Barre Street, Charleston, SC 29401. Article: Scanning electron microscope, SSM-2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as a research tool by undergraduate students, graduate students, MD's and Ph.D.,s and technicians interested in experimental and morphological data. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00210-00-66700. Applicant: Jacksonville Children's Museum, 1025 Gulf Life Drive, Jacksonville, FL 32207. Article: Planatarium projector, MS-10. Manufacturer: Minnolta, Japan. Intended use of article: The article will be used to demonstrate astronomical phenomena and also allow student participation and involvement in several high school and college courses such as astronomy and physical sciences. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00209-00-46040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Large angle goniometer hot stage. Manufacturer: Japan Electron Optics Laboratory Co. Ltd., Japan. Intended use of article: The article is an accessory for an existing electron microscope. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00208-01-01100. Applicant: Washington State Department of Agriculture, Post Office Box 128, Olympia, WA 98504. Article: Semi-automatic falling number apparatus, Type HA No. 293 and accessories. Manufacturer: Falling Number AB, Sweden. Intended use of article: The article will be used to measure the ability of aplha-amylase to liquify a starch gel in wheat by falling number, defined as the time in seconds for the stirrer to fall a measured distance through a hot aqueous flour gel undergoing liquefaction. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00207-00-46040. Applicant: The Neurophyschiatric Institute at UCLA, Department of Mental Hygiene, 760 Westwood Plaza, Los Angeles, CA 90024. Article: Accessories for an Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are accessories for an existing electron microscope. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00206-33-46040. Applicant: University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Electron microscope, HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in studies of the vascular endothelium, supporting connective tissue cells and their product, and parenchymal cells of normal, inflammatory and neoplastic tissue. Quantitative comparison of the responses of a number of normal and malignant organs are to be made following a variety of single and multiple X-ray exposures and various courses of therapeutic chemicals used separately or in combination. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00204-00-00520. Applicant: State University of New York, Accelerator Laboratories, 1400 Washington Avenue, Albany, NY 12203. Article: Target Housing for Accelerator. Manufacturer: Nukem, West Germany. Intended use of article: The article will be used with an accelerator for research in nuclear physics. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00203-33-46595. Applicant: Emory University, 954 Gatewood Road NE., Atlanta, GA 30322. Article: Microtome, Model LKB 11800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to trim tissue blocks and cut thick sections for light microscope examination for orientation for electron microscopy. Experimental animal tissue specimens will be evaluated to determine the ultrastructural changes produced by, or associated with various experimental manipulations. Ultrastructural characteristics of tissues from some spontaneous diseases (tumors, virus infections) will also be studied. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00200-33-46040. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD. Intended use of article: The article will be used in high magnification, high resolution electron microscopy studies of insect viruses and their ultrastructure, as well as the ultrastructure of viral infected and uninfected tissues insects. The article is also intended to be used for the instruction of graduate students studying insect virology and will be used in the laboratory in Entomology 613, Principles of Insect Pathology. Application received by Commissioner of Customs: October 21, 1971.

Docket No. 72-00201-00-46040. Applicant: Washington University, Ophthalmology Department, 660 South Euclid Avenue, St. Louis, MO 63110. Article: Universal camera (Cassette) and magazine plus extra film holders and light tight boxes. Manufacturer: Siemens AG, West Germany. Intended use of Article: The articles are accessories to an existing electron microscope. Application received by Commissioner of Customs: October 21, 1971.

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

[FR Doc.72-1913 Filed 2-9-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-403; NADA No. 10-979V]

ABBOTT LABORATORIES

Drug Containing Erythromycin Thiocyanate and Arsanilic Acid; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of June 20, 1970 (35 F.R. 10163, DESI 10979V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Gallimycin-TF, NADA (new animal drug application) No. 10-979V marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

Abbott Laboratories responded to the announcement by requesting that approval of NADA No. 10-979V be withdrawn.

Based on the grounds set forth in the announcement and the firm's response, the Commissioner of Food and Drugs concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 10-979V, including all amendments and supplements thereto, is withdrawn effective on the date of publication of this document.

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-1952 Filed 2-9-72;8:51 am]

MORTON INTERNATIONAL, INC.

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), Morton International, Inc., 110 North Wacker Drive, Chicago,

Ill. 60606, has withdrawn its petition (FAP 1A2688), notice of which was published in the FEDERAL REGISTER of June 22, 1971 (36 F.R. 11875), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of glycine as a flavor-masking agent for saccharin in sugar substitutes for table use.

Dated: January 27, 1972.

VIRGIL O. WODICKA,
Director,
Bureau of Foods.

[FR Doc.72-1962 Filed 2-9-72;8:52 am]

[Docket No. FDC-D-269; various NDAs]

REXALL DRUG CO.

New-Drug Application; Notice of Withdrawal of Approval

A notice of opportunity for hearing was published in the FEDERAL REGISTER of January 13, 1971 (36 F.R. 454), on a proposal to issue an order under the provision of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of new-drug application No. 9-430 and all amendments and supplements thereto held by Rexall Drug Co., 3901 North Kingshighway, St. Louis, Missouri 63115, for the drug R.D. Reserpine Tablets.

Rexall Drug Co. filed a letter requesting an extension of the time permitted to request a hearing and requested further information on the new-drug application. Subsequently, the firm filed a letter stating they had not distributed reserpine tablets under NDA 9-430 for a number of years, were voluntarily recalling the application and thereby waived opportunity for a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), approval of new-drug application No. 9-430, including all amendments and supplements thereto, is hereby withdrawn on the grounds that the applicant has failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35).

This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-1961 Filed 2-9-72;8:52 am]

[DESI 8530; Docket No. FDC-D-141; NDA Nos. 10-613 and 8-530]

WINTHROP PRODUCTS, INC., AND WINTHROP LABORATORIES

Alevaire; Notice of Reconsideration of Requests for Hearing

On September 11, 1971, there was published in the FEDERAL REGISTER (36 F.R. 18336) a final order denying requests for hearing and withdrawing approvals of new-drug applications Nos. 10-613 and 8-530 on the grounds that there is a lack of substantial evidence that the drug, Alevaire, is effective for its recommended uses.

After preparation of the order, but prior to its publication in the FEDERAL REGISTER, additional data in support of requests for hearing were submitted to the Food and Drug Administration. Due to inadvertence, these data were not considered prior to publication of the final order.

Sterling Drug, Inc., Winthrop Products, Inc., and Breon Laboratories, Inc. petitioned for judicial review of the order in the U.S. Court of Appeals for the Second Circuit. On January 11, 1972, the court, upon application of the Secretary of Health, Education, and Welfare and the Commissioner of Food and Drugs, set aside the order and remanded the proceedings to the Food and Drug Administration for reconsideration of the requests for hearing in light of the data not considered.

Therefore, the Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (f) and (h), 52 Stat. 1052, as amended; 21 U.S.C. 355 (f) and (h)) and under authority delegated to him (21 CFR 2.120), hereby gives notice that the order denying a hearing and withdrawing approvals of new-drug applications for Alevaire is set aside to allow reconsideration of the requests for hearing and approvals of such applications are reinstated.

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-1963 Filed 2-9-72;8:52 am]

[Docket No. FDC-D-416; NDA No. 6-813]

CARAMIPHEN HYDROCHLORIDE

Certain Antiparkinson Drug; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 6813) published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13601) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug is regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 6-813; Panparnit Tablets containing 12.5 or 50 milligrams caramiphen hydrochloride; Geigy Chemical Corp., Saw Mill River Road, Ardsley, N.Y. 10502.

Therefore, notice is given to Geigy Chemical Corp., and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

It such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the applications and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact

precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970.)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–1999 Filed 2–9–72;8:53 am]

[DESI 11498; Docket No. FDC–D–427; NDA No. 11–498]

CIBA PHARMACEUTICAL CO.

Domiphen Bromide-Benzocaine Lozenges; Notice of Withdrawal of Approval of New Drug Application

In an announcement (DESI 11498) published in the FEDERAL REGISTER on March 28, 1970 (35 F.R. 5278), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Bradosol Lozenges (NDA 11–498) containing domiphen bromide and benzocaine; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901. The announcement stated that there is a lack of substantial evidence that the drug will have the effects it purports or is represented to have under the conditions of use recommended in its labeling.

Ciba Pharmaceutical Co., holder of NDA 11–498 Bradosol Lozenges has requested withdrawal of approval of their new drug application and thereby waived their opportunity for a hearing, stating that marketing of the drug was discontinued in January 1970.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120) finds on the basis of new information before him with respect to the drug evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing findings, approval of the above-listed new drug application and all amendments and supplements applying thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER.

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2000 Filed 2–9–72;8:53 am]

[Docket No. FDC–D–419; NDA No. 6–969]

ENDO LABORATORIES, INC.

Arsthinol Tablets; Notice of Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of May 22, 1971 (36 F.R. 9342), the Commissioner announced (DESI 6969) his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drug for oral use:

NDA 6–969; Balarsen Tablets containing arsthinol; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, N.Y. 11533.

The announcement stated that the drug was regarded as possibly effective for the labeled indications. Six months from the date of that publication were allowed for the holder of the application and any person marketing such drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drug. No such data have been received and the holder of said new drug application has stated that marketing of the drug was discontinued in 1966, requested withdrawal of approval of the application and thereby has waived opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above-listed new drug application (NDA 6–969), and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER.

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2001 Filed 2–9–72;8:53 am]

[DESI 4]

HYDROXYAMPHETAMINE HYDROBROMIDE

Mydriatic Drug; Drugs for Human Use; Drug Efficacy Study Implementation; Follow-up Notice

In a notice [DESI 4] published in the FEDERAL REGISTER of June 23, 1970 (35 F.R. 10237), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning Paredrine (hydroxyamphetamine hydrobromide) 1 percent with Boric Acid ophthalmic solution; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 0–004). The announcement stated that this drug was regarded as effective for use in the production of mydriasis; and possibly effective when used adjunctively to help induce a rapid and satisfactory cycloplegia.

The indication for which the drug was regarded as possibly effective was allowed to be used for 6 months following the publication date (June 30, 1970) of the announcement to allow additional time for submission of data supporting the efficacy of the drug for this indication.

The time for submission of additional evidence has expired, and no additional evidence has been submitted in support of the possibly effective indication. Smith Kline and French Laboratories has supplemented their new drug application to delete any indication other than the effective indication.

Accordingly, the Commissioner of Food and Drugs finds that there is a lack of substantial evidence that hydroxyamphetamine hydrobromide is effective when used adjunctively to help induce a rapid and satisfactory cycloplegia. Therefore, this indication is no longer acceptable in labeling.

Any such preparation on the market with labeling bearing indications for which substantial evidence of effectiveness is lacking may be subject to regulatory proceedings.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2003 Filed 2–9–72;8:54 am]

[Docket No. FDC–D–342; NDA 12–663]

WYETH LABORATORIES

Spartase Tablets; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of July 23, 1971 (36 F.R. 13698),

extending to Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 12-663 for Spartase Tablets (potassium and magnesium aspartates). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 12-663 and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER.

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2002 Filed 2-9-72;8:53 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-253]

GULF ENERGY & ENVIRONMENTAL SYSTEMS CO.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 5 to Facility License No. R-105 dated March 7, 1967. The license presently authorizes Gulf Energy & Environmental Systems Co. to possess, use and operate the Accelerator Pulsed Fast Critical Assembly (APFA-III) located at the Torrey Pines Mesa site near San Diego, Calif. The amendment extends the expiration date to January 31, 1974.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. 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 health and safety of the public. The Commission has also found that prior public notice of this amendment is not required since the amendment does not present significant hazards considerations different from those previously evaluated.

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 15, 1971, and (2) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of the amendment may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-1996 Filed 2-9-72;8:53 am]

[Docket No. 50-192]

UNIVERSITY OF TEXAS

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. R-92 dated February 20, 1968. The license authorizes The University of Texas to possess, use and operate a TRIGA Mark I nuclear reactor located on the University's campus at Austin, Tex., at power levels up to 250 kilowatts (thermal). The amendment extends the expiration date of the license from February 12, 1972, to February 12, 1976, in accordance with the University's application dated January 11, 1972.

The Commission has found that the application for the amendment dated January 11, 1972, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations 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. The Commission has also found that prior public notice of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within 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 January 11, 1972, and (2) the amendment to the facility license, both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, DC 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-1915 Filed 2-9-72;8:47 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Setting Dates for Further Sessions of Evidentiary Hearings

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), Docket No. 50-271.

At an evidentiary session of hearings convened on January 31 and February 1, 1972, consideration was given to requests by Applicant for further sessions of hearings. Applicant requested two sessions each of 2 weeks duration in March and April. After a consideration of schedules, the Atomic Safety and Licensing Board has granted the request of Applicant by providing for two sessions of 1 week each, contemplating more than the usual hours of hearing for each day's session. In addition, Applicant requested that a

date be determined on or before which Intervenors who propose to adduce direct evidence shall submit their proposed evidence in written form prior to the second session of hearings

Wherefore: *It is ordered,* In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, as follows:

(1) An evidentiary session of hearing shall convene at 2:30 p.m. on Monday, March 13, 1972, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT, and shall continue through Saturday, March 18, 1972.

(2) An evidentiary session of hearing shall convene at 2:30 p.m. on Monday, April 10, 1972, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT, and shall continue through Saturday, April 15, 1972.

(3) Intervenors planning to adduce direct evidence in this proceeding in support of their contentions shall prepare such proposed evidence in written form and shall mail in time to be received by other parties to this proceeding on or before April 3, 1972.

Issued: February 3, 1972, Germantown, Md.

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

[FR Doc.72-1916 Filed 2-9-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 72-2-9]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding to Specific Commodity Rates

Issued under delegated authority February 3, 1972.

Agreement adopted by Traffic Conference 3 of the International Air Transport Association relating to specific commodity rates Docket 20993, Agreement CAB 22332, R-51 and R-52.

By Order 72-1-31, dated January 12, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 72-1-31 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-51 and R-52, be and hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *And provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2009 Filed 2-9-72;8:47 am]

[Dockets Nos. 24157, 22975; Order 72-2-19]

OVERSEAS NATIONAL AIRWAYS, INC. AND SOUTHERN AIR TRANSPORT, INC.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1972.

Cargo charter charges proposed or in effect by Overseas National Airways, Inc., Southern Air Transport, Inc., Docket 24157, cargo charter charges from Atlanta to Detroit proposed by Overseas National Airways, Inc., Docket 22975.

By tariff revision filed January 3, and marked to become effective February 5, 1972, Overseas National Airways, Inc. (ONA), proposes to establish point-to-point, one-way directional cargo charter charges, separately in each direction, for DC-9 aircraft between Miami, on the one hand, and points in the Bahamas, Haiti, Puerto Rico, Jamaica, and the Virgin Islands, on the other.

A complaint has been filed by Airlift International, Inc. (Airlift), requesting investigation and suspension of the proposed charges between San Juan and Miami. The charges of $1,400 from San Juan to Miami are lower than those from Miami to San Juan and are applicable to flights commencing on Monday through Friday between the hours of 11 a.m. and 8 p.m. Charges of $1,200 are proposed from San Juan to Miami applicable to flights commencing between the hours of 8:01 p.m. and 10:59 a.m. on Monday through Friday and all times on Saturday and Sunday. These point-to-point northbound charter charges result in sharp reductions below the current live and ferry charter rates and result in yields of $1.34 and $1.15 per charter plane mile compared with the cargo charter rate per mile of $2.05 live or ferry which is otherwise applicable for ONA.

The complaint asserts that (1) the San Juan to Miami rates are uneconomic in that they do not cover direct operating expenses, much less the fully allocated costs of the service provided, (2) it is anomalous to establish jet aircraft rates at same levels as for piston and turboprop aircraft, (3) traffic currently moving in Airlift's and other scheduled service in the San Juan to Miami market will be jeopardized, and ONA should not be permitted to divert substantial traffic from the subordinate leg of a market distinguished by a sharp imbalance of traffic flow, and (4) the net effect of this proposal will be the complete undermining of the San Juan-Miami rate structure and seriously inhibit the continuation of scheduled all-cargo service now being provided.

In justification of its proposal and in answer to the complaint, ONA asserts, among other things, that (1) the proposed charges are to meet the competition of Southern Air Transport (SAT) in this market, and equate on a rate-per-pound basis to SAT's rates, (2) ONA's current charges are too high and result in inefficient utilization of DC-9 aircraft, since much of the air eligible cargo which the proposed charges have the potential to attract is presently moving by surface transport, (3) the lift capacities of the competitive DC-6 and L-100 aircraft are sufficiently close to that of a DC-9 to make these three aircraft types equally appealing to charterers, (4) the proposal is aimed at attracting planeload traffic and will not divert individually waybilled air freight, and (5) the proposed charges are promotional in that they are aimed at traffic currently moving by water and they have been constructed to develop northbound traffic in order to help correct a serious directional imbalance.

The proposed charter charges would be below ONA's experienced costs. On the basis of ONA's reports to the Board, fully allocated costs for its DC-9 aircraft are estimated as $1.54 per revenue aircraft mile for the first three quarters of 1971. The resultant one-way yields of the proposed charges of $1.34 and $1.15 would be 13 and 25 percent below the total aircraft operating expenses for DC-9 aircraft.

As indicated, the plane-mile yield from this proposed charge would be significantly below that of the plane-mile charter rate for ONA. The yield would also be below the DC-9 charter rates currently in effect for other carriers. While ONA asserts that the northbound charges will enable it to balance out its southbound Miami to San Juan traffic, a significant issue still remains as to the lawfulness of the proposed charges in this market.

The Board notes ONA's assertion that the instant proposal is similar to currently effective cargo charter charges for DC-6 and L-100 aircraft of SAT in these same markets. These currently effective charter charges with yields ranging as low as $1.20 per mile present questions of lawfulness similar to those raised by the instant proposal and will be investigated. In view of the fact that the SAT rates are now in effect, we will deny the request for suspension of the ONA proposal.

Therefore, the Board finds that ONA's currently proposed charter charges, as well as those presently in effect for SAT between Miami and San Juan, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. In view of the similarities of the issues, we shall consolidate this investigation with the investigations instituted in Docket 22975.[1] Although we shall not direct expedition of that investigation, we intend to proceed as soon as practicable in the light of other matters pending before the Board.

[1] Order 71-1-11 dated Jan. 5, 1971, and Order 71-3-124 dated Mar. 22, 1971, Instituting investigations of Cargo Charter Rates proposed by ONA.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the cargo charter charges from Miami, Fla., to San Juan, P.R., on First Revised Page 13 and from San Juan, P.R., to Miami, Fla., on First Revised Page 14 of Tariff CAB No. 148 issued by Overseas National Airways, Inc., and the cargo charter charges from Miami, Fla., to San Juan, P.R., and from San Juan, P.R., to Miami, Fla., on First Revised Page 25 and from Miami, Fla., to San Juan, P.R., and from San Juan, P.R., to Miami, Fla., on First Revised Page 30 of Tariff CAB No. 2 issued by Southern Air Transport, Inc., including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. The foregoing investigation be consolidated in the investigation instituted in Docket 22975;

3. The complaint of Airlift International, Inc., in Docket 24157, is dismissed, except to the extent granted herein; and

4. Copies of this order shall be served upon Overseas National Airways, Inc., Airlift International, Inc., Southern Air Transport Inc., and upon all other parties of record in Docket 22975.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2010 Filed 2-9-72; 8:47 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, January 24–January 28, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

FOREST SERVICE

Draft, January 19

Poverty Creek Unit, Blacksburg Ranger District, Jefferson National Forest, Montgomery County, Va. Management plan, including primary use for environmental learning, improvement of creek and timber management. (ELR Order No. 1645, 105 pages) (NTIS Order No. PB-205 931-D)

Draft, January 21

Federal-State cooperative spruce budworm suppression project—1972, Aroostook and Penobscot Counties, Maine. Chemical treatment of 500,000 acres of State and private commercial woodland with Zectran. (ELR Order No. 1683, 84 pages) (NTIS Order No. PB-206 057-D)

ATOMIC ENGERY COMMISSION

Contact: For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545, (202) 973-5391.

For regulatory matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973-7531.

Draft, January 14

Solid radioactive waste volume reduction facility, Los Alamos Scientific Laboratory, Los Alamos County, N. Mex. Construction and operation of the facility as part of an experimental program to develop safe and effective sorting, compaction and incineration procedures for low-level plutonium contaminated wastes. (ELR Order No. 1620, 42 pages) (NTIS Order No. PB-206 080-D)

Draft, January 25

Rocky Flats plant, Boulder County, Colo., acquisition of 4,640 acres. (ELR Order No. 1688, 21 pages) (NTIS Order No. PB-206 081-D)

Wagon wheel gas stimulation experimental project, Sublette County, Wyo. Sequential detonation of five 100-kiloton nuclear explosives 9,000-12,750 feet below the surface in a natural gas bearing geologic formation to gather data on the feasibility of using nuclear explosions to stimulate natural gas production from low-permeability reservoirs. Will cause ground motion and resultant architectural damage, release radioactivity to the atmosphere and entrap in the natural gas formation radioactive materials at or near the points at which the nuclear explosives are detonated. (ELR Order No. 1689, 50 pages) (NTIS Order No. PB-206 082-D)

Radioactive waste evaporator and auxiliaries, Richland, Wash. Addition of a large-scale radioactive waste evaporator and auxiliaries to the smaller evaporators at the AEC Hanford Plant, doubling the evaporative capacity of the system and accelerating reduction of the liquid wastes stored in underground steel-lined tanks to a solid cake form. (ELR Order No. 1690, 64 pages) (NTIS Order No. PB-206 083-D)

Contaminated soil removal facility, Richland, Wash. A part of the waste disposal system at the AEC Hanford plant. Soil containing significant quantities of plutonium will be removed from a covered trench and reprocessed for recovery of the plutonium and ultimate final disposal of the remaining radioactive material. (ELR Order No. 1691, 53 pages) (NTIS Order No. PB-206 084-D)

Final, January 25

Los Alamos Scientific Laboratory, Los Alamos County, N. Mex. Construction to replace existing facility to meet recent requirements to upgrade safety characteristics of buildings and equipment for plutonium operations. R&D activities include plutonium metal, alloys and compounds. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, and State of New Mexico. (ELR Order No. 1687, 50 pages) (NTIS Order No. PB-198 710-F)

Plutonium recovery facility, Rocky Flats Plant, Jefferson County, Colo. Replacement of facility to be used to recover plutonium from scrap generated in operations of plant which fabricates plutonium components for nuclear weapons. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, and State of Colorado. (ELR Order No. 1692, 55 pages) (NTIS Order No. PB-198 762-F)

DEPARTMENT OF DEFENSE

DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, (202) OX 5-2889.

Draft, January 20

Disposition of Orange herbicide (a defoliant) by commercial incineration at Deer Park, Harris County, Tex., and at Sauget, Ill. The empty drums will be decontaminated, crushed, and buried in a landfill pit. Involves discharge of 44.68 million pounds of CO_2 into the atmosphere, and the liquid water-salt effluent from the HCl acid scrubbing action will discharge 12.4 million pounds of NaCl into a public stream. (ELR Order No. 1672, 46 pages) (NTIS Order No. PB-206 061-D)

DEPARTMENT OF THE ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6346.

Draft, January 14

Cleveland Harbor, Ohio. Maintenance of breakwaters and maintenance dredging of 1,125,000 cubic yards of sediment annually, with 55 percent placed in enclosed area and the remainder dumped in Lake Erie. (ELR Order No. 1648, 7 pages) (NTIS Order No. PB-205 930-D)

Draft, January 24

Mullet Key Beach erosion control, Pinellas County, Fla. Nourishment of Beach and fronting protective beach, construction of a 420-foot anchor groin and construction of a 1,150-foot revetment. About 325,000 cubic yards of sand will be dredged, destroying benthic invertebrates and covering those in the beach area (ELR Order No. 1686, 53 pages) (NTIS Order No. PB-206 052-D)

Draft, January 20

Little River Inlet, N.C. and S.C., navigation project, including a 3,200-foot entrance channel, a 9,100-foot inner channel, a 3,200-foot jetty, a 3,000-foot jetty and transition dikes connecting the jetties to the shore. Approximately 1,141,000 cubic yards of sandy material will be dredged; it will be used in building the dikes. (ELR Order No. 1697, 23 pages) (NTIS Order No. PB-206 056-D)

Final, January 21

Wallisville Lake, Trinity River, Chambers and Liberty Counties, Tex. Construction of a low dam, a navigation channel and lock, recreational areas, various ancillary facilities and minor bend easings in the channel. Involves loss of 7,200 acres of estuarine nursery area, destruction of archeological sites and inundation of others. Comments made by USDA, EPA, DOI, six State agencies, Trinity River Authority of Texas, Chambers-Liberty Counties Navigation District, City of Houston, Sierra Club, Environmental Protection Fund, Inc., Citizens' Environmental Coalition, Outdoor Nature Club, Houston Sportsmen's Club, Help Eliminate Pollution, Inc., and interested citizens. (ELR Order No. 1676, 275 pages) (NTIS Order No. PB-206 058-F, $6)

DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350 (202) 697-0892.

Draft, January 19

Relocation of target facilities to Cross Cay, Atlantic Fleet Weapons Range, P.R. To relocate necessitates clearing a shallow draft boat channel, preparing an access roadway, constructing a helicopter landing pad and preparing the target area. (ELR Order No. 1680, 35 pages) (NTIS Order No. PB–206 051–D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, (202) 755–0940.

Draft, January 21

Application for assistance for construction of wastewater facilities, Pittsburg, Camp County, Tex., to include additions to Sparks Branch wastewater treatment plant, construction of a new wastewater treatment plant on Dry Creek and construction of interceptor sewers to the proposed plant. Project WPC–TEX–722. (ELR Order No. 1666, 57 pages) (NTIS Order No. PB–205 921–D)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, (202) 386–6084.

Draft, January 17

Application by Niagara Mohawk Power Corp. for a new license for the Green Island Project No. 13, Albany County, N.Y. Project consists of a forebay downstream and at the west end of the U.S.-owned dam and bulkhead; a powerhouse containing four turbines, each directly connected to a 1,500-kw. generator; and a tailrace channel. (ELR Order No. 1643, 22 pages) (NTIS Order No. PB–206 050–D)

Draft, January 21

El Paso Natural Gas Co., proposed tariff revisions under section 4 of the Natural Gas Act, relative to a natural gas curtailment plan. Establishment of criteria by which curtailments will be effected in the event of a natural gas shortage or insufficient available capacity. Establishment of priorities of service applicable to all El Paso's Southern Division Mainline System customers. Docket No. RP72–6. (ELR Order No. 1677, 140 pages) (NTIS Order No. PB–206 066–D)

Draft, January 26

Application by the Susquehanna Power Co. and Philadelphia Electric Power Co. for amendment of license to provide additional recreational facilities at the constructed Conowingo Project No. 405, Harford and Cecil Counties, Md., and York, Lancaster, Chester, and Montgomery Counties, Pa. (ELR Order No. 1693, 7 pages) (NTIS Order No. PB–206 053–D)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, (202) 343–6077.

Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA–AD, Washington, D.C. 20405, (202) 343–4161.

Draft, January 18

Disposal of the Naval Supply Center, Puget Sound, Seattle Division (Pier 90/91), Seattle, Wash., by negotiated sale of 185.8 acres to the Port of Seattle, by transferring 2.5 acres to the U.S. Postal Service for construction of a postal station and by assigning 4.12 acres to HEW for transfer for use for the area handicapped. (ELR Order No. 1671, 11 pages) (NTIS Order No. PB–205 926–D)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755–6186.

Final, January 20

San Antonio Ranch New Community, Bexar County, Tex. Proposed offer of commitment to guarantee up to $18 million over a 30-year period for development of a new community located on 9,318 acres about 20 miles from downtown San Antonio with an ultimate population of 87,972 residents in 28,676 housing units. Comments made by USDA, Army COE, AEC, EPA, FPC, HUD, DOI, four State offices, Alamo Area Council of Governments, San Antonio River Authority, City of San Antonio, Citizens for a Better Environment, and Sierra Club. (ELR Order No. 1679, 154 pages) (NTIS Order No. PB–202 588–F)

DEPARTMENT OF THE INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

BUREAU OF MINES

Draft, January 24

Synthane coal gasification pilot plant, Bruceton, Allegheny County, Pa., for evaluating the feasibility of commercial conversion of coal to sulfur-free substitute natural gas (SNG). (ELR Order No. 1684, 16 pages) (NTIS Order No. PB–206 048–D)

NATIONAL PARK SERVICE

Draft, January 24

Legislative proposal for designation as wilderness 6,925 acres of Chiricahua National Monument, Cochise County, Ariz. (ELR Order No. 1681, 20 pages) (NTIS Order No. PB–206 055–D)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546, (202) 967–8107.

Final, January 21

Goddard Space Flight Center, Greenbelt, Md. The environmental background by which Goddard was established, the environmental considerations in planning and operating the facilities and the role and mission of the Center as it pertains to the surrounding environment. (ELR Order No. 1673, 47 pages) (NTIS Order No. PB–206 049–F)

DEPARTMENT OF TRANSPORTATION

Contact Martin Convisser,[1] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, D.C. 20590, (202) 462–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, January 18

Medford Municipal Airport, Medford, Grant County, Okla. Acquisition of land for clear zone; construction of runway, taxiway and apron; installation of lighting, beacon, wind cone and fencing. (ELR Order No. 1669, 18 pages) (NTIS Order No. PB–205 924–D)

John F. Kennedy Memorial Airport, Ashland, Wis. Extension of runway, acquisition of land for development and clear zones, burial of powerline, installation of lights and perimeter fencing to accommodate general aviation turbojet aircraft. (ELR Order No. 1670, 19 pages) (NTIS Order No. PB–205 925–D)

Final, January 19

Fleming-Mason Airport, Flemingsburg, Ky. Land acquisition, construction, and lighting of runway and taxiway, and construction of turnaround, apron and entrance road to provide a 24-hour landing capability. Comments made by USDA, Kentucky, Program Development Office, and Buffalo Trace Area Development District. (ELR Order No. 1663, 14 pages) (NTIS Order No. PB–203 604–F)

Dillingham Airport, Dillingham, Alaska. Land acquisition, extending and widening runway, constructing an apron and base course, resurfacing of runway, installing a new lighting system and relocating a road. Comments made by Army COE, DOC, EPA, HEW, and DOI. (ELR Order No. 1664, 25 pages) (NTIS Order No. PB–201 523–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, January 18.

S.H.–40: Pennington County, S. Dak. Grading and surfacing from 1 mile east of Scenic southeast to county line 30 miles). 4(f) determination required for traversing the Bad Lands National Monument. Project S 1041 CN 52932, 52928, and 52939. (ELR Order No. 1646, 22 pages) (NTIS Order No. PB–205 927–D)

Draft, January 17.

KY.–10: Mason County, Ky. Upgrading from Fernleaf east to U.S.–68 (5.5 miles). Will displace seven families and one business. (ELR Order No. 1647, 8 pages) (NTIS Order No. PB–205 928–D)

Draft, January 18.

FAP–95, Gastineau Channel bridge: Juneau, Alaska. Construction of bridge to Douglas Island (0.5–1.0 mile). (ELR Order No. 1649, 39 pages) (NTIS Order No. PB–205 955–D)

Draft, January 19.

F.A. Route 7 Spur, Franklin Street Connector: Chicago, Ill. Construction from the Dan Ryan and Stevenson Expressway interchange to Lower Wacker Drive (ELR Order No. 1657, 31 pages) (NTIS Order No. PB–205 933–D)

Draft, January 13.

S.R.–107: Jefferson County, Ind. Widening from intersection with old U.S.–421 to intersection with S.R.–62 (2.86 miles). (ELR Order No. 1665, 21 pages) (NTIS Order No. PB–205 922–D)

Draft, January 20.

TH–23 and TH–274: Lyon, Yellow Medicine, Renville, and Chippewa Counties, Minn. Improvement and rerouting of TH–23, bypassing Cottonwood, Hanley Falls, Maynard, and Clara City (32.8 miles). A 0.5-mile section of TH–274 will connect with TH–23. Requires removal of four homes, a town hall, and several other buildings and involves severance of farmsteads. Projects F 023–1, F 023–2, S 4025; 4203, 8701, 6505, 1204, 1205, and 8714. (ELR Order No. 1667, 22 pages) (NTIS Order No. PB–205 929–D)

Junction City-Eugene Highway, Santa Clara-Eugene Section: Lane County, Oreg. Improvement to four lanes (3 miles). Will displace two family units and four businesses. (ELR Order No. 1668, 13 pages) (NTIS Order No. PB–205 923–D)

Draft, January 21

West Seattle Freeway, 36 Avenue SW. to I–5: Seattle, Wash. Construction of a limited access highway in the Spokane Street corridor, including a bridge over the Duwamish River (3.2 miles). Will displace 20 families and 50 businesses. (ELR Order No. 1674, 300 pages) (NTIS Order No. PB–206 086–D)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Codington County, S. Dak. Construction of two-lane facility beginning 4.75 miles east of Wallace east 3.5 miles and then northeast 3.5 miles to intersection with U.S.–81 and S.H.–20. Probable designation as S.H.–20. Project SA 9963. 4(f) determination required for use of 2.4 acres of U.S. Fish and Wildlife area. (ELR Order No. 1675, 17 pages) (NTIS Order No. PB–206 085–D)

Draft, January 18

FA Route 412 Corridor: Winnebago, Ogle, Lee, Bureau, La Salle, De Kalb, McLean, Woodford, Livingston, and Marshall Counties, Ill. Construction of four-lane freeway from near Rockford to a point just south of Bloomington (130 miles). 4(f) determination required for use of parks and forest preserve lands. (ELR Order No. 1678, 190 pages) (NTIS Order No. PB–206 059–D)

Draft, January 24

I–80, Brownson Interchange; I–80, West Sidney Interchange; Brownson connecting link road; and West Sidney connecting link road, Cheyenne County, Nebr. The first two projects, construction from Brownson to Sidney (10.68 miles); the third, construction from I–80 interchange southwest of Brownson northeast to U.S.–30/Ordville Spur Road intersection (1.69 miles); and the fourth, construction from I–80 interchange 2 miles southwest of Sidney north to U.S.–30 intersection (1.68 miles). Projects I–80–1 (11) and (12), S–259(4), and S–620–A. (ELR Order No. 1685, 16 pages) (NTIS Order No. PB–206 065–D)

Illinois Route 23: La Salle County, Ill. Widening and partial relocation, including widening bridge and replacing four others, from Livingston Road in Streator to the west limits of Cornell (12.1 miles). Involves displacement of 17 families, six farm units, and two businesses. (ELR Order No. 1694, 15 pages) (NTIS Order No. PB–206 060–D)

Draft, January 25

U.S.–87 (designated I–27): Lubbock and Hale Counties, Tex. Construction from 1.5 miles north of Monroe Overpass in Lubbock County to 0.2 mile northeast of the north city limits of Hale Center (25 miles). Involves taking of 10 homes and one business. (ELR Order No. 1695, 9 pages) (NTIS Order No. 206 082–D)

Supplement to draft (Aug. 26), 4(f) information relating to 1 acre of land abutting Talcottville Pond and a length of the Tankerhoosen River. I–86, Manchester, South Windsor, and Vernon, Conn. Project I–86–1(31)8, 76–89. (ELR Order No. 1696, 12 pages) (NTIS Order No. PB–202 182–D)

Draft, January 24

SH–288: Brazoria County, Tex. Construction on new location from north of Angleton to S.H.–332 in Lake Jackson and along S.H.–332 from Oyster Creek Drive to S.H.–288 in Clute (20 miles). Involves taking of 21 single-family residences, two two-family duplexes, and four mobile homes. Special efforts will be made regarding an inactive bald eagle nest. 4(f) determination required for use of 30 acres of proposed T. J. Dunbar (formerly Thumb) Park. (ELR Order No. 1698, 23 pages) (NTIS Order No. PB–206 064–D)

Final, January 19

S.H.–101: Mendocino County, Calif. Widening highway from two to four lanes on new location between Sonoma County line and Hopland Overhead (8.9 miles). Project 01–Men–101–0.0/8.9 (F–001). Comments made by EPA, HEW, DOI, DOT, three State agencies, University of California, and the Northcoast Environmental Center. (ELR Order No. 1650, 35 pages) (NTIS Order No. PB–199 856–F)

I–80N, West Pendleton interchange: Umatilla County, Oreg. Reconstruction to accommodate the proposed county road that will connect Rieth Road (FAS 470) with the interchange. Project S–578(—). Comments made by Army COE, EPA, DOI, DOT, Oregon State University Research and Extension Center, Oregon Executive Department, and Oregon A–95 review. (ELR Order No. 1651, 19 pages) (NTIS Order No. PB–201 847–F)

U.S.–460, Salyersville-Paintsville Road, Section II: Johnson County, Ky. Widening and realigning highway to connect the Mountain Parkway with the new U.S.–23 at Paintsville (7.5 miles). Project SP 58–97–4L F 75(4). Comments made by DOC, HUD, DOI, DOT, and Kentucky Department of Natural Resources. (ELR Order No. 1652, 32 pages) (NTIS Order No. PB–201 998–F)

S.H.–50: Yankton and Clay Counties, S. Dak. Widening and upgrading between Yankton and Vermillion (24 miles), including three bridges across the Vermillion and James Rivers. Project F 012–3 and F 012–4. Comments made by USDA, Army COE, EPA, DOI, and Vermillion Chamber of Commerce. (ELR Order No. 1653, 17 pages) (NTIS Order No. PB–203 314–F)

Oregon–38, Umpqua Highway: Douglas County, Oreg. Construction of 11 passing bays between Wells Creek and Jack Creek. Comments made by Army COE, EPA, DOI, DOT, Oregon Game Commission, and Umpqua Regional Council of Governments. (ELR Order No. 1654, 22 pages) (NTIS Order No. PB–201 377–F)

Winfield Bypass: Fayette and Marion Counties, Ala. Construction of two-lane bypass (1.93 miles). Project S–1726–A, F–437. Comments made by USDA, Army COE, DOC, DOD, EPA, HUD, DOI, DOT, Alabama Historical Commission, Alabama Development Office, and Alabama Department of Conservation. (ELR Order No. 1655, 51 pages) (NTIS Order No. PB–205 934–F)

U.S.–31: Miami, Fulton, and Marshall Counties, Ind. Widening and upgrading highway, partially on new location, from north of Peru to south of Plymouth (32.5 miles) with the exception of 10.4 miles (from 1 mile south of S.R.–25 to south of S.R.–110). Projects F–85 (27), (29), (23), and (31). Comments made by USDA, EPA, HUD, and DOI. (ELR Order No. 1656, 30 pages) (NTIS Order No. PB–201 230–F)

I–44: Pulaski County, Mo. Replacement of substandard road with dual lane highway (4.7 miles). Project I–44–2 (32). Comments made by USDA, EPA, HUD, DOT, State Clearinghouse, and Lake Ozarks Regional Planning Commission. (ELR Order No. 1658, 21 pages) (NTIS Order No. PB–205 932–F)

S.R.—424 (Edgewater Drive): Orlando, Orange County, Fla. Upgrading from two to four lanes from Par Avenue to Lee Road (1.9 miles). Jobs 75260–1501 and –1502, U.S. 432 (2) and (3). Comments made by EPA, HUD, DOI and Florida. Game and Fresh Water Fish Commission. (ELR Order No. 1659, 33 pages) (NTIS Order No. PB–201 089–F)

LR–18, Section 23T, Harris Place Connection: Williamsport, Lycoming County, Pa. Construction of free access highway between Washington Boulevard and High Street and modification of the Market Street-Hepburn Street-Rural Avenue intersection. Project T–9010(1). Comments made by three State offices. (ELR Order No. 1660, 52 pages) (NTIS Order No. PB–202 139–F)

U.S.–82: Bibb County, Ala. Widening to four-lane divided facility from the Tuscaloosa-Bibb County line to a point about 0.8 mile west of Eoline (5.5 miles). Project F–397(1), S–320–I. Comments made by USDA, DOD, DOI, EPA, HUD, DOT, and Alabama Department of Conservation. (ELR Order No. 1661, 35 pages) (NTIS Order No. PB–201 381–F)

Portion of L.R. 1045 (I–78): Lehigh and Northampton Counties, Pa. Construction of six-lane limited access facility (15.7 miles). Will displace 223 individuals and families and 26 businesses. 4(f) determination required for use of Saucon Park land. Comments made by USDA, Army COE, EPA, DOI, DOT, 13 State offices, Lehigh and Northhampton Conservation Districts and Lehigh-Northampton County Joint Planning Commission. (ELR Order No. 1662, 58 pages) (NTIS Order No. PB–201 994–F)

VETERANS ADMINISTRATION

Contact: William H. Bowen, 001–A, Staff Assistant to the Deputy Administrator, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389–2830.

Draft, January 25

Veterans Administration Hospital, Loma Linda, San Bernardino County, Calif. Construction of a 630-bed hospital to replace the beds destroyed by the February 1971 earthquake at the San Fernando VA Hospital. (ELR Order No. 1682, 6 pages) (NTIS Order No. PB–206 063–D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.72–1750 Filed 2–9–72;8:45 am]

FEDERAL MARITIME COMMISSION

T. J. HANSON, INC., AND BEHRING INTERNATIONAL, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Alan I. Newhouse, president, Behring International, Inc., 1314 Texas Avenue, Houston, TX 77002.

Agreement No. FF 71–12, between T. J. Hanson, Inc. (FMC–192), and Behring International, Inc. (FMC–910), is intended to secure Federal Maritime Commission approval for an agreement whereby T. J. Hanson, Inc. will be merged into and operated as a branch office of Behring International, Inc.

The acquisition of T. J. Hanson, Inc. will not change the present directorship or stock ownership of Behring International, Inc.

Dated: February 3, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–2021 Filed 2–9–72;8:52 am]

HELLENIC LINES, LTD. AND SEATRAIN LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Fermin Mendez, Rate Manager, Seatrain Lines, Inc., Port Seatrain, Weehawken, N.J. 07087.

Agreement No. 9754–2 is a restatement of the basic agreement which covers a through billing arrangement on general cargo from India, Pakistan, East and South Africa to Mayaguez, Ponce and San Juan, P.R., with transshipment at New York, Baltimore, Norfolk, or Charleston. Agreement No. 9754–2 will amend the terms and conditions of the presently approved arrangement by providing that (1) the parties shall establish and file joint through rates on traffic not within the scope of any approved conference agreement to which either or both parties are members; (2) on traffic within the scope of any such conference, the conference rates will apply; (3) the provisions of Article 4(a), with respect to the division of expenses of transshipment, shall apply at all ports where transshipment takes place; and (4) Article 5, the "variance clause," be eliminated.

Dated: February 4, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–2020 Filed 2–9–72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. E–7690]

NEW ENGLAND POWER POOL (NEPOOL) AGREEMENT

Notice of Rate Schedule Changes

JANUARY 26, 1972.

Take notice that on November 12, 1971, the Secretary of the NEPEX Management Committee submitted for filing the NEPOOL Power Pool Agreement,[1] intended to supersede the interim NEPEX Power Exchange Agreement, as amended, filed May 21, 1970. Copies of the NEPOOL agreement have been made available to investor owned, publicly owned and cooperatively owned operating utilities throughout the New England area, as well as to appropriate State regulatory agencies. Correspondence critical of the NEPOOL agreement has been directed to the Secretary of the Commission by the representatives of a number of publicly owned systems within the Commonwealth of Massachusetts.

The new agreement proposes to incorporate revisions in the existing interim NEPEX Power Exchange Agreement, as amended. Among others, these revisions provide for:

(a) An installed generating reserve criterion and the means of allocating the agreed-upon reserves to the participating systems.

(b) An arrangement to spread among the participants the cost of certain pool transmission facilities (PTF).

(c) An agreed basis upon which any individual participant can choose to secure its power supply for load growth from new units installed by other participants.

It is proposed that the agreement will continue in effect until terminated by the parties represented by members of the management committee entitled in the aggregate to cast a number of votes at meetings of the management committee equal to at least 85 percent of the total number of votes to which all members are entitled at such meetings. The NEPEX Management Committee has requested waiver of the Commission's notice requirement to permit an effective date of November 1, 1971, to effectuate the uninterrupted operation of NEPEX and implementation of the NEPOOL agreement to achieve the specified pooling objectives at the earliest practicable date.

Any person desiring to be heard or to make any protest or objection with any reference to said application should on or before February 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest stating clearly and precisely the relief sought, the factual and legal basis therefor under the regulatory jurisdiction of this Commission, changes, if any, which the filing party seeks in respect to the NEPOOL agreement together with proffered additional contractual language to reflect any such revisions to the agreement, and otherwise in accordance with the requirements of the Commission's rules of practice and procedure. (18 CFR 1.8 or 1.10.) It is requested that any such submissions be served upon the signatories to the NEPOOL agreement at the time of filing with this Commission. On or before March 29, 1972, any affected person may file a response to any protest or objection which may be submitted in respect to the NEPOOL agreement. All such responses shall state clearly and precisely the relief sought, the factual and legal basis therefor under the regulatory jurisdiction of this Commission, changes, if any, which the filing party seeks or opposes in respect to the NEPOOL agreement together with proffered additional contractual language to reflect any such revisions to the Agreement, and otherwise in accordance with the Commission's rules of practice and procedure. All protests or objections and responses thereto 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

[1] The signatories as designated in the NEPEX Management Committee's transmittal letter are: Bangor Hydro-Electric Co.; Blackstone Valley Electric Co.; Boston Edison Co.; Brockton Edison Co.; Burlington Electric Light Department; Cambridge Electric Light Co.; Canal Electric Co.; Cape & Vineyard Electric Co.; Central Maine Power Co.; Central Vermont Public Service Corp.; The Connecticut Light and Power Co.; Citizens Utilities Co.; Fall River Electric Light Co.; Fitchburg Gas & Electric Light Co.; Granite State Electric Co.; Green Mountain Power Corp.; Village of Hardwick; The Hartford Electric Light Co.; Holyoke Power & Electric Co.; Holyoke Water Power Co.; Massachusetts Electric Co.; Montaup Electric Co.; Village of Morrisville Water & Light Department; The Narragansett Electric Co.; New Bedford Gas & Edison Light Co.; New England Power Co.; Village of Northfield; Public Service Company of New Hampshire; The United Illuminating Co.; Vermont Electric Cooperative, Inc.; Vermont Electric Power Co., Inc.; Western Massachusetts Electric Co.; Vermont Marble Company.

the proceeding. Persons wishing to become parties 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1919 Filed 2-9-72;8:48 am]

[Docket No. CP72-181]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JANUARY 25, 1972.

Take notice that on January 14, 1972, Panhandle Eastern Pipe Line Co. (applicant), Post Office Box 1348, Kansas City, MO, filed in Docket No. CP72-181, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gathering and transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate approximately 300 miles of 24-inch transmission pipeline, 5,000 compressor horsepower and appurtenant facilities extending from Weld County, Colo., to a point of connection with applicant's existing main line near Liberal, Kans., and 300 miles of 3-inch through 16-inch gathering lines, 15,800 compressor horsepower, onstream cleaning, gas measurement, dehydration and other appurtenant facilities in the Denver-Julesburg Basin Area of northeastern Colorado. Applicant states that it has committed to it approximately 1,289,000 acres of land in the area to be traversed by the proposed facilities which geological work and drilling success have verified as potentially productive of large amounts of natural gas. Applicant estimates the total cost of the proposed facilities to be 60,647,000 which it plans to finance initially by short-term bank loans, and permanently by the issuance of debentures and other securities.

Applicant states that the proposed project will enable it to continue to serve its customers' existing natural gas requirements and to offset the declining supply west of its Liberal, Kans., compressor station.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 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.72-1920 Filed 2-9-72;8:48 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, 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 90 percent or more of the voting shares of Bank of Florida & Trust Co. of Homestead, Homestead, 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 March 4, 1972.

Board of Governors of the Federal Reserve System, February 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1921 Filed 2-9-72;8:48 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor to Gulfgate State Bank of Houston, Houston, Texas. 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 Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 3, 1972.

Board of Governors of the Federal Reserve System, February 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1922 Filed 2-9-72;8:48 am]

FIRST EMPIRE STATE CORP.

Acquisition of Bank

First Empire State Corp., Buffalo, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Hambro American Bank & Trust Co., New York, N.Y. 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 New York. 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 March 4, 1972.

Board of Governors of the Federal Reserve System, February 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1923 Filed 2-9-72;8:48 am]

MARINE MIDLAND BANKS, INC.

Proposed Acquisition of Carter H. Golembe Associates, Inc.

Marine Midland Banks, Inc., Buffalo, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Carter H. Golembe Associates, Inc., Washington, D.C. Notice of the application was published on December 15, 1971, in The Evening Star, a newspaper circulated in Washington, D.C., and on December 16, 1971, in the Buffalo Courier-Express, Buffalo, N.Y.

Applicant states that the proposed subsidiary would engage in the following activities: economic research, bank consulting, and the providing of informational services primarily related to the research function.

Interested persons may express their views on whether the proposed activities are so closely related to banking or managing banks as to be a proper incident thereto.

Interested persons may also express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience,

increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any requests for a hearing on these questions should be accompanied by a statement summarizing the evidence that the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing to be received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 4, 1972.

Board of Governors of the Federal Reserve System, February 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1924 Filed 2-9-72;8:48 am]

FEDERAL TRADE COMMISSION

HIDE RUGS SUBJECT TO CARPET AND RUG FLAMMABILITY STANDARDS

Alternative Washing Procedure

On April 10, 1970, the Secretary of Commerce pursuant to his authority under the Flammable Fabrics Act issued a Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) (pill test) applicable to large carpets and rugs defined therein, which standard was published in the FEDERAL REGISTER on April 16, 1970 (35 F.R. 6211) and became effective 1 year after publication.

Subsequently, the Secretary of Commerce issued a Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70) applicable to certain small carpets and rugs excluded from DOC FF 1-70). DOC FF 2-70 was published in the FEDERAL REGISTER on December 29, 1970 (35 F.R. 19702) and became effective 1 year after publication.

Each of the aforesaid standards is the same with the only substantial difference between the two being that DOC FF 1-70 requires that carpets and rugs subject to its provisions meet the acceptance criterion prior to introduction into commerce, while the small carpet or rug to be introduced into commerce DOC FF 1-70. DOC FF 2-70 was publabeled by a cautionary label, the language of which is specified in the standard, where the small carpet or rug does not meet the acceptance criterion of that standard.

Both standards provide for the washing and drying of carpets and rugs by procedures provided in Method 124-1967 of the American Association of Textile Chemists and Colorists (AATCC) prior to testing the flammability of the carpet or rug if it has been treated with a fire-retardant as defined in the standard.

Alternatively, the standards permit the approval of a different washing method than that referred to above, if such method is found by the Commission to be the equivalent of the specified method or such method is established to the satisfaction of the Commission as being normally used for the particular type of carpet or rug in service. Details as to the criteria for approval of alternative procedures are set out in the standards. (Section 10(b). See also section 1(a).)

Producers and distributors of shearling and hide rugs consisting of natural wool or hair attached to the hide with no synthetic fibers have petitioned the Commission for an alternative washing procedure for such carpets and rugs on the basis that the specified washing method would render a hide carpet or rug useless, and on the further bases that the specified AATCC method is never normally used in service for hides and that the proposed alternative is the only suitable method for normal cleaning in service.

The Commission has fully examined all the documents and exhibits presented and has made such information a part of the public record. On the basis of the submitted information and its own investigation, the Commission has determined to approve an alternative washing procedure for the testing of the flammability of hide rugs which have been treated with a fire-retardant finish and which are subject to flammability standards DOC FF 1-70 and DOC FF 2-70.

Such approval, however, is predicated upon the condition that before any hide rug may be washed by such alternative procedure it must be permanently labeled with information setting forth the cleaning procedure to be utilized by the consumer.

Accordingly, the Commission will accept as an appropriate alternative washing procedure under DOC FF 1-70 and DOC FF 2-70 the procedure hereinafter set forth, provided that any hide carpet or rug for which such alternative procedure is utilized is labeled with a conspicuous, legible and permanent label containing the following statement:

DO NOT WASH OR DRY CLEAN

This rug has been treated with a flame retardant. To keep rug attractive and clean use the following methods:

To eliminate loose dirt or dust, vacuum or shake pelt outdoors.

For spot cleaning, use water dampened cloth and rub lightly in one direction.

Do Not Use Detergents or Other Stain Removers

Details of the alternative procedure are as follows:

ALTERNATIVE WASHING PROCEDURE FOR THE TESTING OF THE FLAMMABILITY OF HIDE OR SKIN RUGS SUBJECT TO THE STANDARDS FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS DOC FF 1-70 AND DOC FF 2-70

The test specimens shall be cut to size 9" x 9" before the procedure is initiated.

1. Shake specimen vigorously to remove any lose fibers, dust, and possible accumulated debris.

2. Place specimen on a solid flat surface and anchor or hold firmly while conducting the test.

3. Select an operating applicator consisting of a rod at least 2" in diameter and 9" long composed of nonabsorbent material such as glass or plastic.

4. Select sufficient cloth to form at least five layers when wrapped around the operating applicator. The cloth shall be of the type known as "Crockmeter Test Cloth" as specified in Note 8.3 of AATCC Test Method 8-1969.

5. Immerse cloth in water (100° F.) until thoroughly wetted.

6. Manually wring out the cloth to remove all excess water and wrap around the operating applicator.

7. Immediately with light pressure, stroke entire surface of specimen with the wrapped operating applicator in one direction only along the natural "lay" of the hair structure for ten complete strokes.

8. Place test specimen in a circulating drying oven maintained at 212° F. until dry.

9. Repeat the above procedure 10 times using a fresh or clean cloth each time.

10. After 10 successive cycles of washing and drying the dried specimens shall be subjected to the testing procedures (pill test) as outlined in DOC FF 1-70 and DOC FF 2-70.

The Commission further announced that its approval of the aforesaid washing procedure and labeling provisions would be subject to revision or revocation should it be determined that such procedure was inadequate to fully protect the public. The Commission further announced that it would receive appropriate comments on the aforesaid procedure but that the same would not affect its approval of the procedure unless the Commission should subsequently so order.

By direction of the Commission dated February 1, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-1911 Filed 2-9-72;8:47 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC File No. 0735]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY IN NATIONAL CAPITAL REGION

Policies and Procedures

The Commission's Policies and Procedures for Protection and Enhancement of Environmental Quality in the National Capital Region, as amended through August 9, 1971, were published by the Council on Environmental Quality on December 11, 1971 (36 F.R. 23706-23709). On December 2, 1971, the Commission adopted the following amendments:

1. In the first paragraph of section 2 delete the words "is responsible for preparing environmental statements in" and insert in lieu thereof the words "will prepare either an environmental statement or a description of environmental impact for each of".

2. After the first paragraph of section 2 insert the following new paragraph:

The Executive Director shall determine with respect to each plan, plan modification, or other undertaking described in the first paragraph of this section whether such plan, plan modification, or other undertaking is a major action, pursuant to section 102(2)(C)

of the National Environmental Policy Act of 1969 and the Council on Environmental Quality's guidelines for statements on major proposed actions affecting the environment, for which an environmental statement is required.

DANIEL H. SHEAR,
Secretary to the Commission.

FEBRUARY 7, 1972.

[FR Doc.72-2007 Filed 2-9-72;8:55 am]

[NCPC File No. 0369]

SITE AND BUILDING PLANS

Requirements

At its meeting on February 3, 1972, the National Capital Planning Commission adopted the following requirements respecting site and building plans submitted to the Commission (proposed 36 F.R. 23654, sec. 11, 1971) pursuant to section 5 of the National Capital Planning Act of 1952, as amended, and section 16 of the Act of June 20, 1938, as amended:

SECTION 1—INTRODUCTION

Section 5(a) of the National Capital Planning Act of 1952, as amended, provides that each Federal and District of Columbia agency, prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and the development of the National Capital.

The Act authorizes the Commission to determine in advance the type or kinds of plans which need not be submitted for review by the Commission. The Commission has determined that plans for the following types of projects need not be submitted for review:

A. Projects involving the replacement of walks, roadways, and parking areas where no change in location or the existing character or extent of the improvement is involved.

B. Projects involving the rehabilitation and improvement of buildings and structures when no change in the existing character or extent of the building or structure is involved.

C. Projects involving the replacement of trees, shrubs and other plant material and minor changes in plant material that do not change the concept in the approved landscape plan.

D. Projects involving the replacement, but not the relocation or extension, of existing underground utility lines, such as pipes and cables, except pumping stations and treatment facilities, that do not (1) involve the removal of existing trees or changes in the natural topography, or (2) perpetuate or create an adverse environmental impact.

In accordance with section 5(b) of the Act, these requirements shall not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

These requirements respecting the submission of site and building plans are intended to be used in connection with proposed developments of the District of Columbia Government and the Federal Government, including civilian and military installations and facilities in the National Capital Region, except as provided above.

The Executive Director of the Commission may extend, modify or waive any requirement as it pertains to any project proposal or development plan submitted for the review of the Commission that does not meet such requirement because of its unique or special character or quality.

SECTION 2.—PRESUBMISSION REQUIREMENTS

The general location and/or the site boundaries of a proposed development should be submitted for review by the Commission prior to the preparation and submission of preliminary site and building plans, either as a separate submission or as part of a master plan or capital improvements program, unless the site was previously established by legislation.

Sponsoring agencies are urged to contact the Commission staff at the earliest possible time in the siting and initial planning and design of proposed new developments within the Region. The Commission staff is available at all times to advise and consult with sponsoring agencies prior to formal submission of plans for Commission review.

Sponsoring agencies may submit proposed developments for Commission review at a design concept stage if they desire to solicit the Commission's views prior to the submission of preliminary site and building plans. Such submissions should be conceptual and their contents determined by consultation with the Commission's staff.

SECTION 3.—CONTENTS OF SITE AND PLANS, PRESENTATION MATERIALS, AND SUPPORTING MATERIALS

A. *Site and building plans*—(1) *Site plan.* The site plan shall be uncolored and presented at a scale of at least 1 inch equals 50 feet, and shall contain the following basic elements:

(a) Existing and proposed topography of the site (preferably at 1- or 2-foot intervals). Topography need not be shown if included on landscape plan;

(b) Site boundaries for the building or facility; and

(c) Outline of all proposed buildings, structures, and related improvements and uses immediately adjacent to the proposed development—including but not limited to, access ways, drives, sidewalks, walls, and fences, loading areas, and off-street parking.

When the proposed improvements involve only a portion of the site of a facility, the site plan shall include all of the site area of the facility, showing the relationship between the portion of the site to be improved and the portion to remain unchanged. When an adjacent facility has an integral supporting relationship to the facility to be constructed or improved (such as a recreation center which provides play space for an adjacent school), the site of the adjacent facility shall be included in the site plan to show the functional relationship of the facilities and the effects of the proposed improvements thereon.

(2) *Landscape and grading plan.* The landscape and grading plan should preferably be presented as a separate plan but may be incorporated in the site plan if the proposed project is small and the combination plan is clear and readable.

If presented as a separate plan, the landscape and grading plan shall be at the same scale as the site plan. The following information shall be included in all cases:

(a) Existing and proposed topography on the site (preferably at 1- or 2-foot intervals);

(b) General location of all existing-to-remain, existing-to-be-removed, and proposed trees, shrubs, and other plant materials; and

(c) A list (either on the map or in a separate table) of the type, quantity, and size of the plant materials proposed (final site and building plans only).

(3) *Elevations and sections.* All elevations of the proposed buildings, structure, or improvements shall be provided at the same scale as the floor plan. Elevations shall indicate, but not be limited to, the following:

(a) The height of the building, its bulk and general massing for all sites;

(b) All pedestrian and vehicular entrances and exits to the building;

(c) The fenestration and building materials proposed to be used on all exterior surfaces. A detailed exterior wall section that shows this information shall be included;

(d) The treatment of the roof and all related roof extrusions (penthouses, ventilations, ventilation shafts, chimneys, smoke stacks);

(e) At least two cross sections; and

(f) Identification of the point of measurement of the height of proposed buildings in the District of Columbia in accordance with the Act of June 1, 1910, 36 Stat. 452.

(4) *Floor plans.* Plans for each floor of the building at the same scale as the elevations, which indicate the following:

(a) Labeling of all interior spaces to indicate use;

(b) Interior partitions, stairs, and elevators;

(c) Overall dimensions;

(d) Dimensions of interior spaces; and

(e) Elevations of various floor levels.

(5) *Roof plans.* The roof plan shall be submitted at the same scale as the floor plans and shall indicate the following:

(a) The proposed design of the roof and all building materials and finishes to be used; and

(b) Proposed roof appurtenances, mechanical equipment and structures indicating all proposed screening, if any.

B. *Presentation materials.* One set of all presentation materials shall be submitted at each stage by the sponsoring agency for use in the various presentations. Maps used by sponsoring agencies in presentation to the Commission should be in color—using zippotone, magic marker, or other suitable materials.

(1) *Rendered plans and perspectives.* Sponsoring agencies shall prepare and submit one copy of rendered plans and perspectives in color as part of their submission to aid in the presentation and review of proposed developments by the Commission.

(2) *Models.* Sponsoring agencies shall prepare and submit a model of all major construction proposals indicating topography, existing-to-remain and proposed new buildings and improvements, pedestrian and vehicular circulation, and parking and loading areas. Models shall be prepared at the same scale as the site plan or at a larger scale if preferred by the sponsoring agency. The Commission staff will advise sponsoring agencies as to whether a proposed project is a "major" project requiring a model, at any time prior to submission.

C. *Supporting materials.* At least two copies of the following supporting materials shall be submitted for Commission review:

(1) *Project data sheet.* The project data sheet shall indicate the following:

(a) Agency project manager;

(b) Narrative description of the project;

(c) Total area of site and allocation of land to the various proposed uses;

(d) Area of building, or buildings, and site coverage;

(e) Employment, by grade level and income, including;

(i) Presently existing, and

(ii) New employment generated by the project;

(f) Traffic impact of proposed development on adjacent highways both on and off the site;

(g) Total parking proposed for employees and visitors and ratios assumed for each;

(h) Relocation of individuals, businesses, and families required by the proposal, if any;

(i) Community participation and/or views, when applicable;

(j) Schedule for construction and occupancy;

(k) Total cost of project and funding status; and

(l) Housing required, if any, for proposed new employees;

(i) On-site, and/or

(ii) Off-site.

(2) *Vicinity map.* A vicinity map, indicating building outlines, streets, and other physical features, shall be submitted at a scale of 1 inch equals either 100 or 200 feet. It shall include an area that is at least 500 feet around the proposed development.

(3) *Construction and equipment drawings.* Construction details and equipment drawings that are dimensioned shall be submitted to permit a general understanding and thorough review of the project, particularly those features which will affect the exterior of the building.

(4) *Housing availability.* Pursuant to the interim policy adopted by the Commission on April 18, 1969, if a proposed master plan, or a modification thereof or a proposed project involves a significant increase in employment, an analysis of the housing available for low- and moderate-income employees and their families within reasonable commuting distance to the proposed project shall be included in the submission.

(5) *Environmental impact.* Each submission shall include a determination by the head of the sponsoring agency, or other authorized official, as to whether an environmental statement for the project is required pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. In accordance with the Commission's Policies and Procedures for the Protection and Enhancement of Environmental Quality in the National Capital Region, the sponsoring agency shall submit such an environmental statement, if determined to be required, or a description of the environmental impact of the proposed development.

Section 4—Form of Site and Building Plans

A. *Map scales.* Site plans shall be presented at a scale of at least 1 inch equals 50 feet. Vicinity maps shall be presented at a scale of 1 inch equals either 100 feet or 200 feet. Elevations, sections, floor plans, and roof plans shall be presented at a scale commensurate with the sheet size limitations and large enough to be readable in a large meeting room at a distance of 20 to 25 feet.

B. *Sheet sizes.* All drawings submitted shall not exceed a sheet size of 33 x 44 inches to be compatible with the Commission's microfilm process. For projects involving larger plans, multiple sheets, covering portions of the plan, may be submitted so that the maximum sheet size may be maintained. No minimum sheet size has been established. However, proposed drawings should be large enough to be readable by the Commission in a large meeting room at a distance of 20 to 25 feet.

C. *Number of copies.* At least three complete sets of the site and building plans are to be submitted for all projects. At least two complete sets of supporting materials shall be included in the submission. When site and building plans for a small installation in essence constitute the master plan for such a facility, the number of complete sets required shall be determined pursuant to the Commission's requirements for submission of master plans.

Section 5—Procedures for the Submission of Preliminary and Final Site and Building Plans

Sponsoring agencies shall submit site and building plans to the Commission at both a "preliminary" and a "final" stage in the planning for any proposed development.

All elements of the site and building plans shall be submitted at both preliminary and final stages. Preliminary plans should be submitted early in the design phase of a project while the design is still flexible. Final plans should be submitted after all design decisions, including building materials and landscaping materials, have been made and prior to advertisement and awarding of construction contracts.

If major changes are made in either the design or the program for a proposed development after the Commission has reviewed and made recommendations on the preliminary site and building plans, sponsoring agencies shall submit revised preliminary plans for review prior to completing and submitting final site and building plans.

Final plans submitted to the Commission usually are about 50 percent to 60 percent of the final design work. The designs shall be sufficiently advanced to represent what the agency actually intends to build.

Final site and building plans for Federal public buildings within the District of Columbia and for District Government public buildings within the Central area of the District of Columbia or defined by concurrent action of the Commission and the District of Columbia Council will ordinarily constitute the required submission under Section 16 of the Act of June 20, 1938, 52 Stat. 802 (D.C. Code, sec. 5–428). Since the Commission may not lawfully qualify or condition its approval of a proposed development pursuant to D.C. Code, section 5–428, and a sponsoring agency may not lawfully deviate from the plans as approved by the Commission, sponsoring agencies are urged to resolve all outstanding issues with affected agencies and organizations prior to submission of the final site and building plans. The staff of the Commission is available to assist in the resolution of all such questions.

When a proposed development does not involve the construction of buildings or structures, sponsoring agencies need submit only the site plan and landscape plan.

Section 6. Steps in Commission Review of Site and Building Plans

A. The sponsoring agency shall submit plans, in accordance with established monthly deadlines, to the Commission for review pursuant to section 5(a) of the National Capital Planning Act of 1952.

B. If the proposed development is located in, or adjacent to, the District of Columbia, the submission is referred to the Commission's Coordinating Committee, pursuant to section 2(d) of the National Capital Planning Act of 1952. The purpose of this referral is to insure that such projects are properly coordinated with interested and affected District of Columbia and Federal agencies.

C. If, in the opinion of the Executive Director, the proposed development is an

architectural and/or historic landmark or would appear to significantly affect an existing landmark, it is referred to the Joint Committee on Landmarks.

D. Site and building plans proposed for small installations outside the District of Columbia are referred to the affected local, subregional, and regional planning agencies and to the affected State clearinghouse where no separate master plan has been, or is to be, prepared and the site and building plans represent the master plan for the installation.

E. Review, evaluation, and recommendation of the proposed development, by the staff, to the appropriate committee of the Commission—including consideration of any comments resulting from referral under paragraphs B, C, and/or D.

F. Review, evaluation, and recommendation by the appropriate committee of the Commission to the Commission.

G. Review, evaluation, and action by the Commission.

H. With respect to projects outside the District of Columbia but within the National Capital Region on reservations or sites for which the Commission has submitted to the agency its report and recommendations on the master plan therefor, the Executive Director may make environmental impact findings on and approve.

(1) Preliminary and final site and building plans for proposed temporary or permanent additions of less than 5,000 square feet of floor area to existing structures and for proposed new temporary or permanent structures of less than 5,000 square feet of floor area, if the Executive Director determines that (a) the proposed development (i) is consistent with the recommendations of the Commission on the land use and circulation plan elements of the master plan, (ii) will have no significant adverse impact on the environment, access and egress facilities, and utilities, and (iii) is compatible with existing and proposed developments in its immediate vicinity, and (b) the addition or relocation of employees to the proposed development would not cause a significant impact on low- and/or moderate-income housing needs in the vicinity of the development; and

(2) Final site and building plans where such plans conform to applicable recommendations made by the Commission in its review of the preliminary site and building plans for the project and of any environmental statement or description of the environmental impact submitted pursuant to the Commission's Policies and Procedures for the Protection and Enhancement of Environmental Quality in the National Capital Region.

I. Formal notification to the sponsoring agency of the action of the Commission.

The sponsoring agency and/or its consultants shall make oral presentations of the proposed plans to the Coordinating Committee and the Joint Committee on landmarks, if necessary, to the appropriate committee of the Commission, and to the Commission. The Commission staff will advise sponsoring agencies of the nature and type of presentations usually made to the Commission, the characteristics of the meeting room, and available methods for exhibit presentations.

DANIEL H. SHEAR,
Secretary to the Commission.

FEBRUARY 7, 1972.

[FR Doc.72-2006 Filed 2-9-72;8:55 am]

[NCPC File No. 0933]

URBAN RENEWAL PROPOSALS

Proposed Requirements

The National Capital Planning Commission will consider the adoption at its meeting on March 2, 1972, of the following proposed requirements for urban renewal proposals pursuant to the District of Columbia Redevelopment Act of 1945, as amended. Interested parties are requested to submit their views in writing to the Commission within twenty (20) days from the filing of this notice in the FEDERAL REGISTER addressed to:

Ben Reifel, Chairman, National Capital Planning Commission, Washington, D.C. 20576.

SECTION 1—INTRODUCTION

Section 6(b) of the District of Columbia Redevelopment Act of 1945, as amended (hereinafter referred to as the "Act"), provides for adoption by the Commission and approval by the District of Columbia Council of boundaries and urban renewal plans for urban renewal areas in the District of Columbia. Section 12 of the Act provides that modifications of such plans may be effected only through adoption by the Commission and approval by the District of Columbia Council.

The following material, form, and procedural requirements are prerequisites to Commission consideration of:

1. Urban renewal area boundaries and modifications thereof, and

2. Urban renewal plans and modifications thereof.

They are intended to insure an adequate and complete review and evaluation of all urban renewal proposals pursuant to the Act, the National Environmental Policy Act of 1969, and other applicable laws and regulations.

The requirements regarding the scheduling of Commission consideration are intended to insure an adequate opportunity for interagency coordination and for review and comment by interested and affected organizations and individuals.

The requirements are also intended to guide the staff of the Commission, the District of Columbia government, the District of Columbia Redevelopment Land Agency, and other groups and organizations, including redevelopers, making urban renewal proposals to the Commission. Such agencies and organizations are urged to contact the Commission staff at the earliest possible time for consultation prior to making such proposals.

Boundaries and urban renewal plans for urban renewal areas and modifications thereof shall be scheduled for Commission consideration only if all of the following requirements are met in accordance with the established monthly deadlines for the submission of plans. Adherence to such deadlines is essential to permit necessary referrals, interagency coordination, and staff review.

SECTION 2.—MATERIALS REQUIRED

A. *Action items.* The following materials are required for Commission consideration of urban renewal proposals for adoption pursuant to the Act:

(1) *Boundaries and modifications thereof.* A map showing the proposed boundaries of the urban renewal area or proposed modifications to the boundaries of an approved urban renewal area.

(2) *Urban renewal plans and modifications thereof.* Proposed text and/or map(s) of urban renewal plans or modifications to an approved urban renewal plan. The proposed text of an urban renewal plan, or of a modification to an approved urban renewal plan which includes a change in urban renewal area boundaries, shall include a metes and bounds description of the boundaries or change in boundaries.

B. *Supporting documentation.* The following materials in support of the action items described above will be presented to the Commission and placed in the record:

(1) *Eligibility report—urban renewal area.* A statement of the eligibility of the proposed urban renewal area, or of the proposed modified urban renewal area, under the Act.

(2) *Eligibility report—action areas.* A statement of the eligibility of each action area in the proposed annual neighborhood development program for a proposed urban renewal plan or modification(s) to an approved urban renewal plan, pursuant to title I of the Housing Act of 1949, as amended.

(3) *Relocation report.* A description of the estimated residential and non-residential displacement that will be caused by an urban renewal proposal and a statement of available relocation resources to accommodate project displacement.

(4) *Rehabilitation report.* A statement of the feasibility of each rehabilitation area in the proposed annual neighborhood development program for a proposed urban renewal plan or modification(s) to an approved urban renewal plan, pursuant to title I of the Housing Act of 1949, as amended.

(5) *Environmental impact.* A statement of the environmental impact of the urban renewal proposal in the form of a draft environmental statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 or a report containing sufficient information to permit the preparation of such a statement or of a description of environmental impact.

(6) *Citizen participation report.* A statement of the steps taken to insure citizen participation and community review of the urban renewal proposal and statements from affected community

groups indicating their position relative to the proposal.

C. *Background data and information.* The following materials are required to enable a complete review and evaluation of an urban renewal proposal by the Commission:

(1) *Narrative description.* A narrative description and justification of the urban renewal proposal.

(2) *Data sheet.* A data sheet indicating, where applicable, each of the following:

(a) The lot and square numbers of all properties proposed for acquisition, disposition, or rehabilitation.

(b) The area in square feet or acres of each disposition lot or rehabilitation area.

(c) The number, size, density, and type of housing units to be developed on each disposition lot and the number, size, density, and type of housing units to be rehabilitated in each rehabilitation area.

(d) The floor area and type of new commercial space or other nonresidential uses to be developed on each disposition lot.

(3) *Status report on project execution activities.* In connection with each proposed annual neighborhood development program, a narrative description of:

(a) The current status of acquisition, disposition, and rehabilitation activities in previously approved action areas, and

(b) The current status of project improvement activities in each urban renewal area.

SECTION 3.—FORM OF SUBMISSIONS

A. *Map scales.* Except for presentation maps, all maps shall be presented at a scale of at least 1 inch equals 200 feet, for maps showing urban renewal area boundaries and modifications thereof and maps constituting parts of urban renewal plans and modifications thereof, and at a scale of at least 1 inch equals 50 feet for site and building plans submitted in support or explanation of proposed modifications to approved urban renewal plans.

B. *Sheet sizes.* All drawings submitted shall not exceed a sheet size of 33 x 44 inches in order to be compatible with the Commission's microfilm process. For projects involving larger plans, multiple sheets, covering portions of the plan, may be submitted so that the maximum sheet size may be maintained. No minimum sheet size has been established. However, drawings should be large enough to be readable by the Commission in a large meeting room at a distance of 20 to 25 feet.

C. *Number of copies.* At least three complete sets of all materials, including action items, supporting documentation, and background data and information shall be submitted.

D. *Presentation materials.* One set of all presentation materials shall be submitted for use in the various presentations. Maps used in presentations to the Commission shall be in color—using zip-a-tone, magic marker, or other suitable materials.

SECTION 4—STEPS IN COMMISSION CONSIDERATION

1. Staff review and evaluation of and, if determined by the Executive Director to be necessary, revisions to the urban renewal proposal and the statement of environmental impact submitted in accordance with section 2.B.(5).

2. Referral of the proposal or revised proposal to the Commission's Coordinating Committee for coordination with interested and affected Federal and District of Columbia agencies.

3. Referral of the proposal or revised proposal to the Joint Committee on Landmarks of the National Capital if the proposal or modified proposal is determined by the Executive Director to significantly affect a designated landmark.

4. Presentation of the proposal or revised proposal to the Commission's Urban Renewal and Housing Committee, together with the Executive Director's recommendation thereon.

5. Presentation of the proposal or revised proposal to the Commission, together with the report of the Urban Renewal and Housing Committee. If the proposal or revised proposal is determined by the Executive Director to be a "major action" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, the Executive Director and the Committee will ordinarily recommend that the proposal or revised proposal and the draft environmental statement be circulated for comment, pursuant to the guidelines of the Council on Environmental Quality.

6. Action on the proposal or revised proposal by the Commission. With respect to a "major action", the Commission may not adopt the proposal or revised proposal for a period of at least 90 days after circulation of the proposal or revised proposal and the draft environmental statement.

DANIEL H. SHEAR,
Secretary to the Commission.

FEBRUARY 7, 1972.

[FR Doc.72-2008 Filed 2-9-72;8:55 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3882]

APPLIED DEVICES CORP.

Order Suspending Trading

FEBRUARY 3, 1972.

The common stock $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and 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 exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective from the close of business at 3:30 p.m. for the period February 3, 1972, through February 12, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1970 Filed 2-9-72;8:52 am]

[File No. 500-1]

COATINGS UNLIMITED, INC.

Order Suspending Trading

FEBRUARY 3, 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 February 5, 1972, through February 14, 1972.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1969 Filed 2-9-72;8:52 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 3, 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 traded otherwise on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 5, 1972, through February 14, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1971 Filed 2-9-72;8:53 am]

[812-2985]

CRAIG-HALLUM CORP.

Notice of Filing of Application

FEBRUARY 4, 1972.

Notice is hereby given, that Craig-Hallum Corp., a Delaware corporation ("Craig-Hallum"), 133 South Seventh Street, Minneapolis, MN 55402, has filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d-1 thereunder for an order permitting the purchase of 166.6 shares of common stock of United Packaging Co., a Minnesota corporation (United) for the sum of $12,500 from two stockholders of United. The President of Craig-Hallum is an affiliate of Minnesota Small Business Investment Co., a Minnesota corporation (Minnesota), registered as a closed-end, nondiversified, management investment company under the Small Business Investment Act of 1958. Minnesota holds a warrant to purchase 166.7 shares of United. 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.

BACKGROUND

Since September 30, 1963, Minnesota has loaned funds to Midwest Merchandise Mart, Inc., a Minnesota corporation (Midwest), which has been engaged since its incorporation in 1961 in the ownership and operation of commercial and industrial buildings. Minnesota also received and holds a warrant to purchase 25 percent of the stock of Midwest which expires September 30, 1972. All of the currently outstanding stock of Midwest is owned by John J. Kaplan and members of his family.

From its incorporation on December 28, 1967, until May 1, 1971, United was a wholly owned subsidiary of Midwest. United is engaged in the business of packaging and distributing food products. On May 1, 1971, all of the outstanding capital stock of United (500 shares) was declared and paid as a dividend in kind to the stockholders of Midwest. The aggregate value of the dividend was $37,500, determined as a result of arms length negotiations among the Boards of Directors of Midwest, United and Minnesota after consideration of (1) the net worth of United at the end of its last fiscal year, September 30, 1970 ($9,735), (2) information concerning operations of United in the interim period, (3) tax implications and related information, and (4) after consultation with independent public accountants for United and Midwest.

In connection with the dividend in kind of United capital stock declared and paid May 1, 1971 by Midwest, United also issued to Minnesota a warrant expiring September 30, 1972, to purchase 166.7 shares of United capital stock for an aggregate cash consideration of $12,500. At the same time, Midwest reduced the aggregate price of its warrant to Minnesota by the amount of $12,500.

Mr. John J. Kaplan and his wife propose to sell an aggregate of 166.6 shares of United stock owned by them to Craig-Hallum for an aggregate of $12,500.

Craig-Hallum's principal business activities consist of the ownership of Craig-Hallum, Inc., a registered broker-dealer engaged generally in the investment banking business, and the ownership of significant interests in various operating companies such as the proposed investment in United.

Mr. Reznick is a shareholder, director and president of Craig-Hallum and is also a shareholder, director, vice president and member of the Loan Committee of Minnesota. He has advised both Craig-Hallum and Minnesota that he will not participate in any deliberations or decisions of the Board of Directors of Minnesota or any committee thereof relating to the exercise of, or failure to exercise, the warrants held by Minnesota to purchase up to 25 percent of the capital stock of Midwest and United.

SUPPORTING STATEMENTS

Craig-Hallum states that it has been advised by Mr. and Mrs. John J. Kaplan that they deem that the proposed sale should take place in order to assure that Craig-Hallum, which has previously offered business assistance to United, will continue to be interested in the operations of United. They desire that this occur in order to assist the future development of the business of United which is now principally owned by their son and daughter. The sale price is the same as the value of the dividend of United shares received by Mr. and Mrs. Kaplan on May 1, 1971.

The application also states that Craig-Hallum has been advised by Minnesota that it approves of the proposed transaction and considers that its consummation would be in the best interest of Minnesota.

If the proposed transaction is effected, there will be no change in the position of Minnesota. As a result of the changes made in the warrant of Midwest held by Minnesota in connection with the declaration of the dividend of United stock, Minnesota retains the right to buy 25 percent (on a fully diluted basis) of the outstanding capital stock of both United and Midwest for the same aggregate cash price as existed prior to the May 1, 1971, declaration of the dividend of United stock by Midwest. Further, no change will be made as a result of the proposed transaction since it will be between stockholders of United and Craig-Hallum and will not involve the issuance of any further capital stock by United. Craig-Hallum contends that the participation of Craig-Hallum in the proposed transaction is not on a basis which could be deemed different from or disadvantageous or unfair to Minnesota.

STATUTORY PROVISIONS

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order. In passing upon such application, the Commission must consider whether the proposed transaction is consistent with the provisions, policies and purposes of the Act and the extent to which such transaction may result in treatment of the registered company on a basis different from or less advantageous than that of other participants.

Notice is further given, that any interested person may, not later than February 24, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Craig-Hallum at the address set forth 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 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.72-1972 Filed 2-9-72;8:53 am]

[70-5135]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Preferred Stock at Competitive Bidding

FEBRUARY 3, 1972.

Notice is hereby given that Jersey Central Power & Light Co. (JCP&L), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant

to the Public Utility Holding Company Act of 1935 (Act), designating section 6 (b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

JCP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of its Cumulative Preferred Stock, ------ percent Series E, par value $100 per share. The dividend rate of the preferred stock (which shall be a multiple of one twenty-fifths of 1 percent and the price, exclusive of accrued dividends, to be paid to JCP&L (which shall be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms of the new preferred stock include a prohibition until March 1, 1977, against refunding the stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost or of preferred stock at a lower effective dividend cost.

The proceeds from the sale of the preferred stock will be used to pay JCP&L's short-term bank borrowings, which were or will be incurred for construction purposes and which are expected to aggregate approximately $25 million at the time of the proposed sale. The balance of such proceeds, if any, will be applied to JCP&L's 1972 construction program estimated at $132 million. The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of JCP&L, including the payment of expenses of the financing.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $83,000, including legal fees of $22,500 and accounting fees of $6,600. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. The filing further states that the issuance and sale of the preferred stock is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested persons may, not later than February 29, 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 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 applicant 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, as amended or as it may be further amended, may be granted 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.72-1973 Filed 2-9-72;8:53 am]

[812-3006]

SYNERCON CORP.

Notice of Filing of Application Declaring That Company Is Not an Investment Company

FEBRUARY 3, 1972.

Notice is hereby given that Synercon Corp. (Applicant), a Tennessee corporation, 318 Murfreesboro Road, Nashville, TN 37210, 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 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 made therein which are summarized below.

Applicant was incorporated on September 2, 1969, for the purpose of succeeding to the business of Forrest Life Insurance Co. (Forrest), a Tennessee corporation engaged in the general life insurance business and, until August 1971, a wholly owned subsidiary of Applicant. In 1970, Applicant acquired all of the outstanding shares of three other operating companies incorporated in Tennessee: Blair, Folling, Allen, and Walker, Inc. (BFAW), a general insurance agency; Richard M. Miller & Co., Inc. (Miller), a general insurance agency and brokerage firm; and Data Service Corp. (Data), a data processing service company.

On or about August 27, 1971, Forrest was merged into Republic National Life Insurance Co. (Republic) pursuant to an agreement and plan of merger approved by Applicant's shareholders. Republic is a Texas corporation engaged in the general life insurance business. Pursuant to the agreement, Applicant received 800,000 shares of Republic, or 8½ percent of Republic's outstanding capital stock. Applicant is presently the second largest stockholder in Republic, but does not partake in the management or control of Republic.

As of December 31, 1971, the board of directors of Applicant determined the fair value of Applicant's assets, other than its holdings in Republic, to be as follows: BFAW–$5 million; Miller–$3 million; Data–$1,500,000; Other Assets—$250,000. Applicant presently values its holdings of 800,000 shares of Republic on its balance sheet at a 10 percent discount from market price due to the unregistered character of the shares, current market trends, and past earnings and dividend policies of Republic. On January 12, 1972, the mean over-the-counter market price of Republic shares was $17 per share. At a 10 percent discount, the total value of the 800,000 shares would be $12,240,000. The board of directors of Applicant have determined that if Applicant disposed of the entire 800,000 shares at one time, the market price would have to be discounted by 40 percent. At a market price of $17 per share, and deducting the 40 percent discount, the total value of Applicant's holding in Republic shares would be $8,160,000.

Section 3(a)(3) of the Act, in pertinent part, 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. For purposes of section 3(a)(3), "investment securities" include all securities companies, and securities issued by majority-owned subsidiaries of the issuer which are not investment companies.

While the above valuations of Applicant's assets indicate that the value of Applicant's investment securities exceed 40 percent of its total assets, Applicant states that it is entitled to an order pursuant to section 3(b)(2) of the Act that it is not an investment company inasmuch as it is primarily engaged directly and through wholly owned subsidiaries in the insurance marketing, insurance service, and data processing businesses.

In support of this claim, Applicant alleges that it intends to use its investment securities to provide the financial base necessary to obtain the working capital required to expand its business in the insurance agency and brokerage field, both by the internal growth of its existing subsidiaries and by the acquisition of companies engaged in such fields. For the year ended December 31, 1971, Applicant, on a consolidated basis, received, in the ordinary course of business, net income, before taxes, of $365,028. If Applicant had owned the Republic securities for the entire fiscal year 1971, it would have received a dividend of 20 cents per share per annum (the current dividend rate for Republic shares) or a total of $160,000 on its 800,000 shares.

Applicant contends it has never made representations that it was an investment company or that it proposed to engage in such operations. From the date of its incorporation, and thereafter to the present, Applicant has stated in its annual and other reports to shareholders that its intention was, and continues to be, to expand its insurance agency and data processing service businesses. The application also states that the activities of Applicant's officers and directors have almost exclusively been concerned with its insurance agency and data processing service operations. In addition, Applicant states that it employs no personnel capable of, or with the intention of, conducting an investment business.

Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an 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 through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than February 25, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth 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 Regulations, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–1974 Filed 2–9–72;8:53 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 873; Class B]

ILLINOIS

Declaration of Disaster Loan Area

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

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

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

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in East St. Louis, Ill., suffered damage or destruction resulting from a gas explosion on January 23, 1972.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. A temporary office will be established in the City Hall, East St. Louis, Ill.

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

Dated: January 26, 1972.

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

[FR Doc.72–1977 Filed 2–9–72;8:53 am]

[Declaration of Disaster Loan Area 874; Class B]

OREGON

Declaration of Disaster Loan Area

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

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Clatsop, Tillamook, and Lincoln Counties, Oreg., suffered damage or destruction resulting from floods occurring on January 11, 12, 18, and 19, 1972.

OFFICE

Small Business Administration District Office, 700 Pittock Block, 921 Southwest Washington Street, Portland, OR 97205.

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

Dated: January 26, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72–1978 Filed 2–9–72;8:53 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 7, 1972.

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

MC 110563 Sub 58, Coldway Food Express, Inc., now assigned February 29, 1972, at Washington, D.C., postponed to March 7, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106485 Sub 15, Lewis Truck Lines, Inc., assigned February 14, 1972, at Fargo, N. Dak., is postponed to March 20, 1972, in Room 359, Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, N. Dak.

MC 116101 Sub 9, Quick Air Freight, now assigned February 8, 1972, at Columbus, Ohio, is postponed indefinitely.

MC 65224 Sub 8, Hennis Freight Lines of Canada, Ltd., doing business as Florida Refrigerated Service, now assigned February 7, 1972, at Dallas, Tex., canceled and application dismissed.

MC 135497 Sub 1, I–5 Freightline, Inc., heard January 17, 1972, at Portland, Oreg., is continued to February 28, 1972, in the Eugene Hotel, 222 East Broadway, Eugene, OR, and to April 3, 1972, at Medford, Oreg., in a hearing room to be later designated.

MC 123115 Sub 4, Ben Packer, doing business as Packer Transportation Co., heard January 10, 1972, at Carson City, Nev., and continued to March 6, 1972, in the Conference Room, Third Floor, Arlington Towers, 100 North Arlington, Reno, NV.
MC 128273 Sub 45, Midwestern Express, Inc., application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2015 Filed 2-9-72;8:54 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 7, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42346—*Phosphates between points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2655), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in western trunkline territory, on the C&EI, KCS, and MP.

Grounds for relief—Market competition.

Tariff—Supplement 55 to Western Trunk Line Committee, agent, tariff ICC A-4749. Rates are published to become effective on March 6, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2016 Filed 2-9-72;8:54 am]

[Notice 19]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1972.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 56679 (Sub-No. 61 TA) (Correction), filed January 5, 1972, published FEDERAL REGISTER January 18, 1972, corrected and republished in part as corrected this issue. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Post Office Box 6985, Atlanta, GA 30316. Applicant's representative: B. K. McClain (same address as above). NOTE (C) The service which applicant proposes to provide by this application is the same as that which applicant is presently providing under the temporary authority granted in Docket No. MC 56679 (Sub-No. 45 TA). The only difference between this application and the present Sub 45 TA involves the highways to be used in crossing the Savannah River between Georgia and South Carolina. After temporary authority operations were commenced by applicant on an emergency basis (MC 56679, R-7 ETA) and later in Sub 45 TA, applicant discovered that the bridge across the Savannah River as specified in the temporary route, i.e., Georgia Highway 368 (formerly Georgia Highway 82) and South Carolina Highway 184, would not accommodate applicant's loaded tractor-trailer units. It was necessary to deviate to the nearest available bridge. The instant* temporary authority seeks to substitute* an operable temporary route for the inoperable route presently specified in Sub 45 TA. The routes specified in the new application are those which most nearly parallel the routes specified in Sub 45 TA via the nearest available and sufficient bridge over the river. By framing the request for intermediate and terminal point authority as specified above, applicant has confined its application to the same points as authorized in Sub 45 TA. Applicant has pending a permanent authority application (Sub 48, advertised in the FEDERAL REGISTER of January 14, 1971), which corresponds to the present Sub 45 TA. Applicant intends to file a new permanent authority application to correspond to the revised temporary route sought by this application. Upon approval by the Commission of the temporary authority requested by this application, to extend throughout the period required to finally determine the corresponding application for permanent authority, Brown requests that the authority issued in Sub 45 TA be canceled. NOTE: The purpose of this partial republication is to correctly set forth the note C shown above, which was shown erroneously in previous publication.

No. MC 61825 (Sub-No. 48 TA), filed January 24, 1972. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, from the site of the plant of PPG Industries, Inc., at or near Mt. Holly Springs, Pa., to points in Georgia, North Carolina, Virginia, and points in Tennessee located on and east of U.S. Highway 231, for 180 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 84692 (Sub-No. 1 TA), filed January 19, 1972. Applicant: BEKINS VAN AND STORAGE COMPANY, West Fourth and Bluff Streets, Fifth and Wesley Way, Post Office Box 777, 51102, Sioux City, IA 51101. Applicant's representative: Shull, Marshall, Marks & Vizintos, Baderow Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groundwood paper* (except in bulk) *newsprint, and printing papers* (all for the account of Bowaters Southern Paper Corp.), from Sioux City, Iowa, to points in Iowa, Nebraska, South Dakota, and Minnesota, restricted to traffic having a prior or out-of-State movement by water or railroad, for 180 days. Supporting shipper: Bowaters Southern Paper Corp., Calhoun, Tenn. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 94201 (Sub-No. 104 TA), filed January 24, 1972. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Post Office Box 2188, Gadsden, AL 35903. Applicant's representative: Bishop and Carlton, 325-29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite, warehouse, and storage facilities of Gulf States Paper Co. at or near Demopolis, Ala., to Nicholasville, Ky., for 180 days. Supporting shipper: Gulf States Paper Corp., Post Office Box 3199, Tuscaloosa, AL 35401, Attention: J. P. Sims, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107544 (Sub-No. 105 TA), filed January 25, 1972. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Richmond County, Va., to points in Alabama, Florida, Kentucky, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shippers: Olin Corp., 120 Longridge Road, Stamford, CT 06901; Dan River, Inc., Danville, Va. 24540; Union Camp Corp., Post Office Box 178, Franklin, VA 23851; American Enka Co., Enka, N.C. 27728; Olin Corp., Pisgah Forest, N.C. 28768. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 107544 (Sub-No. 106 TA), filed January 25, 1972. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Charleston, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shippers: Olin Corp., Stamford, Conn. 06901, Pisgah Forest, N.C. 28768; American Enka Co., Enka, N.C. 28728; Union Camp Corp., Post Office Box 178, Franklin, VA 23851; Dan River, Inc., Danville, Va. 24540. Send protests to: C. M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 112617 (Sub-No. 296 TA) filed January 24, 1972. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, 1292 Fern Valley Road 40219, Louisville, KY 40221. Applicant's representative: Charles R. Dunford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Vistron, Inc., at or near Lima, Ohio, to points in Indiana and the Lower Peninsula of Michigan, for 180 days. Supporting shipper: Charles M. Owen, Motor Carrier Coordinator, Distribution Operations Division, Agrico Chemical Division, Continental Oil Co., Post Office Box 346, Memphis, TN 38101. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 113855 (Sub-No. 252 TA), filed January 24, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplane loading maintenance and baggage handling equipment*, from San Leandro, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Stanray Corp., Industrial Service Division, 492 Hester Street, San Leandro, CA 94577. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 119654 (Sub-No. 18 TA), filed January 24, 1972. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Applicant's representative: Frank Bove (same address as above). 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, in 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, Iowa, South Carolina, North Carolina, Pennsylvania, and the District of Columbia and *return of damaged or rejected shipments*, from the above destination points to Alexandria, Ind., for 180 days. Supporting shipper: Indiana Rock Wool, Division of Susquehanna Corp., Alexandria, Ind. (Mr. Walter Vaden). Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 119774 (Sub-No. 38 TA), filed January 21, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX) AND JAMES E. MANKINS, SR., a partnership, doing business as, EAGLE TRUCKING COMPANY, Post Office Box 471, 301 Main Street, Third Floor, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, tubing, conduit, valves, fittings, compounds, joint sealer, bonding cement, primer coating, thinner, and hand tools*, used in the installation of such products (except commodities in bulk, in tank vehicles); and (2) *material, equipment, supplies and fittings* used in the manufacture and installation of such products, Territory Description: Commodities described in (1) above from New Orleans and Slidell, La., on the one hand, to all points in the United States (except Alaska and Hawaii); commodities described in (2) above, from all points in the United States (except Alaska and Hawaii) to New Orleans and Slidell, La., for 180 days. Supporting shipper: Dixie Plastic Manufacturing Co., Inc., 4250 Florida Avenue, New Orleans, LA. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 123905 (Sub-No. 12 TA), filed January 24, 1972. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, MS 39350. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry and animal and poultry health products*, in containers, and *feeders and advertising matter and premiums*, when moving in same vehicle with the previous commodities, from Decatur, Ill., to points in Mississippi, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, IL 62525. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 124221 (Sub-No. 36 TA), filed January 24, 1972. Applicant: HOWARD BAER, Post Office Box 27, Route 98 W, Morton, IL 61550. Applicant's representative: George J. Scanlan, 6801 West Higgins Avenue, Chicago, IL 60656. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bacon and hams*, from the plantsite of the Sugar Creek Packing Co., at Bloomington, Ill., to the Warehouse and distribution facilities of the Kroger Co. at Irving, Tex., for 180 days. Supporting shipper: Albert Rauch, Traffic Manager, The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 125140 (Sub-No. 14 TA), filed January 12, 1972. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy byproducts, fruit juices, and fruit drinks*, from St. Paul, Minn., to Amery, Baldwin, Chippewa Falls, Eau Claire, Galesville, Hudson, La Crosse, Luck, New Richmond, and Whitehall, Wis., for 180 days. Supporting shipper: Land O'Lakes, Inc., Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128862 (Sub-No. 12 TA), filed January 20, 1972. Applicant: B. J. CECIL TRUCKING, INC., Post Office Box C, Claypool, AZ 85532. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper cement*, from Safford, Ariz., and Tyrone, N. Mex., to Houston, Tex., for 180 days. NOTE: Applicant states it does intend to tack the authority with MC 128862. Supporting shipper: Aaron Ferer & Sons Co., 909 Abbott Drive, Omaha, NE 68102. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 128940 (Sub-No. 19 TA), filed January 24, 1972. Applicant: RICHARD A. CRAWFORD, doing business as CRAWFORD TRUCKING SERVICE, Post Office Box 722, 9327 Riggs Road, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products and preparations, advertising media, equipment, and supplies*, used in

the preparation and serving of foods in restaurants or commissaries, between Washington, D.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Iowa, Missouri, Kansas, Louisiana, New Mexico, Arizona, and California, for 180 days. Supporting shipper: Fairfield Farm Kitchens, 5200 Addison Road NE., Washington, DC 20027. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW. Washington, D.C. 20423.

No. MC 128966 (Sub-No. 4 TA) filed January 24, 1972. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West Ninth Street, Kansas City, MO 64101. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, requiring refrigeration, other than frozen, from Kansas City, Mo.-Kans., commercial zone, to points in Missouri on and west of U.S. Highway 63, for 180 days. Supporting shippers: The Maffry Co. of Strawberry Hill, Kansas City, Kans. 66117; Oscar Mayer & Co., Kansas City, Kans. 66119; Inland Underground Facilities, Inc., Kansas City, Kans. 66110; Midwest Cold Storage & Ice Corp., Kansas City, Kans. 66119; Holiday Sales Inc., Kansas City, Kans. 66119; Stoops, Redmond, Cates & Tarwater, Shawnee Mission, Kans. 66202. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 129086 (Sub-No. 14 TA), filed January 21, 1972. Applicant: SPENCER TRUCKING CORPORATION, Post Office Box 254A, Route No. 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ashes and cinders*, from Cresaptown, Md., and Mount Storm, W. Va., to Gainesville, Va., for 180 days. Supporting shipper: Washington Concrete Products, Inc., Gainesville, Va. 22065. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 133095 (Sub-No. 21 TA), filed January 25, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., 2603 West Euless Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from Brooklyn, N.Y., Chicago, Ill., Hammondsport, N.Y., Poughkeepsie, N.Y., and Teterboro, N.J., to Amarillo, Dallas, and Odessa, Tex., for 180 days. Supporting shipper: Terk Distributing Co., Inc., 1002 East Second Street, Odessa, TX. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 135689 (Sub-No. 1 TA), filed January 21, 1972. Applicant: EUGENE MEYER, 509 Fairview Avenue, Versailles, OH 45380. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screened limestone* (fertilizer filler), for the account of Armco Steel Corp., from Piqua, Ohio, to points in Indiana on and east of U.S. Route 31 north of Interstate 74, for 180 days. Supporting shipper: Armco Steel Corp., Middletown, Ohio 45042. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5544–B, Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 135760 (Sub-No. 2 TA), filed January 24, 1972. Applicant: COAST REFRIGERATED TRUCKING CO., INC., Post Office Box 188, Holly Ridge, NC 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork products*, in vehicles equipped with mechanical refrigeration, from Council Bluffs, Sioux City, Waterloo, Des Moines, and Dubuque, Iowa; Chicago, Rochelle, and Peoria, Ill; and Muncie, Ind., to Castle Haynes and Holly Ridge, N.C., for 180 days. Supporting shipper: Carolina Meat Processors, Inc., Post Office Box 294, Wilmington, N.C. 28401. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136306 (Sub-No. 1 TA), filed January 24, 1972. Applicant: EQUIPMENT EXPRESS LTD., Rural Route No. 2, Gromley, ON Canada. Applicant's representative: Robert D. Gunderman, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete building components*, for the account of Jespersen-Kay Systems Ltd., from ports of entry on the international boundary line between the United States and Canada on the Niagara River to Rochester, N.Y., *returned shipments of the same commodities* in the reverse direction, for 180 days. Supporting shipper: Jespersen-Kay Systems Ltd., Whitchurch-Stouffville, Ontario, Canada. Send protests to: District Supervisor George M. Parker, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

By the Commission.

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

[FR Doc.72-2018 Filed 2-9-72;8:54 am]

[Notice 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 4, 1972.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 1328 (Sub-No. 9 TA), filed January 27, 1972. Applicant: MGS TRANSPORTATION, INC., Post Office Box 270, Alexandria, IN 46001. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool, mineral wool, and rock wool and mineral wool products*, 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, Vermont, Maine, Massachusetts, Connecticut, Nebraska, Rhode Island, West Virginia, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Indiana Rockwool, Division of Susquehanna Corp., Alexandria, Ind. (Walter Z. Vaden, General Manager). Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 51146 (Sub-No. 254 TA), filed January 28, 1972. Applicant: SCHNEIDER TRANSPORT, INC. (2661 South Broadway), Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Sibley, Iowa,

to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Oklahoma, and Texas, and (2) *plastic bags, liners, and films, and textile bags,* from Sibley, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Oklahoma, Texas, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Kentucky, and Michigan for 180 days. Supporting shipper: Chase Bag Co., 309 West Jackson Boulevard, Chicago, IL 60606 (C. J. Dwyer, General Traffic Manager). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 51146 (Sub-No. 255 TA), filed January 28, 1972. Applicant: SCHNEIDER TRANSPORT, INC., Post Office Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs and canned goods,* from RJR Foods, Lockport, N.Y., to RJR Foods Distribution Center, South Bend, Ind., for 180 days. Supporting shipper: RJR Foods, Inc., 750 Third Avenue, New York, N.Y. 10017 (Donald J. Kays, General Traffic Manager). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 64932 (Sub-No. 500 TA), filed January 25, 1972. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: R. P. Johnson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Molten sulfur,* from Burns Harbor, Porter County, Ind., to Chicago, Ill., for 180 days. Supporting shipper: Bethlehem Steel Corp., Bethlehem, Pa. Send protests to: District Supervisor, Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 75830 (Sub-No. 9 TA), filed January 26, 1972. Applicant: INTERCITY TRANSPORT & MOTOR COMPANY, Post Office Box 88, Liggetts Avenue, Buckhannon, WV 26201. Applicant's representative: John L. Gedid, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug and variety stores, and *equipment, materials, and supplies,* used in the conduct of such business, between O'Hara Township, Allegheny County, Pa., on the one hand, and, on the other, Carbondale, Chicago, Kankakee, Lombard, Schaumberg, and Springfield, Ill.; Anderson and Richmond, Ind.; Ashland, Bascom, Bryan, Dayton, and Shelby, Ohio; Grand Rapids, Muskegon, and Muskegon Heights, Mich.; Edina, Minneapolis, Rochester, and Winona, Minn.; and Appleton, Brookfield, Brown Deer, Greendale, Janesville, Kenosha, Madison, Manitowoc, Milwaukee, and Sheboygan, Wis. Restriction: The above operations are limited to a transportation service to be performed under a continuing contract, or contracts with the Thrift Drug Division of J. C. Penney Co., Inc., of New York, N.Y., for 180 days. Supporting shipper: J. C. Penney Co., Inc., Thrift Drug Division, 1301 Avenue of The Americas, New York, NY 10019, Attention: William E. Hertwig, Private/Contract Carrier Traffic Specialist. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 105636 (Sub-No. 31 TA), filed January 25, 1972. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. 08360. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* with usual exceptions, (1) between New York, N.Y., points in New Jersey and points in Pennsylvania and Delaware within 25 miles of Philadelphia, Pa., including Philadelphia, on the one hand, and, on the other, Fort Pierce, Riviera Beach, and West Palm Beach, Fla.; and (2) from Chicago, Ill., to Fort Pierce, Riviera Beach, and West Palm Beach, Fla. Restriction: Restricted to traffic moving in foreign commerce, and having an immediately prior or subsequent movement by air or water, for 180 days. Supported by: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 107496 (Sub-No. 836 TA), filed January 27, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Des Moines, IA 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins,* in bulk, in tank vehicles, from Minneapolis, Minn., to Lenoir, N.C., for 150 days. Supporting shipper: Whittaker Corp., Mol-Rez Resins Division, 3134 California Street NE., Minneapolis, MN 55418. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109637 (Sub-No. 385 TA), filed January 26, 1972. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Calcium carbide,* in bulk, from Louisville, Ky., to Bladensburg, and Hyattsville, Md., and Iselin, N.J., for 150 days. Supporting shipper: Joseph S. Stasiak, Assistant to Traffic Manager, Airco Alloys & Carbide, a division of Airco, Inc., Post Office Box 368, Niagara Falls, NY 14302. Send protests to: Ross A. Divis, District Supervisor, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 110563 (Sub-No. 78 TA), filed January 24, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, 113 North Ohio Avenue, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products, suspended, boxed or cured cheese, butter and dairy products* to move in mixed lots with above products, from St. Louis, Mo., and National Stockyards, Ill., and their commercial zones, to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Washington, D.C., for 180 days. Supporting shippers: Swift Grocery Products Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604; Royal Packing Co., Inc., Box 156, St. Clair Avenue and Ice Plant Road, National Stock Yards, IL 62071; Krey Packing Co., St. Louis, MO 63107. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Toledo, OH 43604.

No. MC 110563 (Sub-No. 79 TA), filed January 21, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cheese, butter, and dairy products,* from St. Louis, Mo., and its commercial zone, to points in Connecticut, Indiana, Ohio, Massachusetts, Maryland, Michigan, New York, New Jersey, Pennsylvania, Rhode Island, and Washington, D.C., for 180 days. Supporting shipper: Raskas Dairy, Inc., 1313 North Newstead Avenue, St. Louis, MO 63113. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 111729 (Sub-No. 335 TA), filed January 28, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John D. 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, between Toledo, Ohio, on the one hand, and, on the other, Ann Arbor and Chelsea, Mich.; (2) *whole human blood derivatives, body fluids, cancer smears, tissue specimens, and related documents and records,* between Savannah, Ga., and Anderson, S.C.; (3) *microbiological media* in culture tubes and plates, and *related documents and records,* between Columbus, Ind., on the one hand, and, on the other, Chicago, Ill., Dayton, and Cincinnati, Ohio, and Louisville and Owensboro, Ky.; (4) *pharmaceuticals, prescription medications, and business papers, records and accounting media,* between Silver Spring, Md., on the one hand, and, on the other, Norfolk, Richmond, and Winchester, Va.; and (5) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Roanoke, Va., on the one hand, and, on the other, points in North Carolina, eastern Kentucky, eastern Tennessee, and West Virginia; (b) between Kingston, N.Y., on the one hand, and, on the other, Niagara Falls, N.Y., Chicopee, North Adams, Northampton, and Springfield, Mass.; East Haven, Elmwood, Torrington, and Wallingford, Conn., and (c) between Augusta, Ga., and Columbia, S.C., for 180 days. Supporting shippers: Washington Distributors, Inc., 3115 Frenchmens Road, Toledo, OH 43607; Dana Corp., Spicer Transmission Division, Post Office Box No. 986, Toledo, OH 43601; Anderson Pathology Associates Laboratory, 801–A North Fant Street, Anderson, SC 29621; Columbus Biologicals, Inc., 1634 Gladstone Avenue, Columbus, IN 47201; Accredited Surgical Co., 8705 Colesville Road, Silver Spring, MD 20901; Roanoke Photo Finishing Co., Second Street and Luck Avenue, Roanoke, Va. 24005; Ideal Camera Corp., 609–611 Broadway, Kingston, NY 12401; Colorcraft of August, Inc., 626 13th Street, Post Office Box 917, Augusta, GA 30902. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 124839 (Sub-No. 12 TA), filed January 25, 1972. Applicant: BUILDERS TRANSPORT, INC., Post Office Box 7057, 4800 Augusta Road, Savannah, GA 31408. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, building materials, and materials, equipment, and supplies* used in the distribution, installation, and application of such commodities from National Gypsum Co. and The Flintkote Co., Chatham County, Ga., to points in Florida, for 180 days. Supporting shippers: Gold Bond Building Products, Division of National Gypsum Co., Buffalo, N.Y. 14202; Flintkote Building Products Group, 480 Central Avenue, East Rutherford, NJ 07073. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 127867 (Sub-No. 8 TA), filed January 28, 1972. Applicant: TRANSOL COMPANY, 116 Forest Avenue, Des Moines, IA 50314. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Solvents,* in bulk, in tank vehicles, when moving at the same time and on the same vehicle with solvents in drums; and (2) *solvents,* in drums, when moving at the same time and on the same vehicle with solvents, in bulk, in tank vehicles, from Longview, Tex., to Des Moines, Iowa, under contract with Barton Solvents, Inc., for 180 days. Supporting shipper: Barton Solvents, Inc., 116 Forest Avenue, Des Moines, IA 50314. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133276 (Sub-No. 4 TA), filed January 24, 1972. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St., Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities, including loaded and empty steamship cargo containers,* between the port of entry between the United States and Canada boundary at or near Blaine, Wash., on the one hand, and points in Oregon and Washington on the other, and from points in Oregon and points in Washington to Portland, Oreg., and Vancouver, Longview, Tacoma, and Seattle, Wash., for 180 days. Supporting shippers: Harper, Robinson & Co., Board of Trade Building, Portland, Oreg. 97204; General Steamship Corp., Ltd., 425 Southwest Washington Street, Portland, OR 97204; American Mail Line, 522 Pacific Building, Portland, Oreg. 97204; Seaport Shipping Co., 604 World Trade Building, Portland, Oreg. 97204; Norpac Shipping Co., 710 World Trade Building, Portland, Oreg. 97204. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 134145 (Sub-No. 15 TA), filed January 27, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Raw materials, supplies and equipment,* used in the manufacture of snowmobiles and motorbikes, from points in California, Colorado, Connecticut, Idaho, Iowa, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Washington, and Wisconsin to Clearbrook, Minn., for 180 days. Supporting shipper: Arctic Enterprises, Inc., Thief River Falls, Minn. 56701. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 135018 (Sub-No. 2 TA), filed January 25, 1972. Applicant: A'n' D CORP., Post Office Box 1186, Orange, CA 92668. 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) *Pool and patio accessories, including fibreglass pool panels, and advertising and promotional equipment, materials and supplies* used in connection therewith, from points in Cameron County, Tex., to points in the United States (except Alaska and Hawaii); (2) *aluminum, bolts, hardware and nuts,* from points in the United States (except Alaska and Hawaii), to points in Cameron County, Tex.; (3) *chair shells,* from points in Illinois and Wisconsin to points in Cameron County, Tex.; (4) *steel,* from points in California, Illinois, Indiana, and Pennsylvania to points in Cameron County, Tex.; (5) *stainless steel,* from points in California, Connecticut, and New Jersey to points in Cameron County, Tex.; (6) *fibreglass,* from points in California, Ohio, Tennessee, and Texas to points in Cameron County, Tex.; (7) *lumber and plywood,* from points in California, Idaho, Oregon, and Washington to points in Cameron County, Tex.; (8) *packaging materials,* from points in California, Illinois, Louisiana, and Washington to points in Cameron County, Tex.; (9) *adhesives* used in the fabrication of fibreglass, from points in California, Delaware, and New Jersey to points in Cameron County, Tex.; (10) *pool and patio accessories* (including fibreglass pool panels) *advertising and promotional equipment materials and supplies, and methyl ethyl keystone,* from points in California to points in Cameron County, Tex.; and (11) *component parts, materials, supplies and equipment* used in the manufacturing, production, and distribution of pool and patio accessories, including fibreglass pool panels, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Cameron County, Tex., for 180 days. Supporting shipper: Aquaslide 'n' dive Corp., 11077 East Rush Street, South El Monte, CA 91733. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136361 TA, filed January 25, 1972. Applicant: CECIL BURNETT, doing business as "SANDY" BURNETT TRUCKING CO., Route No. 1, Box No. 30, Lawrenceburg, IN 47025. Applicant's

representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt and crushed stone, and commodities* usually and ordinarily transported in dump trucks, from Harrison, Ohio, and from Hooven, Ohio, to points in Dearborn County, Ind., for 180 days. Supporting shippers: Top Quality Building, Inc., Lawrenceburg, Ind. (Dearborn County, Ind.), Dearborn Gravel, Inc., Lawrenceburg, Ind. (Dearborn County, Ind.). Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN.

By the Commission.

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

[FR Doc. 72-2019 Filed 2-9-72; 8:55 am]

[Notice 13]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 7, 1972.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73468. By application filed February 2, 1972, YOUTH SPORT AND CAMP TOURS, INC., Post Office Box 15, Millburn, NJ 07041, seeks temporary authority to release the operating rights of ALPINE SKI TOURS, INC., 491 Valley Street, Maplewood, NJ 07040, under section 210a(b). The transfer to YOUTH SPORT AND CAMP TOURS, INC., of the operating rights of ALPINE SKI TOURS, INC., is presently pending.

By the Commission.

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

[FR Doc.72-2017 Filed 2-9-72;8:54 am]

[Notice 10]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 4, 1972.

The following applications are governed by Special Rule 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, 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 730 (Sub-No. 334), filed January 6, 1972. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 638, Oakland, CA 94604. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt sealer* in bulk, in tank vehicles, from Cedar City, Utah to points in California, Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Los Angeles, Calif.

No. MC 1042 (Sub-No. 7), filed January 6, 1972. Applicant: C.P.T. FREIGHT, INC., 2600 Calumet Avenue, Hammond, IN 46320. Applicant's representative: Eugene L. Cohn, 1 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Portage, Ind., on the one hand, and, on the other, points in Illinois within a territory bounded by a line commencing at the Illinois-Indiana State line, thence west over Illinois Highway 114 to its junction with Illinois Highway 17, thence west over Illinois Highway 17 to its junction with U.S. Highway 66, thence southwest over U.S. Highway 66 to its junction with U.S. Highway 24, thence west over U.S. Highway 24 to its junction with U.S. Highway 150, thence northwest over U.S. Highway 150 to its junction with Illinois Highway 88, thence north over Illinois Highway 88 to its junction with Illinois Highway 2, thence north and northeast over Illinois Highway 2 to the Illinois-Wisconsin State line, including all points on the aforesaid highways. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1334 (Sub-No. 10), filed January 10, 1972. Applicant: RITEWAY TRANSPORT, INC., Post Office Box 20433, Phoenix, AZ 85036. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, equipment, and supplies; self-propelled articles* weighing 15,000 pounds or more; *commodities* which by reason of size and weight require special equipment or handling, *commodities* which do not require special handling or equipment; and *iron and steel articles*, between points in California, Arizona, Colorado, Nevada, New Mexico, Utah, 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 Los Angeles, Calif.; Phoenix, Ariz., or Denver, Colo.

No. MC 2153 (Sub-No. 42), filed January 10, 1972. Applicant: MIDWEST MOTOR EXPRESS, INC., 1205 Front Avenue, Post Office Box 1058, Bismarck, ND 58501. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, MN 55101. 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

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

Commission, commodities in bulk, and those requiring special equipment), between St. Paul, Minn., and McGregor, Minn., serving no intermediate points and serving points within 15 miles of McGregor as off-route points, from St. Paul, over U.S. Highway 10 to junction Minnesota Highway 65, thence over Minnesota Highway 65 to McGregor, and return over the same route. NOTE: Applicant states that the authority sought shall be restricted against tacking with other authority presently held by applicant, except for service to and from points on Minnesota Highway 210 between McGregor and Sawyer, Minn., including both termini. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 2253 (Sub-No. 49), filed January 3, 1972. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150 East, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, NC 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in South Carolina, on the one hand, and, on the other, points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that purpose of this application is to eliminate its gateway between points in South Carolina, on the one hand, and, on the other, points in Florida. If a hearing is deemed necessary, applicant requests it be held at Columbia or Greenville, S.C.

No. MC 2765 (Sub-No. 29), filed December 27, 1971. Applicant: SQUARE DEAL CARTAGE CO., 13401 Eldon Avenue, Detroit, MI 48234. Applicant's representative: Eugene C. Ewald, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new bodies, new cabs, and new chassis* in initial and secondary movements, in truckaway and driveaway service, from the plantsites and facilities of the Chrysler Corp. located in Wayne County and Macomb County, Mich., to Milwaukee, Wis. Restriction: The commodities indicated above are restricted to movements during the season of open navigation on the Great Lakes, when water carrier service from the port of Muskegon is unavailable. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 7832 (Sub-No. 14), filed January 10, 1972. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a partnership, doing business as SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, NJ 07036. 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: *Household cleaning products* (except in bulk), from Passaic, N.J., to Syracuse, and New York, N.Y., Hartford, Conn., Providence and Cumberland, R.I., Boston, Mass., and points in Nassau, Suffolk, and Westchester Counties, N.Y., under contract with J. L. Prescott Co. NOTE: Applicant states it presently holds a portion of the authority sought, further stating however, that duplicating authority is not requested. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 15859 (Sub-No. 7) (amendment), filed July 23, 1971, published in the FEDERAL REGISTER issue of September 2, 1971, and republished as amended, this issue. Applicant: THE HINE LINE, 247 Emmet, Newark, NJ 07114. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, skins, pelts, chromes, and pieces thereof*, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, and Virginia (except no service from Luray, Va.), on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; (2) *tannery products and supplies* (except leather and leather products), restricted to transportation of such products to and from tanneries or leather processing plants only, and restricted against the transportation of liquid products in bulk in tank vehicles, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia (except no service from Luray, Va.), West Virginia, and Wisconsin; and

(3) *Salt*, restricted against the transportation of liquid products in bulk in tank vehicles, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 18535 (Sub-No. 53), filed January 3, 1972. Applicant: HICKLIN MOTOR LINE, INC., Box 377, Railroad Avenue, St. Matthews, SC 29135. Applicant's representative: Lawrence M. Gressette, Jr., Post Office Box 346, St. Matthews, SC 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimension lumber*, from plantsite of Council Lumber Co., Orangeburg, S.C., to Athens and Dandridge, Tenn.; Martinsville and Bassett, Va.; Henderson, Somerset, and Covington, Ky.; and Crescent City, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 19227 (Sub-No. 167), filed January 10, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Post Office Box 602, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, and plastic fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., at Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 168), filed January 10, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, particleboard, plywood, lumber and lumber products*, from points in Angelina and

Sabine Counties, Tex., to points in Connecticut, Delaware, Indiana, Maryland, Michigan, Maine, Massachusetts, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29120 (Sub-No. 131) (correction), filed November 17, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished in part, as corrected this issue. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same address as applicant). The purpose of this partial republication is to reflect the following information: "Serving no intermediate points, except, however, serving for the purpose of joinder only the junctions of: (a) Interstate Highways 235, 35, and 80 at or near Des Moines, Iowa; (b) Interstate Highway 35 and U.S. Highway 20 at or near Williams, Iowa; and (c) U.S. Highways 65 and 20 at or near Webster City, Iowa." The rest of the application remains as previously published.

No. MC 30844 (Sub-No. 388), filed January 7, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 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, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Wilson Certified Foods, Inc., at Oklahoma City, Okla., to points in Indiana, Ohio, Virginia, and West Virginia. 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 Washington, D.C., or Chicago, Ill.

No. MC 30867 (Sub-No. 181), filed December 9, 1971. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th Street (Post Office Box 238), Waco, TX 76703. Applicant's representative: Phillip Robinson, The 904 Lavaca Building (Post Office Box 2207), Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Granbury, Tex., over Texas Highway 144, 5.9 miles to its intersection with Farm Road 2425, thence over Farm Road 2425, 1.9 miles to its intersection with unnumbered road, thence over unnumbered road 2.9 miles to the site of the DeCordova Steam Electric Station, Texas Power & Light Co. and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 35628 (Sub-No. 325), filed January 5, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson-Sinclair Co., located at Des Moines, Iowa, to points in Indiana, Ohio, and those in the lower peninsula of Michigan, restricted to traffic originating at the named origin and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 42475 (Sub-No. 7), filed January 11, 1972. Applicant: "B" LINE TRANSPORTATION COMPANY, INC., 17 Boston Post Road, Waterford, CT 06385. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to New London, Conn. 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 Hartford, Conn., or New York, N.Y.

No. MC 45716 (Sub-No. 8), filed January 6, 1972. Applicant: WELSH BROS. MOTOR SERVICE, INC., 920 150th Street, Hammond, IN 46325. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Portage, Ind., on the one hand, and, on the other, points in Illinois within 70 miles of Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 245) (Clarification), filed December 6, 1971, published FEDERAL REGISTER, issue of January 6, 1972, and republished as clarified this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, plastic materials and products, paper and paper products (except commodities in bulk), between the plantsites and storage facilities of Will Ross, Inc., at Milwaukee, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the plant and storage facilities of Will Ross, Inc., at Milwaukee, Wis., restricted to traffic originating at and destined to the named plant and storage facilities. NOTE: The purpose of this republication is to show the location of Will Ross, Inc., which was inadvertently omitted from the application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 61396 (Sub-No. 231), filed January 10, 1972. Applicant: HERMAN BROS. INC., Post Office Box 189, 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk in tank vehicles; (a) from the plantsite of Arco Chemical Co., in Cerro Gordo County, Iowa, to points in Minnesota; and (b) from terminal sites and loading facilities located on the ammonia pipeline of Gulf Central Pipeline Co. located at or near Algona and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 64600 (Sub-No. 41), filed January 10, 1972. Applicant: WILSON TRUCKING CORPORATION, 203 New Hope Road, Waynesboro, VA 22980. Applicant's representative: William J. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate*, in bulk, from Narrows, Va., to Norfolk, 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 Richmond, Va., or Washington, D.C.

No. MC 65660 (Sub-No. 6), filed January 11, 1972. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., Post Office Box 96, Masury, OH 44438. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Kittanning, Pa., as an off-route point in connection with carrier's authorized regular route operations between Pittsburgh, Pa., and Warren, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 66886 (Sub-No. 25), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast or prestress concrete articles and accessories* used in the installation of above-named commodities, from Tulsa, Okla., to points in Kansas, Missouri, Arkansas, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 66886 (Sub-No. 26), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., at Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Kansas City, Mo.

No. MC 66886 (Sub-No. 27), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and farm implements and industrial implements*, from New Orleans, La., to points in Louisiana, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, and Illinois. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 66886 (Sub-No. 28), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems, equipment and parts; environmental control and protective systems, equipment and parts;* (2) *equipment, material and supplies* used in the construction or installation of antipollution and environmental control or protective systems; and (3) *safes, vaults, tanks, hoppers, bins, structural steel, conveyors, and mail-handling equipment*, from Fort Smith, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 70832 (Sub-No. 14), filed January 11, 1972. Applicant: NEW PENN MOTOR EXPRESS, INC., 18 East Weidman Street, Lebanon, PA. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 Milton and Williamsport, Pa., from Milton over the Susquehanna River Bridge to West Milton, thence over U.S. Highway 15 to Williamsport, and return over the same route, serving no intermediate points. Restriction: The transportation sought herein is restricted to shipments having a prior or subsequent movement by motor carrier. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76987 (Sub-No. 7), filed January 11, 1972. Applicant: ORVILLE C. BADGER TRUCKING CO., INC., 15 Lexington Avenue, New Haven, CT 06513. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials, equipment and supplies* used in the manufacture, distribution and installation of such commodities, between Portsmouth, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland, under contract with National Gypsum Co. NOTE: Applicant states that the proposed authority duplicates much of the authority presently held to serve the supporting shipper and, in the event of a grant, coincidental cancellation of duplicated authority will be requested. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 134), filed January 3, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except in bulk), between points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas, restricted against the transportation of pipe as described in Mercer Extension Oilfield Commodities, 74 M.C.C. 459. NOTE: Applicant states that tacking possibilities exist in connection with its lead certificate No. MC 106644, Sub-30, 41 and 106. Applicant now holds contract carrier authority under its No. MC 104724 (Sub-No. 13), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 108859 (Sub-No. 57), filed January 7, 1972. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, MI 49829. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Sault Ste. Marie, Mich., and Cincinnati, Ohio, over Interstate Highway 75 including uncompleted sections thereof using connecting Federal or State highways, pending completion of said Interstate Highway 75 in its entirety, and U.S. Highway 23 between its junction with Interstate Highway 75 near Flint, Mich., and its junction with Interstate Highway 75 near Toledo, Ohio, as an alternate route for operating convenience only in connection with applicant's regular route authority, serving no intermediate points other than those already authorized to be served, and (2) between Sault Ste. Marie, Mich., and Indianapolis, Ind., over Interstate Highway 75 between Sault Ste. Marie and its junction with U.S. Highway 27, thence over U.S. Highway 27 between its junction with Interstate Highway 75 and its junction with Interstate Highway 69 near Battle Creek, Mich., and Indianapolis, Ind., including uncompleted sections of Interstate Highway 69 using connecting Federal or State highways, pending completion of said Interstate Highway 69 in its entirety, as an alternate route for operating convenience only, in

connection with applicant's regular route authority, serving no intermediate points other than those already authorized to be served. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109236 (Sub-No. 25), filed December 15, 1971. Applicant: ELMER L. SIMS, G. GRANT SIMS, AND ELMER L. SIMS (TRUSTEE FOR SIMS FAMILY TRUST), a partnership, doing business as SALT LAKE TRANSFER COMPANY, 35 South Fifth West, Salt Lake City, UT 84101. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, by reason of size or weight, require special handling or the use of special equipment, and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles*, transported on trailers, and *related machinery, tools, parts*, and *supplies*, moving in connection therewith; (3) *iron and steel articles* as described in appendix 5 to the Commission's report in *Descriptions in Motor Carrier Certificates*, ex parte, MC 45, 61 M.C.C. 209 and 766; and (4) *pipe* other than iron and steel, together with fittings; and (5) *construction materials*, between points in California, on the one hand, and, on the other, points in Oregon, Washington, Idaho, Nevada, Utah, Colorado, Wyoming, Arizona, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles and San Francisco, Calif., Portland, Oreg., and Salt Lake City, Utah.

No. MC 109612 (Sub-No. 32), filed January 6, 1972. Applicant: LEE MOTOR LINES, INC., 4319 South Madison, Muncie, IN 47305. Applicant's representative: Eugene Lee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Northlake, Ill., to points in Indiana, Michigan, and 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 Indianapolis, Ind., or Chicago, Ill.

No. MC 109729 (Sub-No. 4), filed January 10, 1972. Applicant: HERMAN POWELL, Post Office Box 36, Girard Station, 806 26th Street, Phenix City, AL 36867. Applicant's representative: Richard Y. Bradley, Fifth Floor, The Ralston Center, Post Office Box 2707, Columbus, GA 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., Escambia County, Fla., and Cobb County, Ga., to points in Alabama, Georgia, Mississippi, Tennessee, and points in Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties, under contract with Bickerstaff Clay Products Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Atlanta, Ga.

No. MC 111170 (Sub-No. 181), filed January 10, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bromine*, in bulk, from points in Columbia County, Ark., to points in Alabama, Louisiana, Missouri, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111812 (Sub-No. 453) (correction), filed November 11, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East 18th Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising materials, circulars, periodical inserts, and newsprint* which are exempt from economic regulation in mixed truckloads with regulated commodities, from points in Hartford, New Haven, and Fairfield Counties, Conn., Providence County, R.I., New York commercial zone, N.Y., Baltimore and Anne Arundel counties, Md., and Philadelphia and Chester Counties, Pa., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to reflect the correct origin point as Providence County, R.I., in lieu of Providence, R.I., erroneously shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 112713 (Sub-No. 139), filed January 4, 1972. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, MO 64114. Applicant's representative: John M. Records (same address as applicant). 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, commodities in bulk, commodities requiring special equipment, those of unusual value and those injurious or contaminating to other lading), serving the plantsite and storage facilities of General Cable Corp. at Bonham, Tex., as an off-route point in connection with applicant's otherwise authorized regular route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 112854 (Sub-No. 29), filed January 7, 1972. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Ontario Center, NY 14520. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulations under section 203(B)(6) of the act when transported in mixed shipments with bananas, from Albany, N.Y., to points in New Jersey, New York, Ohio, and Pennsylvania. 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 Rochester or Buffalo, N.Y.

No. MC 113362 (Sub-No. 229), filed January 13, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Raymond W. Ellsworth, Post Office Box 227, Seneca, PA 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, including materials and supplies, used in distribution and installation thereof, from Trenton, N.J., to Des Moines, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 113624 (Sub-No. 60), filed September 11, 1971. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Lesilie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk in tank vehicles, (1) from Laramie, Wyo., to points in Colorado, Kansas, Nebraska, South Dakota, and Wyoming and (2) from points in Cheyenne County, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113843 (Sub-No. 180), filed January 4, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food*

products, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from points in Cuyahoga, Summit, and Wayne Counties, Ohio, to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin, restricted to traffic originating at Cuyahoga, Summit, and Wayne Counties, Ohio, and destined to the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 114011 (Sub-No. 5), filed January 7, 1972. Applicant: PETER SADOWSKI, doing business as PETE'S SERVICE AND TRUCK RENTALS, 640 South Century Avenue, St. Paul, MN 55119. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and the return of used empty containers*, from Minneapolis-St. Paul, Minn., commercial zone, to points in Wisconsin on and north of Wisconsin Highway 29 (used empty containers return to Minneapolis-St. Paul commercial zone). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114273 (Sub-No. 112), filed January 3, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, 2720 First Avenue NE., Cedar Rapids, IA 52402. 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, and dairy products, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from St. Louis, Mo., and East St. Louis, Ill., to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114897 (Sub-No. 93), filed January 10, 1972. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Drive, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats*, in bulk, in tank vehicles, from Booker, Tex., to points in Quay County, N. Mex.; (2) *liquid fertilizers*, in bulk, in tank vehicles, from points in Pinal and Maricopa Counties, Ariz., to points in New Mexico; (3) *liquid animal feedstuffs*, in bulk, in tank vehicles, from points in New Mexico to points in Arizona; and (4) *road binding compound*, in bulk, in tank vehicles, from Brea, Calif., to El Paso, Tex., and Tucson, Ariz. 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 El Paso, Tex.

No. MC 115826 (Sub-No. 236), filed January 7, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned mushrooms*, from Kennett Square, Pa., to points in Illinois, Colorado, California, Ohio, Michigan, Arizona, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Philadelphia, Pa.

No. MC 118270 (Sub-No. 7), filed January 12, 1972. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 West Ramapo Avenue, Mahwah, NJ 08403. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and plantains*, in straight or mixed shipments, from Albany, N.Y., and Baltimore, Md., to points in Connecticut, Massachusetts, New Hampshire, Maine, New Jersey, New York, Pennsylvania, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118402 (Sub-No. 4), filed January 11, 1972. Applicant: HILLSIDE MOTOR LINES, INC., 321 Indian River Road, Orange, CT 06477. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, and points within the New York, N.Y., commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No MC 118535 (Sub-No. 49), filed January 10, 1972. Applicant: JIM TIONA, JR., 803 West Ohio, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients and livestock feeders, livestock feeder parts, and advertising materials* when moving in connection with animal feed and animal feed ingredients, from Minneapolis, and Rogers, Minn., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant could tack at Kansas City, Mo., and Kansas City, Kans., to serve Virginia and West Virginia in the transportation of dry animal and poultry feeds and ingredients thereof (except in tank or hopper type vehicles). If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119118 (Sub-No. 33), filed December 27, 1971. Applicant: MCCURDY TRUCKING, INC., Post Office Box 388, Latrobe, PA 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from Winston-Salem, N.C., to points in New Jersey, New York, Connecticut, and Massachusetts; and (2) *empty* (used) *malt beverage containers*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. Applicant now holds contract carrier authority under its No. MC 116564 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 119631 (Sub-No. 16), filed December 7, 1971. Applicant: DEIOMA TRUCKING COMPANY, a corporation, Post Office Box 915, Mount Union Station, Alliance, OH 44601. Applicant's representative: James E. Wilson, 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: (1) *Clay products, and accessories used in the installation of such clay products*, from Summitville, Ohio and Pekin, Ohio, to points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, and (2) *materials and machinery used in the manufacture of clay products*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119774 (Sub-No. 35), filed January 5, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECU-

TRIX) AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components, and panels, and accessories used in the installation and completion thereof*, from the plantsite and storage facilities of Engineered Components, Inc., at Stafford, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority and serve points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Louisiana, Kansas, Kentucky, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas. Applicant further states no duplicating authority sought. If a hearing is deemed necessary applicant requests it be held at Houston, Tex.

No. MC 119774 (Sub-No. 37), filed January 5, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR. a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, 301 Main Street, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pollution control systems and pollution control systems parts;* (2) *machinery, equipment, materials, and supplies*, incidental to, used in, or in connection with the manufacture, installation, removal, operation, repair, servicing, and maintenance of pollution control systems, and pollution control systems parts, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking possibilities exist with its Sub-No. 18, if that authority is granted, but at present time is not practicable to identify points. No duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 119864 (Sub-No. 46), filed December 13, 1971. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, OH 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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, between Bonne Terre, Mo., on the one hand, and, on the other, points in Indiana, Michigan, and 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 121470 (Sub-No. 7), filed January 10, 1972. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 901 Harrison Street, Nashville, TN 37203. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from points in Rutherford, County, Tenn., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority can be tacked with its Sub-2 certificate authorizing transportation of commodities which because of size or weight requires special equipment between points in Tennessee at a point in Rutherford County, Tenn. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123025 (Sub-No. 4), filed January 10, 1972. Applicant: LUVERNE MARCUSSON, 307 Oak Street, Red Oak, IA 51566. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, NE 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, rock and crushed limestone*, between points in Iowa, Missouri and Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 124025 (Sub-No. 2), filed January 10, 1972. Applicant: GLASS TRUCKING COMPANY, INC., 200 Chestnut, Post Office Box 276, Newkirk, OK 74647. Applicant's representative: Marlin Glass (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour and mill feed*, in bags or containers, from Arkansas City, Kans., to points in Kentucky, under contract with Dixie Portland Flour Mills, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 125535 (Sub-No. 3), filed January 7, 1972. Applicant: JOHN SHARP TRUCKING COMPANY, INC., 346 Central Avenue, Woodbury, NJ 08097. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and freezing units, machines, and equipment and parts and supplies* connected therewith, uncrated (except those which because of the size or weight require the use of special equipment or handling), and *shelves, bins, containers and checkout counters*, from the plantsite and storage facilities of Hussman Refrigerator Co., at or near Bellmawr, N.J., to points in Virginia, West Virginia, Maryland, Connecticut, Massachusetts, Pennsylvania, New York, Delaware, Rhode Island, and the District of Columbia; and (2) *damaged and defective equipment* described above, from the destination points specified above, to the plantsite and storage facilities of Hussman Refrigerator Co., at Cherry Hill, N.J., and at or near Bellmawr, N.J. Restriction: The operations sought herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Hussman Refrigerator Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125896 (Sub-No. 1), filed November 29, 1971. Applicant: O'BRIEN TRUCKING CO., INC., 221 Oakridge Terrace, Liverpool, NY 13088. Applicant's representative: Herbert H. Heim, 315 Seitz Building, Syracuse, N.Y. 12020. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Clarence E. Hancock Airport (Onondaga County), N.Y., on the one hand, and, on the other, points in Cortland, Jefferson, and Tompkins Counties, N.Y., and (b) between Clarence E. Hancock Airport (Onondaga County), N.Y., and the following airports in New York: John F. Kennedy International Airport (Nassau and Queens Counties), La Guardia Airport (Queens County), The Greater Buffalo International Airport (Erie County), Rochester-Monroe County Airport (Monroe County), Oneida County Airport (Oneida County), Broome County Airport (Broome County), Chemung County Airport (Chemung County), Albany County Airport (Albany County), Watertown Airport (Jefferson County), Massena Airport (St. Lawrence County), and Tompkins County Airport (Tompkins County), N.Y., and Newark Municipal Airport (Essex County), N.J. NOTE: Applicant states that it is presently authorized to transport the same commodities subject to the same restriction from Clarence E. Hancock Airport (Onondaga County), N.Y., to the airports listed hereinabove. 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 Syracuse or New York, N.Y.

No. MC 126514 (Sub-No. 35), filed January 11, 1972. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, doing business as SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 850001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Envelopes*, from New York, N.Y., and Knoxville, Tenn., to Anaheim, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126555 (Sub-No. 14), filed January 7, 1972. Applicant: UNIVERSAL TRANSPORT, INC., Box 268, Rapid City, SD 57701. Applicant's represenative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Minnehaha County, S. Dak., to points in Iowa, Minnesota, and Nebraska. 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 Rapid City, S. Dak., or Omaha, Nebr.

No. MC 127197 (Sub-No. 6), filed January 7, 1972. Applicant: JAMES E. WILSON, Rural Delivery No. 3, Coudersport, PA 16915. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in New York State on and west of New York Highway 15. 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 Albany, N.Y.

No. MC 127877 (Sub-No. 4), filed January 11, 1972. Applicant: EWEN BROTHERS, INC., 440 Jerrie Lane, Billings, MT 59101. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Beaverhead, Fergus, Flathead, Gallatin, Granite, Lake, Lincoln, Mineral, Missoula, Musselshell, Powell, Ravalli, Rosebud, and Sanders Counties, Mont.; and Salmon, Idaho, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, 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 Billings, Mont.

No. MC 129396 (Sub-No. 1), filed November 18, 1971. Applicant: BERRY TRANSPORTATION, INC., Post Office Box 1824, Longview, TX 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* ordinarily dealt in by malt beverage distributors, from Laredo, Tex., to points in Arkansas, Kansas, Louisiana, Missouri, 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 San Antonio, or Fort Worth, Tex.

No. MC 129396 (Sub-No. 1), filed January 11, 1972. Applicant: M. S. MAWHINNEY, JR., doing business as AIRPORT EXPRESS, Post Office Box 41, Duncansville, PA 16635. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the Greater Pittsburgh Airport, Moon Township, Allegheny County, Pa., on the one hand, and, on the other, points in Clearfield County, Pa., on and south of Interstate Highway 80 and points in Mifflin County, Pa., restricted to traffic having a prior or subsequent movement by air. 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 Pittsburgh, Pa., or Washington, D.C.

No. MC 129903 (Sub-No. 3), filed November 14, 1971. Applicant: CALVIN T. VERNON, doing business as EMPORIA MOTOR FREIGHT, 506 Arundel, Emporia, KS 66801. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Kansas City, North Kansas City, and St. Joseph, Mo., on the one hand, and, on the other, points in Chase and Lyon Counties, Kans.; (2) between Kansas City, North Kansas City, and St. Joseph, Mo., on the one hand, and, on the other, points in Council Grove, Lego, Madison, and Osage City, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 133106 (Sub-No. 14), filed January 11, 1972. 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: (1) *Pipe fittings and connections and pipe hangers*, from the plants, warehouses, and storage facilities used by Grinnell Corp. at or near Atlanta, Ga., to points in Colorado, Kansas, Oklahoma, New Mexico, and Texas; (a) *iron and steel pipe*, from the plants, warehouses, and storage facilities used by Grinnell Corp., at or near Kernersville, N.C., to points in Colorado, Kansas, Oklahoma, New Mexico, and Texas, and (3) *pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves* with or without operating apparatus, *castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads and automatic fire protection and prevention systems* (except those commodities which, because of size and weight require the use of special equipment), from the plants, warehouses and storage facilities used by Grinnell Corp. at or near Cleveland, N.C., to points in Colorado, Kansas, Oklahoma, New Mexico, and Texas, under a continuing contract with Grinnell Corp. and its parent corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133106 (Sub-No. 15), filed January 11, 1972. 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: *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves* with or without operating apparatus, *castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads and automatic fire protection and prevention systems* (except those commodities which, because of size and weight require the use of special equipment), from the plants, warehouses and storage facilities used by Grinnell Corp. at or near Warren, Ohio, to points in North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California, under a continuing contract with Grinnell Corp. and its parent corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133106 (Sub-No. 16), filed January 11, 1972. 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: *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves* with or without operating apparatus, *castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads and automatic fire protection and prevention systems* (except those commodities which, because of size or weight require the use of special equipment), from plants, warehouse and storage facilities utilized by Grinnell Corp. at or near Warren, Ohio, to points in Colorado, New Mexico, Kansas, Oklahoma, Texas, Missouri, and Nebraska,

under a continuing contract with Grinnell Corp. and its parent corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133106 (Sub-No. 17), filed January 11, 1972. 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 *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *articles used by meat packinghouses*, from Fort Morgan and Sterling, Colo., and points in New Mexico, Texas, Oklahoma, Nebraska, Iowa, and Missouri, to the plantsites and warehouse facilities of National Beef Packing Co. located at or near Liberal and Kansas City, Kans., under a continuing contract or contracts with National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133480 (Sub-No. 1), filed January 3, 1972. Applicant: A. VIZZI, 17 Crescent Street, Keansburg, NJ 07734. 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: *Acoustical coatings*, from Perth Amboy, N.J., to points in the New York, N.Y., commercial zone as defined by the Commission, points in Pennsylvania, Hartford, Conn., and Norfolk, Va. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Mortell Co. of Perth Amboy, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133565 (Sub-No. 6), filed January 10, 1972. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07036. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), in containers or trailers, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in that part of New York, on, west and north of a line beginning at the New York-Pennsylvania State Line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glens Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4 at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., on traffic having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y

No. MC 134349 (Sub-No. 4), filed December 8, 1971. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by women's and children's ready-to-wear retail stores*, and, in connection therewith, *supplies and equipment* used in the conduct of such business, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Pennsylvania and Delaware and (2) *such commodities as are dealt in or used by department stores*, between points in the New York, N.Y. commercial zone as defined by the Commission, on the one hand, and, on the other, points in Georgia, Louisiana, North Carolina, Maryland, Missouri, Pennsylvania, New Hampshire, Vermont, Massachusetts, and Connecticut, under contract with Gaylords National Corp., Secaucus, N.J., and My Shop, Inc., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134453 (Sub-No. 2), filed January 5, 1972. Applicant: STERNLITE TRANSPORTATION COMPANY, a corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, aluminum billets, aluminum dross, aluminum fittings, and unfinished aluminum shapes*, from Ellenville, N.Y., to points in Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Washington, and Wisconsin, under contract with V.A.W. of America, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 134513 (Sub-No. 1), filed January 7, 1972. Applicant: POLAR TRANSIT, INC., 1984 Oakdale Avenue, West St. Paul, MN 55118. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders, from New Haven, Conn., North Haven, Conn., Boston, Mass., and Providence, R. I., to Minneapolis, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134601 (Sub-No. 1), filed January 13, 1972. Applicant: GOOSE CREEK TRANSPORT, INC., Rural Delivery No. 1, Ashville, NY 14710. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, NY 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packinghouses* (except hides), as described in sections A, B, and C of appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Des Moines, Cedar Rapids, and Ottumwa, Iowa; Omaha, Nebr.; Albert Lea, Minn.; South Bend, Ind.; and Harmony (Chautauqua County), N.Y., to points in Chautauqua, Cattaraugus, and Allegany Counties, N.Y., and points in Crawford, Venango, Warren, McKean, and Erie Counties, Pa., under a continuing contract with Fairbank Farms, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134665 (Sub-No. 3), filed January 11, 1972. Applicant: DWAYNE C. ATKINS, doing business as ATKINS TRUCKING, Post Office Box 4, R.F.D. 33, Sioux Falls, SD 57106/Tea, SD 57064. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, and animal and poultry feed ingredients;* (a) from the plantsite and warehouse facilities of Zip Feed Mills, Inc., at Huron S. Dak., to points in Iowa, Minnesota, Nebraska, and North Dakota; and (b) from points in Kansas to the plantsite and warehouse facilities of Zip Feed Mills, Inc., at Huron and Sioux Falls, S. Dak. Restriction: The authority sought herein is limited to a transportation service to be performed under a continuing contract or contracts, with Zip Feed Mills, Inc., of Huron and Sioux Falls, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 135661 (Sub-No. 2), filed December 27, 1971. Applicant: LELAND D. MELROSE, doing business as MELROSE TRUCKING COMPANY, Raderville Route, Box 6360, Casper, WY 83601. Applicant's representative: Max F. Parrish, Center at Second, Pocatello, ID 83201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (a) from

Inkom, Idaho, to the plantsite of the Jim Bridger Power Installation near Point of Rocks, Wyo.; and (b) from points in Sweetwater County, Wyo., to the plantsite of the Jim Bridger Power Installation near Point of Rocks, Wyo., restricted to having a prior out-of-State movement by railroad, under contract with Idaho Portland Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pocatello, Idaho.

No. MC 135874 (Sub-No. 1) (Correction), filed November 3, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished in part as corrected this issue. Applicant: LTL PERISHABLES, INC., 120 Main Street, Lamoni, IA 50140. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. NOTE: The sole purpose of this partial republication is to reflect addition of Nebraska and Wisconsin as destination States, which were inadvertently omitted from the original publication. The rest of the application remains as previously published.

No. MC 135931 (Sub-No. 2), filed January 7, 1972. Applicant: LEO E. HERBRAND & SON TRUCKING, INC., 2429 Middleton Beach Road, Middleton, WI 53562. Applicant's representative: James E. Quackenbush, 139 West Wilson Street, Suite 108, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed crushed glass*, in bulk, for recycling and reuse, from the Coca-Cola Bottling Co. at Madison, Wis., to Owens Illinois Glass Co. at Streator, Ill., under contract with Coca-Cola Bottling Co. of Madison, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 135998 (Sub-No. 2), filed December 17, 1971. Applicant: KEN BLACKMON, Post Office Box B, Glenwood, AR 71943. Applicant's representative: Q. Byrum Hurst, 201 Woodbine Street, Hot Springs, AR 71901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer* for plywood, on flat or floats, trailers, from Umpire and Glenwood, Ark., to Ruston, Minden, and Dodson, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.; Memphis, Tenn., or the nearest examining point.

No. MC 136026 (Sub-No. 1), filed January 10, 1972. Applicant: AUGUST J. LIST, JR., doing business as LIST TRUCKING, 198 North Street, Sun Prairie, WI 53590. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feeds, animal feed ingredients, vitamin and mineral premixes, livestock minerals, animal health medications, calf milk replacer, and animal health products* from Madison, Wis., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, Kansas, Missouri, Pennsylvania, and New York, and (2) *materials, equipment, ingredients, and supplies* which are used or useful in the manufacture, sale, production, or distribution of the commodities named in part (1) of this application, from points in above-named destination States to Madison, Wis., under a continuing contract, or contracts, with T. C. Products Co., Inc., of Madison, Wis. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 136187 (Clarification), filed November 22, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished as clarified this issue. Applicant: CONTRACT CARRIER CORPORATION, Rural Delivery No. 1, Box 35–J, Chestertown, MD 21620. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), from Baltimore, Md., to points in Virginia, West Virginia, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia, under contract with Phillips Bros., Warehouses Inc., of Baltimore, Md. NOTE: The purpose of this republication is to show that applicant is under contract with Phillip's Bros., Warehouses Inc., in lieu of Phillip's Bros., Warehouse & Distributing Corp. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136213 (Sub-No. 1), filed January 10, 1972. Applicant: MIDCO DISTRIBUTING, INC., 508 South Third Street, Goshen, IN 46526. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, supplies, parts, appliances, furnishings, and components* used in the production, manufacture, assembly, installation, and distribution of mobile and modular homes and recreational vehicles, (1) from Cullman, Ala., Lemoncove and Los Angeles, Calif., Plains and Albany, Ga., Caldwell, Idaho; Evanston, Rockford, and Chicago, Ill., Breman, Elkhart, Kendallville, La Grange, Middlebury, Bourbon, Indianapolis, Fremont, Syracuse, and Bristol, Ind., Topeka, Kans., Adrian, Capac, Birmingham, Detroit, Royal Oak, Oxford, Orchard Lake, and Dryden, Mich., points in New Jersey; Archibald, Cleveland, Port Clinton, and Fort Recovery, Ohio; Erie, Pa., Henry, Tenn., and VanAlystine, Tex., to Goshen, Ind.; and (2) from Goshen, Ind., to Cutler, Dinuba, and Lindsay, Calif.; Berthoud, Colo.; Oneco and Lake City, Fla.; Thomasville, Ellaville, and Woodbury, Ga.; Payette, New Plymouth, and Weiser, Idaho; Breman, Elkhart, and Ridgeville, Ind.; Wellington, Kans.; Dryden, Mich.; Slayton, Minn.; York, Nebr.; Canastota, N.Y.; Lillington, N.C.; Claysburg, Pa.; Henry, Tenn.; Buffalo, Commerce, Honey Grove, and Van-Alystine, Tex., and Mount Jackson, Va. Restricted to a contract or continuing contracts with Champion Home Builders Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 136220 (Sub-No. 2), filed January 7, 1972. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 Northeast Woodland, Ponca City, OK 74601. Applicant's representative: Dean Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mining facilities of Southwestern Coal Co., at or near Spadra, Ark., to the plant and storage facilities of National Zinc Co. Inc., at or near Bartlesville, Okla., and Blackwell Zinc Co., at or near Blackwell, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 136243, filed December 8, 1971. Applicant: CITY HAUL, INC., Monument and Fallsway, Baltimore, MD 21202. Applicant's representative: William J. Augello, Jr., Horn Professional Center, 103 Fort Salonga Road, Northport, NY 11768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, Md., on the one hand, and, on the other, points in Maryland, restricted to traffic having a prior or subsequent movement by air, rail, motor, or water carrier, under contract with Baltimore Security Warehouse, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136264, filed December 29, 1971. Applicant: LEWIS A. STRAW, doing business as ACME MOVERS, 21st and Boas Streets, Harrisburg, PA 17102. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Pennsylvania restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: if a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136267 (Sub-No. 2), filed January 6, 1972. Applicant: BELLS PRODUCE CO., INC., 11357 Vienna Road, Montrose, MI 48457. Applicant's representative: Robert A. Sullivan, 1800 Buhl

Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers, from the plant and warehouse sites of Vlasic Foods, Inc., at Bridgeport and Imlay City, Mich., to points in Maine, Rhode Island, New Hampshire, Vermont, Connecticut, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 136308, filed December 29, 1971. Applicant: HOLMES FREIGHT LINES, INC., 7878 I Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in containers, from Chicago, Ill., Lawrenceburg, Ind., Bardstown, Louisville, and Owensboro, Ky., Allen Park, Mich., New York, and Long Island, N.Y., and Elizabeth, Linden, and Teterboro, N.J., to Omaha, Nebr., under continuing contract with United Distillers Products Co. of Omaha, Nebr. NOTE: Applicant holds common carrier authority under MC 124830, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136314, filed December 27, 1971. Applicant: HOWARD LA ZERTE, doing business as ACME POLE AND PILING COMPANY, Route 2, Osseo, MN 55369. 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: *Poles and piling and such equipment, material, and supplies* used in the installation, construction, or erection of same, between the St. Paul-Minneapolis commercial zone on the one hand, and, on the other, points in Illinois, Iowa, Michigan, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136326, filed January 11, 1972. Applicant: FLORIDA ASSEMBLY & DISTRIBUTION, INC., 201 North Federal Highway, Deerfield Beach, FL 33441. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between points in St. Lucie, Martin, Palm Beach, Broward, and Dade Counties, Fla.; and (2) between points in Pinellas, Hillsborough, Polk, Manatee, and Sarasota Counties, Fla., restricted to traffic having a prior or subsequent movement by rail or 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 Miami or Tampa, Fla., or Atlanta, Ga.

No. MC 136345, filed January 10, 1972. Applicant: ELBERT TRANSFER CO., a corporation, 6020 Galley Road, Colorado Springs, CO 80915. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Douglas, Elbert, El Paso, Fremont, Pueblo, and Teller Counties, Colo., restricted to transportation of traffic having a prior or subsequent movement in containers and further restricted to 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.

No. MC 136351, filed January 6, 1972. Applicant: ROBERT M. LLEWELLYN, JR., doing business as POWERS TOWING SERVICE OF CUMBERLAND, MARYLAND, 85 Henderson Avenue, Cumberland, MD 21502. Applicant's representative: Ronald C. Brubaker, Post Office Box 749, Cumberland, MD 21502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and trailers*, between points in Allegany, Garrett, and Washington Counties, Md.; Bedford, Somerset, and Cambria Counties, Pa.; Frederick County, Va.; and Morgan, Mineral, Hampshire, Grant, Hardy, Preston, and Tucker Counties, W. Va., under contract with Fort Ashby Trailer Sales, A & G Mobile Homes, Ralph Mobile Homes, Whitacre Mobile Homes & Sales and Tradewinds Mobile Homes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cumberland, Md., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 439), filed January 7, 1972. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Thomas J. McCluskey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers* in the same vehicle with passengers. (1) Between junction of Interstate Highway 80, New Jersey Highway 23 and U.S. Highway 46, Wayne, N.J., and junction of Interstate Highway 80 and Interstate Highway 95, Teaneck, N.J. (also, between junction of Interstate Highway 95 and U.S. Highway 46, Palisades Park, N.J., and junction of Interstate Highway 95 and De Graw Avenue, Teaneck, N.J.), over Interstate Highways 80 and 95 and access roads, as alternate routes for operating convenience only, in connection with carrier's existing routes, serving no intermediate points except for joinder purposes only: (a) From junction of Interstate Highway 80, New Jersey Highway 23 and U.S. Highway 46, Wayne, N.J., over Interstate Highway 80 and access roads to junction of Interstate Highway 80 and Interstate Highway 95, Teaneck, N.J., and returning over the same route; and (b) from junction of Interstate Highway 95 and U.S. Highway 46, Palisades Park, N.J., over Interstate Highway 95 and access roads to junction of Interstate Highway 95 and De Graw Avenue, Teaneck, N.J., and returning over the same route; (2) between junction of New Jersey Highway 3 and Garden State Parkway, Clifton, N.J., and junction New Jersey Highway 20 (Garden State Parkway Extension) and Interstate Highway 80, Paterson, N.J., over Garden State Parkway, New Jersey Highway 20 and access roads, as an alternate route for operating convenience only, in connection with carrier's existing routes, serving no intermediate point except for joinder purposes only:

From junction of New Jersey Highway 3 and Garden State Parkway, Clifton, N.J., over Garden State Parkway and access roads to junction of New Jersey Highway 20, thence over New Jersey Highway 20 and access roads to junction of Interstate Highway 80, Paterson, N.J., and returning over the same route; (3) between junction of Valley Road and Gilles Street, Clifton, N.J., and junction of Valley Road and New Jersey Highway 20 (Garden State Parkway Extension), Paterson, N.J., serving all intermediate points: From junction of Valley Road and Gilles Street, Clifton, N.J., over Valley Road and access roads to junction of New Jersey Highway 20, Paterson, N.J., and returning over the same route; (4) between junction of Valley Road and Van Houten Avenue, Clifton, N.J., and junction of Valley Road and New Jersey Highway 3, Clifton, N.J., serving all intermediate points: From junction of Valley Road and Van Houten Avenue, Clifton, N.J., over Valley Road and access roads to junction of New Jersey Highway 3 and returning over the same route; (5) between junction Totowa Road and Riverview Drive, Wayne, N.J., and junction of Union Boulevard and U.S. Highway 46, Totowa, N.J., serving all intermediate points: From junction Totowa Road and Riverview Drive, Wayne, N.J., over Totowa Road, Crews Street and Union Boulevard to junction Union Boulevard and U.S. Highway 46, Totowa, N.J., and returning over the same route; and (6) between junction Totowa Road and Minnisink Road, Totowa, N.J., and junction Minnisink Road, Riverview Drive and U.S. Highway 46, Totowa, N.J., serving all intermediate points: From junction Totowa Road and Minnisink Road, Totowa, N.J., over Minnisink Road to junction Minnisink Road, Riverview Drive and U.S. Highway 46, Totowa, N.J., and returning over the same route. NOTE: Applicant states that it intends to tack the above routes to its existing routes. Applicant further states that no duplicating authority is sought. Applicant holds a broker license under MC 12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 13300 (Sub-No. 87), filed January 10, 1972. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, NC 27600.

Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Petersburg, Va., and Durham, N.C., from Petersburg over Interstate Highway 85 to Durham and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations. NOTE: Applicant states it is prepared to revoke certificate No. MC 13300 (Sub-No. 83) simultaneously with the issuance of a certificate as requested herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 84933 (Sub-No. 3), filed December 17, 1971. Applicant: ELMIRA-WATKINS GLEN TRANSIT CORPORATION, 220 Owego Street, Montour Falls, NY 14065. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, in round trip, sightseeing and pleasure tours: Beginning and ending at points on applicant's regular routes, including termini and all intermediate points, and extending to points in the United States, such regular routes being described hereafter: (1) Between Elmira, N.Y., and Watkins Glen, N.Y., serving all intermediate points; from Elmira, over New York Highway 14 to Watkins Glen, N.Y., and return; (2) between Watkins Glen and Geneva, N.Y., serving all intermediate points; from Watkins Glen, over New York Highway 14 to junction unnumbered highway (near Lakemont, N.Y.), thence over unnumbered highway via Lakemont and Starkey, N.Y., to Dundee, N.Y., thence over New York Highway 14–A to Penn Yan, thence over New York Highway 54 to Dresden, N.Y., thence over New York Highway 14 to Geneva, N.Y., and return over the same route; (3) between Elmira, N.Y., and Canton, Pa., serving all intermediate points, from Elmira, N.Y., over New York Highway 17–E to its intersection with New York Highway 14, thence over New York Highway 14 to its intersection with Pennsylvania Highway 14, thence over Pennsylvania Highway 14 to Canton, Pa., and return over the same routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Elmira, N.Y.

No. MC 136256 (Sub-No. 1), filed January 10, 1972. Applicant: THE YELLOW CAB COMPANY OF SAVANNAH, INC., a corporation doing business as SAVANNAH AIRLINE LIMOUSINES, 315 East Congress Street, Savannah, GA 31401. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. 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, between the Savannah Airport in Savannah, Ga., on the one hand, and, on the other, points on Hilton Head Island, S.C., and points in Beaufort County, S.C., restricted to passengers having an immediately prior or subsequent movement by air to or from the Savannah Airport. NOTE: If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga., or Charleston, S.C.

No. MC 136300, filed December 20, 1971. Applicant: BILL HESSELGRAVE doing business as, PUGET SOUND TOURS, 1208 Main Street, Sumner, WA 98390. 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 special and charter operations, from points in King, Pierce, and Thurston Counties, Wash., to points in Washington, Oregon, Idaho, California, Utah, Nevada, Montana, North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Alaska, and return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash.

APPLICATION FOR WATER CARRIERS

No. W–586 (Sub-No. 5) (PUGET SOUND TUG & BARGE COMPANY Extension—ATLANTIC/GULF), filed January 27, 1972. Applicant: PUGET SOUND TUG & BARGE COMPANY, a corporation, 1102 Southwest Massachusetts Street, Seattle, WA 98134. Applicant's representative: John Cunningham, Tower Building, 1401 K Street NW., Washington, DC 20005. By application filed January 27, 1972, applicant seeks revision of Certificate (No. W–586) to cover the following proposed changes in service: Operation as a common carrier by water, in interstate or foreign commerce, in the transportation of *commodities* exceeding 19 feet in height, 12 feet in width, 90 feet in length, or 100 tons in weight, *component parts* thereof, and *related equipment*, by towing vessels, in the performance of towage and by nonself propelled vessels with the use of separate towing vessels, between ports and points on the Atlantic coast tributary waterways, on the one hand, and, on the other, ports and points on the Gulf of Mexico coast and tributary waterways excluding the Mississippi River system above Baton Rouge.

No. W–630 (Sub-No. 37) (A. L. MECHLING BARGE LINES INC. Extension—INTERCOASTAL), filed January 24, 1972. Applicant: A. L. MECHLING BARGE LINES INC., 51 North Desplaines Street, Joliet, IL 60431. Applicant's representative: S. Sidney Eisen, 370 Lexington Avenue, New York, NY 10017. By application filed January 24, 1972, applicant seeks to operate as a common carrier by water in interstate or foreign commerce by nonself 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 along the Gulf of Mexico and tributary waterways.

APPLICATION FOR BROKAGE LICENSE

No. MC 130161 (amendment), filed November 22, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished as amended this issue. Applicant: MILLIE BLASER, doing business as MAGIC VALLEY TRUCK BROKERS, 5821 Randolph Drive, Boise, ID 83705. For a license (BMC–4) to engage in operations as a *broker* at Boise, Idaho, in arranging for the transportation in interstate or foreign commerce of *general commodities*, originating at or destined to points in Ohio, Indiana, Illinois, Wisconsin, Michigan, and points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: The purpose of this republication is to redescribe the territorial scope of the application.

No. MC 130163, filed January 5, 1972. Applicant: UNIVERSITY TRAVEL SERVICE, INC., 1776 University Avenue, Green Bay, WI 54302. Applicant's representative: John C. Gower (same address as applicant). For a license (BMC–5) to engage in operations as a *broker* at Green Bay, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, as individuals and groups, beginning and ending at points in Alger, Baraga; Delta Dickinson, Gogebic, Houghton, Iron, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Menominee, Oconto, Oneida, Outagamie, Portage, Shawano, Vilas, Waupaca, Waushara, Winnebago and Wood Counties, Wis., and extending to points in the United States (including Alaska and Hawaii).

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 125454 (Sub-No. 1), filed December 19, 1971. Applicant: RAYMOND D. McNAUGHTON AND CLIFFORD R. CARNAHAN, a partnership, doing business as McNAUGHTON TRANSFER COMPANY, East Indiana Avenue, Blairsville, PA. 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 Blairsville, Pa., to points in

Armstrong, Blair, Cambria, Clarion, Clearfield, Fayette, Huntingdon, Indiana, Jefferson, Somerset, and Westmoreland Counties, Pa.; and, from the above-specified destination points to Blairsville, Pa. NOTE: Applicant already holds authority as follows: *Toilet preparations, soap, and cosmetics and related advertising material,* from Blairsville, Pa., to points in Armstrong, Blair, Cambria, Clarion, Clearfield, Fayette, Huntingdon, Indiana, Jefferson, Somerset, and Westmoreland Counties, Pa.; and *Damaged and returned merchandise,* from the above-specified destination points to Blairsville, Pa. The only purpose of this application is to broaden the existing commodity description to allow applicant to continue rendering a complete service for the supporting shipper. Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

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

[FR Doc.72-1901 Filed 2-9-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CERTAIN CANADIAN TELEVISION STATIONS

List of Additions, Changes and Deletions

FEBRUARY 1, 1972.

Recapitulative to January 1, 1972.

The set forth below list of Canadian television station assignments is recapitulative and contains details supplied by the Department of Communications of Canada, pursuant to section B of the Canadian-USA Television Agreement (TIAS 2594). It reflects all the additions, changes, and deletions notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes, and deletions, as reported to the Commission by the Canadian Department of Communications, will be issued from time to time.

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)

RECAPITULATIVE TO JANUARY 1, 1972

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna: Height Above Ground (Ft.)	Antenna: Height Above MSL (Ft.)	Antenna: Height Above Terrain (Ft.)	Offset
		CHANNEL 2 (54-60 MHZ)						
CFAC-TV	Calgary TV, Ltd	Calgary, Alberta N 51 04 24 W 114 15 34	100.00 V 20.00 A	Om.	633	4808	989	(+)
CFON-TV-1	Oyen and District Television Assoc.	Oyen, Alberta N 51 21 10 W 110 24 30	0.54 V 0.27 A	Om.	267	2842	365	(−)
CHBC-TV	Okanagan Valley TV Company, Ltd.	Kelowna, B. C. N 49 58 00 W 119 31 40	3.70 V 0.46 A	Om.	77	4310	2704	No
CBUT	Canadian B/Cing Corporation	Vancouver, B. C. N 49 21 12 W 122 57 18	47.60 V 7.60 A	D.A.	190	2965	2400	(+)
CKCW-TV	Moncton B/Cing, Ltd	Moncton, New Brunswick N 45 51 06.5 W 64 48 46.6	25.00 V 3.74 A	Om.	326	1656	990	No
CFCL-TV-3	J. Conrad Lavigne Ltd	Kapuskasing, Ontario N 49 22 32 W 82 21 35	0.096 V 0.019 A	D.A.	380	1137	363	(+)
CFCL-TV-2	J. Conrad Lavigne Ltd	Kirtland Lake (Kearns), Ontario N 48 08 12 W 79 33 12	14.60 V 7.30 A	D.A.	400	1750	722	No
CKPR-TV	Thunder Bay Electronics Ltd. (Formerly Port Arthur, Ontario).	Thunder Bay, Ontario N 48 31 30 W 89 06 50	55.40 V 30.20 A	D.A.	643	2243	1202	No
CJIC-TV	Hyland Radio-TV Ltd	Sault Ste. Marie, Ont. N 46 30 32 W 84 19 36	28.00 V 15.00 A	D.A.	225	835	−19	(−)
CKCO-TV-2	Carl A. Pollock, Esq	Wiarton, Ontario N 44 56 41 W 81 07 55	100.00 V 13.50 A	Om.	722	1597	943	(−)
CHRS-TV-2	Radio Saguenay Ltd	Chicoutimi, Quebec N 48 26 09 W 71 02 34	0.04 V 0.006 A	Om.	60	335	60	(+)
CHAU-TV-1	Television de la Baie des Chaleurs Inc.	Ste. Marquerite-Marie, Quebec N 48 18 40 W 67 05 06.	0.219 V 0.109 A	D.A.	166	1841	700	(−)
CBFT	Canadian B/Cing Corporation	Montreal, Quebec N 45 30 20 W 73 35 32	100.00 V 10.00 A	Om.	252	906	905	No
CHAU-TV-5	Television de la Baie des Chaleurs	Perce, Quebec N 48 31 38 W 64 14 40	0.465 V 0.233 A	D.A.	130	1380	1215	(+)
CKCK-TV	Transcanada Communications, Ltd.	Regina, Saskatchewan N 50 26 52 W 104 30 00	100.00 V 20.00 A	Om.	634	2534	588	No
		CHANNEL 3 (60-66 MHZ)						
CJOC-TV-3	Lethbridge Television, Ltd	Burmis, Alberta N 49 31 54 W 114 11 37	0.225 V 0.045 A	D.A.	115	4765	420	No
CBUT-2	Canadian Brdcstg. Corporation	Chilliwack, B. C. N 49 06 36 W 121 50 47	0.590 V 0.295 A	D.A.	85	2345	702	No
CFTK-TV	Skeena Brdcsters, Ltd	Terrace, B. C. N 54 31 05 W 128 28 15	4.10 V 2.10 A	Om.	70	3390	1783	No
CBWFT	Canadian B/Cing Corporation	Winnipeg, Manitoba N 49 46 15 W 97 30 35	59.00 V 7.37 A	Om.	923	1708	930	(−)
CBHT	Canadian B/Cing Corporation	Halifax, Nova Scotia N 44 39 03 W 63 39 28	56.00 V 11.20 A	D.A.	620	1070	866	No
CBHFBT	Canadian Brdcstg. Corporation	Yarmouth, Nova Scotia N 43 55 55 W 66 06 10	1.90 V 0.19 A	D.A.	470	620	558	(−)
CKVR-TV	Ralph Snelgrove Television, Ltd	Barrie, Ontario N 44 21 05 W 79 41 55	100.00 V 12.50 A	Om.	651	1651	820	(+)
CKSO-TV-1	Cambrian B/Cing Ltd	Elliot Lake, Ontario N 46 25 50 W 82 40 21	19.00 V 3.80 A	Om.	216	1596	552	No
CKSO-TV-2	Cambrian Brdcstg. Ltd	Timmins, Ontario N 48 29 30 W 81 19 45	55.00 V 11.00 A	D.A.	499	1499	544	(−)
CBVT-2	Canadian Brdcstg. Corporation	La Tuque, Quebec N 47 25 25 W 72 45 49	15.40 V 1.54 A	D.A.	150	1350	407	(−)
CBFT-2	Canadian B/Cing Corporation	Mont Laurier, Quebec N 46 33 37 W 75 42 20	5.54 V 2.80 A	D.A.	400	1395	513	(+)
CJBR-TV	Lower St. Lawrence Radio, Inc	Rimouski, Quebec N 48 19 40 W 68 50 09	49.30 V 9.86 A	D.A.	124	1261	986	(−)
CFQC-TV-1	A. A. Murphy and Sons, Ltd	Stranraer, Saskatchewan N 51 40 55 W 108 30 55	6.80 V 1.02 A	D.A.	520	3100	930	(−)
CKOS-TV	Yorkton TV Co. Ltd	Yorkton, Saskatchewan N 51 12 33 W 102 43 59	15.00 V 2.60 A	Om.	525	2275	534	No

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna Height Above Ground (Ft.)	Antenna Height Above MSL (Ft.)	Antenna Height Above Terrain (Ft.)	Offset
		CHANNEL 4 (66–72 MHz)						
CFCN-TV	CFCN Television Ltd	Calgary, Alberta N 51 03 37 W 114 10 13	55.00 V 27.50 A	D.A.	426	4349	669	No
CHAT-TV-1	Monarch B/Cing Co., Ltd	Pivot, Alberta N 50 24 14 W 110 03 07	2.75 V 1.37 A	D.A.	512	3199	623	(+)
CFJC-TV	Inland Brdcsters., Ltd	Kamloops, B.C. N 50 40 15 W 120 23 50	3.70 V 1.85 A	Om.	114	3021	501	(+)
CBWT-2	Canadian B/Cing Corporation	Lac du Bonnet, Man. N 50 15 30 W 95 57 20	9.70 V 1.90 A	D.A.	440	1290	442	No
CHSJ-TV	New Brunswick B/Cing Co., Ltd.	St. John, New Brunswick N 45 28 39 W 66 14 02	54.23 V 7.79 A	D.A.	144	1599	1263	(+)
CBHT-5	Canadian Brdcstg. Corporation	New Glasgow, Nova Scotia N 45 32 00 W 62 38 14	0.600 V 0.060 A	D.A.	152	702	422	(−)
CFCL-TV-4	J. Conrad Lavigne Ltd	Hearst, Ontario N 49 42 56 W 83 38 49	0.098 V 0.049 A	D.A.	200	1020	200	(−)
CBOT	Canadian B/Cing Corporation	Ottawa, Ontario N 45 30 11 W 75 51 02	100.00 V 15.00 A	Om.	618	1768	1310	(+)
CFCM-TV	Television de Quebec, Ltd	Quebec, Quebec N 46 47 04 W 71 15 54	100.00 V 15.00 A	Om.	407	672	460	No
CKBI-TV-3	Central Brdcstg. Co. Ltd	Greenwater Lake, Sask. N 52 28 03 W 103 30 15	3.00 V 1.60 A	Om.	514	2614	718	No
CBKMT	Canadian Brdcstg. Corporation	Moose Jaw, Sask. N 50 23 25 W 105 55 38	48.00 V 25.00 A	D.A.	503	2903	793	(−)
		CHANNEL 5 (76–82 MHz)						
CFCN-TV-4	CFCN Television Ltd	Burmis, Alberta N 49 31 54 W 114 11 37	0.230 V 0.115 A	Om.	134	4784	439	(−)
CBUCT-1	Canadian Brdcstg. Corporation	Crawford Bay, B.C. N 49 38 54 W 116 50 53	0.468 V 0.093 A	D.A.	138.7	3359.7	−440	No
CHKL-TV	British Columbia Television Brdcstg. System Ltd.	Kelowna, B. C. N 49 58 00 W 119 31 40	4.00 V 0.80 A	D.A.	115	4348	1672	(−)
CFJC-TV-6	Inland B/csters, Ltd	Mt. Timothy, B.C. N 51 54 00 W 121 15 30	0.98 V 0.49 A	Om.	49	5449	1871	(−)
CKX-TV	Western Manitoba B/csters, Ltd	Brandon, Manitoba N 49 49 42 W 99 59 09	54.00 V 27.00 A	D.A.	525	1828	511	(+)
CJCH-TV	CJCH Ltd	Halifax, N.S. N 44 39 03 W 63 39 28	60.00 V 6.00 A	D.A.	575	1025	822	No
CBWCT	Canadian B/Cing Corp	Fort Frances, Ontario N 48 48 18 W 93 53 24	20.20 V 4.04 A	D.A.	521	1861	660	No
CKVR-TV-3	Ralph Snelgrove Television, Ltd	Haliburton, Ontario N 45 02 35 W 78 29 56	0.10 V 0.05 A	D.A.	114	1414	149	No
CHOV-TV	The Ottawa Valley Television Co. Ltd.	Pembroke, Ontario N 45 50 02 W 77 09 50	19.10 V 9.50 A	D.A.	520.5	983	496	(+)
CKSO-TV	Cambrian Brdcstg. Co. Ltd	Sudbury, Ontario N 46 30 02 W 81 01 16	100.00 V 14.40 A	Om.	975	2006	1049	No
CHAU-TV	La Television de la Baie des Chaleurs, Inc.	Carleton (New Carlisle,) Quebec N 48 08 07 W 66 07 00	52.50 V 26.25 A	D.A.	151	1930	1543	No
CKMI-TV	Television de Quebec (Canada), Ltd.	Quebec, Quebec N 46 47 04 W 71 15 54	13.85 V 6.77 A	Om.	407	672	460	(−)
CJFB-TV	Swift Current T/Cing Co., Ltd	Swift Current, Sask. N 50 20 20 W 107 47 17	13.30 V 6.65 A	Om.	343	3027	511	(−)
		CHANNEL 6 (82–88 MHz)						
CHAT-TV	Monarch B/Cing Co., Ltd	Medicine Hat, Alberta N 50 04 36 W 110 47 40	5.70 V 3.00 A	Om.	270	2719	315	(−)
CKRD-TV	CHCA Television Ltd	Red Deer, Alberta N 52 16 15 W 113 41 30	13.20 V 6.60 A	D.A.	321	3671	714	(+)
CHKM-TV	British Columbia Television Brdcstg Ltd.	Kamloops, B.C. N 50 40 15 W 120 23 50	4.00 V 1.00 A	Om.	114	3021	501	(+)
CFTK-TV-1	Skeena B/cstrs. Ltd	Prince Rupert, B.C. N 54 17 05 W 130 18 48	0.48 V 0.24 A	Om.	160	2480	1960	(+)
CHEK-TV	CHEK TV, Ltd	Victoria, B.C. N 48 46 28 W 123 10 10	100.00 V 50.00 A	Om.	298.5	1598.5	1555	No
CBWT	Canadian B/Cing Corp	Winnipeg, Manitoba N 49 46 15 W 97 30 35	100.00 V 12.00 A	Om.	1020	1805	1027	(−)
CHSJ-TV-1	New Brunswick B/Cing Co., Ltd.	Bon Accord, N.B. N 46 38 57 W 67 35 35	54.70 V 27.30 A	D.A.	470	1968	1088	(−)
CHAK-TV	Canadian Brdcstg. Corporation	Inuvik, N.W.T. N 68 21 46 W 133 41 43	3.00 V 0.30 A	D.A.	303	563	394	No
CJCH-TV-6	CJCH Limited	Caledonia, Nova Scotia N 44 20 26 W 65 06 34	51.50 V 10.30 A	D.A.	468	968	633	(+)
CFCL-TV	J. Conrad Lavigne Ltd	Timmins, Ontario N 48 29 30 W 81 19 45	100.00 V 10.00 A	Om.	498	1530	562	No
CBLT	Canadian B/Cing Corp	Toronto, Ontario N 43 39 43 W 79 22 42	99.50 V 9.95 A	Om.	471	815	402	(+)
CJPM-TV	C.J.P.M.-TV Inc	Chicoutimi, Quebec N 48 24 27 W 71 05 08	61.00 V 36.50 A	D.A.	190	740	440	No
CKBL-TV-6	La Compaigne de Radiodiffusion de Matane, Ltee.	Matane, Quebec N 48 49 34 W 67 32 34	0.422 V 0.084 A	Om.	64	414	134	(+)
CBMT	Canadian B/Cing Corp	Montreal, Quebec N 45 30 20 W 73 35 32	100.00 V 15.00 A	Om.	167	911	820	(+)
CKCK-TV-2	Transcanada Communications, Ltd.	Willow Bunch, Sask. N 49 20 58 W 105 38 08	9.00 V 1.80 A	D.A.	636	3511	864	(−)
CHSS-TV	Yorkton TV Co. Ltd	Wynyard, Sask. N 51 42 30 W 104 17 55	11.00 V 1.80 A	Om.	514	2539	614	No
CFWH-TV	Canadian Brdcstg. Corporation	Whitehorse, Yukon Terr. N 60 39 35 W 134 52 56	0.30 V 0.03 A	Om.	100	4340	1248	No

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna Height Above Ground (Ft.)	Antenna Height Above MSL (Ft.)	Antenna Height Above Terrain (Ft.)	Offset
		CHANNEL 7 (174–180 MHz)						
CJOC-TV	Lethbridge Television Ltd	Lethbridge, Alberta N 49 42 55 W 112 47 56	96.10 V 19.20 A	D.A.	600	3619	662	No
CHBC-TV-2	Okanagan Valley TV Co., Ltd	Vernon, B. C. N 50 16 58 W 119 19 09	0.310 V 0.039 A	D.A.	93	2826	865.5	(−)
CJAY-TV	Channel 7 Television, Ltd	Winnipeg, Manitoba N 49 34 48 W 97 10 04	325.00 V 65.00 A	Om.	929.5	1704.5	932.5	(+)
CKCD-TV	Moncton B/Cing, Ltd	Campbellton, N. B. N 48 04 57 W 66 34 54	1.44 V 0.288 A	D.A.	90	1190	640	(−)
CHMT-TV	New Brunswick Brdcstg. Co. Ltd.	Moncton, N. B. N 45 48 32 W 64 45 11	182.0 V 36.4 A	D.A.	452	1702	1128	No
CBWCT-1	Canadian Brdcstg. Corporation	Atikokan, Ontario N 48 46 18 W 91 36 50	0.544 V 0.109 A	D.A.	309	1719	385	(−)
CFCL-TV-6	J. Conrad Lavigne Ltd	Chapleau, Ontario N 47 51 15 W 83 25 08	0.101 A 0.020 V	D.A.	256	1876	420	(+)
CBFOT-2	Canadian B/Cing. Corp	Hearst, Ontario N 49 38 50 W 83 30 50	8.40 V 1.68 A	D.A.	520	1420	611	No
CBFST	Canadian B/Cing. Corp	Sturgeon Falls, Ontario N 46 25 10 W 79 56 04	9.75 V 1.95 A	D.A.	513	1363	617	No
CHAU-TV-7	Television de la Baie des Chaleurs Inc.	Riviere-au-Renard (Fox River), Quebec N 48 59 52 W 64 25 55	0.079 V 0.0395 A	D.A.	90	1140	709	No
CKRT-TV	CKRT-TV Ltee	Riviere-du-Loup, Quebec N 47 35 03 W 69 22 10	49.00 V 24.50 A	Om.	200	2350	1156	(+)
CHLT-TV	Radio Television Sherbrooke, Inc.	Sherbrooke, Quebec N 45 18 43 W 72 14 32	170.00 V 100.00 A	D.A.	106	2856	1920	No
CFSS-TV	Yorkton Television Co. Ltd	Carlyle Lake, Sask. N 49 44 22 W 102 16 38	55.00 V 8.80 A	D.A.	706	3231	886	(+)
CKMJ-TV	Transcanada Communications, Ltd.	Moose Jaw, Sask. N 50 38 43 W 105 46 06	55.40 V 11.08 A	D.A.	752	2727	768	(−)
CBCP-TV-1	Canadian Brdcstg. Corporation	Shaunavon, Sask. N 49 28 05 W 108 26 04	1.14 V 0.23 A	D.A.	418	3793	560	(+)
		CHANNEL 8 (180–186 MHz)						
CHBC-TV-3	Okanagan Valley Television Co	Oliver, B.C. N 49 06 00 W 119 34 45	0.110 V 0.014 A	D.A.	57	2557	1346	No
CHAN-TV	British Columbia TV Broadcasting System Ltd.	Vancouver, B.C. N 49 16 31 W 122 54 49	164.00 V 81.00 A	D.A.	338	1313	1171	(+)
CKSS-TV	Yorkton Television Co., Ltd	Dauphin (Baldy Mtn.) Manitoba N 51 28 14 W 100 43 10	120.00 V 12.00 A	D.A.	540	3267	1147	No
CBHT-2	Canadian B/Cing Corp	Shelburne, N. S. N 43 46 35 W 65 18 29	0.423 V 0.254 A	D.A.	313.5	563.5	449	No
CJSS-TV	Cornwall B/Cing Ltd	Cornwall, Ontario N 45 10 35 W 74 31 38	130.00 V 78.00 A	D.A.	638	813	615	(+)
CKVR-TV-2	Ralph Snelgrove Television, Ltd	Huntsville, Ontario N 45 24 38 W 79 15 22	0.115 V 0.049 A	Om.	365	1665	481	(+)
CBWAT	Canadian B/Cing Corp	Kenora, Ontario N 49 46 13 W 94 30 13	9.30 V 1.86 A	D.A.	185	1345	240	No
CBLAT-1	Canadian B/Cing Corp	Manitouwadge, Ontario N 49 08 21 W 85 49 23.5	22.00 V 4.40 A	D.A.	538	1968	599	(+)
CKNX-TV	Radio Station CKNX, Ltd	Wingham, Ontario N 44 05 26 W 81 12 26	90.00 V 18.00 A	D.A.	623	1773	793	(−)
CKRS-TV-3	Radio Saguenay Ltd	Roberval, Quebec N 48 24 00 W 72 05 14	2.36 V 0.354 A	D.A.	307	1217	532	(+)
CFQC-TV	A. A. Murphy & Sons, Ltee	Saskatoon, Sask. N 52 11 29.93 W 106 23 0.55	180.00 V 27.00 A	D.A.	625	2585	866	(+)
CBTE-TV-1	Canadian Brdcstg. Corporation	Watson Lake, Y.T. N 60 03 52 W 128 42 52	0.035 V 0.0035 A	D.A.	105	2405	−29	(+)
		CHANNEL 9 (186–192 MHz)						
CFJC-TV-4	Inland B/Casters Ltd	Clinton, B. C. N 51 05 10 W 121 40 30	0.204 V 0.102 A	Om.	35	6535	1800	(+)
CBUT-1	Canadian B/Cing Corp	Courtenay, B. C. N 49 35 44 W 125 00 36	0.625 V 0.332 A	D.A.	218	1418	483	(−)
CBUCT	Canadian B/Cing Corporation	Nelson, B. C, N 49 31 50 W 117 17 58	0.940 V 0.188 A	D.A.	168.5	5759.5	1377	No
CHBC-TV-4	Okanagan Valley Television Co., Ltd.	Salmon Arm, B. C. N 50 45 20 W 119 19 45	0.199 V 0.025 A	D.A.	120	1910	−155	(−)
CKX-TV-2	Western Manitoba B/Casters., Ltd.	Melita, Manitoba N 49 16 50 W 100 59 12	0.188 V 0.094 A	Om.	211	1686	212	(+)
CKLT-TV	Moncton Broadcasting Ltd	Saint John, N. B. N 45 28 39 W 66 14 02	162.00 V 32.00 A	D.A.	241	1696	1361	(+)
CJCB-TV-2	Cape Breton B/Casters, Ltd	Antigonish, N. S. N 45 32 45 W 62 15 39	73.00 V 37.00 A	D.A.	463	1463	921	No
CBWDT	Canadian Brdcstg. Corporation	Dryden, Ontario N 49 45 52 W 92 41 01	8.90 V 1.78 A	D.A.	511.2	1825	569	(−)
CBOFT	Canadian B/Cing Corp	Ottawa, Ontario N 45 30 11 W 75 51 02	128.00 V 25.60 A	D.A.	702	1852	1304	(+)
CKNC-TV	J. Conrad Lavigne Ltd	Sudbury, Ontario N 46 30 44 W 81 00 19	168.00 V 16.80 A	D.A.	539	1559	627	(+)
CBFOT	Canadian B/Cing Corp	Timmins, Ontario N 48 28 00 W 81 17 50	16.00 V 3.20 A	D.A.	525	1669	706	(−)
CFTO-TV	Baton Broadcasting Ltd	Toronto, Ontario N 43 46 48 W 79 15 34	325.00 V 162.00 A	Om.	871	1421	925	No
CBLAT-3	Canadian B/Cing Corp	Wawa, Ontario N 48 01 13 W 84 44 08	16.00 V 3.20 A	D.A.	374	1814	581	(+)
CKLW-TV	Western Ontario B/Cing Co., Ltd.	Windsor, Ontario N 42 18 59 W 83 02 58	178.00 V 35.60 A	D.A.	626	1226	631	(−)
CKBL-TV	La Compagnie de Radiodiffusion	Matane, Quebec N 48 53 25 W 66 38 25	153.00 V 30.60 A	D.A.	114	3839	2336	(−)
CKRS-TV-1	Radio Saguenay Ltee	Port Alfred, Quebec N 48 19 20 W 70 49 48	0.019 V 0.00285 A	DA	80	605	61	(+)
CBKRT	Canadian Brdcstg. Corporation	Regina, Sask. N 50 28 58 W 104 30 20	140.00 V 75.00 A	D.A.	697.5	2654	680	(−)
CBKST-1	Canadian Brdcstg. Corporation	Strantaer, Sask. N 51 40 25 W 108 28 54	35.20 V 7.05 A	D.A.	450	2050	765	No

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)— Continued

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna Height Above Ground (Ft.)	Antenna Height Above MSL (Ft.)	Antenna Height Above Terrain (Ft.)	Offset
		CHANNEL 10 (192-198 MHZ)						
CKRD-TV-1	CHCA Television Ltd	Coronation, Alberta N 52 09 15 W 111 09 30	12.40 V 6.20 A	D.A.	218	3218	687	No
CBUBT	Canadian B/Cing Corp	Cranbrook, B. C. N 49 32 45 W 115 47 52	1.10 V 0.595 A	D.A.	77	4091	832	No
CHKL-TV-1	British Columbia Television B/Cing.	Penticton, B. C. N 49 39 34 W 119 34 18	0.440 V 0.088 A	D.A.	67	4367	1173	No
CBWGT	Canadian Brdcstg. Corporation	Fisher Branch, Manitoba N 51 04 50 W 97 38 55	27.40 V 5.48 A	D.A.	548	1368	559	(+)
CJCH-TV-1	CJCH Limited	Canning, N. S. N 45 12 12 W 64 24 06	9.05 A 4.53 V	D.A.	318	993	886	No
CFPL-TV	CFPL Broadcasting Ltd	London, Ontario N 42 57 15 W 81 15 58	325.00 V 43.20 A	Om.	946	1860	1000	No
CFCH-TV	Tel-Ad Co., Ltd	North Bay (Callender), Ontario N 46 12 15 W 79 21 05	119.00 V 23.80 A	D.A.	340	1185	420	(-)
CBWET	Canadian B/Cing Corporation	Red Lake, Ontario N 51 01 35 W 93 49 44	0.570 V 0.114 A	D.A.	211	1461	286	(-)
CKHQ-TV-1	Northeast Social Club	Manicouagan, Que. N 50 38 45 W 68 44 22	0.0550 V 0.0274 A	D.A.	203	1383	71	No
CFTM-TV	Telemetropole Corporation	Montreal, Quebec N 45 30 20 W 73 35 32	325.00 V 160.00 A	Om.	328	1068	972	No
CJFB-TV-3	Swift Current T/Cing Co., Ltd	Riverhurst, Sask. N 50 44 25 W 106 54 34	0.390 V 0.195 A	D.A.	415	2940	776	(-)
CBKMT-1	Canadian B/Cing Corporation	Willow Bunch, Sask. N 49 23 10 W 105 40 17	19.80 V 4.00 A	D.A.	550	3425	820	(+)
		CHANNEL 11 (198-204 MHZ)						
CBUAT	Canadian B/Cing Corp	Trail, B. C. N 49 05 27 W 117 47 55	3.340 V 0.668 A	D.A.	203	4453	762	No
CKX-TV-1	Western Manitoba B/Csters, Ltd	Foxwarren, Manitoba N 50 31 14 W 101 04 23	6.64 V 3.48 A	D.A.	261	2031	270	No
CBAFT	Canadian B/Cing Corp	Moncton, N. B. N 46 08 41 W 64 54 14	163.00 V 33.00 A	D.A.	394	1010	781	No
CBHT-4	Canadian B/Cing Corp	Sheet Harbor, N. S. N 44 55 20 W 62 29 55	9.07 V 1.814 A	D.A.	243	493	368	(+)
CBHT-3	Canadian B/Cing Corporation	Yarmouth, N.S., N 43 55 55 W 66 06 10	15.70 V 3.30 A	D.A.	540	690	620	(-)
CHCH-TV	Niagara TV, Ltd	Hamilton, Ontario N 43 12 27 W 79 46 28	230.00 V 23.00 A	D.A.	1054	1679	1173	(+)
CKSO-TV-3	Cambrian B/Cing Ltd	Kearns, Ontario N 48 08 12 W 79 33 12	65.00 V 13.00 A	D.A.	396	1746	734	No
CKWS-TV	Frontenac B/Cing Ltd	Kingston, Ontario N 44 10 02 W 76 25 40	130.00 V 26.00 A	D.A.	785	1110	851	(-)
CBLAT-4	Canadian B/Cing Corp	Marathon, Ontario N 48 44 50 W 86 34 00	7.66 V 1.532 A	D.A.	313	1758	932	(-)
CKBL-TV-1	La Compagnie de Radiodiffusion De Matane Ltee.	Mont Climont, Que. N 48 23 50 W 67 19 27	0.343 V 0.172 A	D.A.	95	1645	732	No
CBFT-1	Canadian B/Cing Corp	Mont Tremblant, Que. N 46 13 10 W 74 33 11	0.600 V 0.300 A	D.A.	97	3047	1779	No
CBVT	Canadian B/Cing Corp	Quebec, Quebec N 46 51 40.41 W 71 04 46.24	173.00 V 34.60 A	D.A.	525	950	641	(+)
CBKST	Canadian B/Cing Corporation	Saskatoon, Sask. N 52 10 25 W 106 25 42	325.00 V 65.00 A	Om.	600	2550	786	No
		CHANNEL 12 (204-210 MHZ)						
CFCN-TV-1	CFCN Television Ltd	Drumheller, Alta. N 51 34 00 W 112 19 48	14.10 V 7.00 A	D.A.	540	4040	916	No
CBUBT-1	Canadian B/Cing Corporation	Canal Flats, B.C. N 50 11 41 W 115 49 25	5.40 V 1.00 A	D.A.	132	3326	−805	No
CHKL-TV-2	British Columbia Television B/Cing System Ltd.	Vernon, B.C. N 50 16 58 W 119 19 09	0.231 V 0.023 A	D.A.	67	2800	578	No
CKAM-TV	Moncton B/Cing Ltd	Upsalquitch Lake (Campbellton) N.B. N 47 27 19 W 66 25 07	141.00 V 28.20 A	D.A.	733	2793	1331	No
CBHT-1	Canadian B/Cing Corporation	Liverpool, N.S. N 44 03 59 W 64 43 00	0.970 V 0.097 A	D.A.	472	772	647	No
CBFST-3	Canadian B/Cing Corporation	Elliot Lake, Ontario N 46 23 21 W 82 37 06	18.60 V 3.72 A	D.A.	145	1645	532	(+)
CBFOT-1	Canadian B/Cing Corporation	Kapuskasing, Ontario N 49 17 48 W 82 11 19	17.40 V 3.48 A	D.A.	426	1226	438	No
CHEX-TV	Kawartha B/Cing Co., Ltd	Peterborough, Ontario N 44 19 45 W 78 18 03	139.00 V 83.40 A	D.A.	753	1553	772	(+)
CBLAT-2	Canadian B/Cing Corporation	White River, Ontario N 48 37 45 W 85 11 24	0.384 V 0.077 A	D.A.	347.5	2311	761	(-)
CKRS-TV	Radio Saguenay Ltd	Jonquiere, Quebec N 48 24 29 W 71 14 52	20.00 V 2.00 A	D.A.	228	748	311.5	(+)
CFCF-TV	Canadian Marconi Co	Montreal, Quebec N 45 30 20 W 73 35 32	325.00 V 160.00 A	Om.	330	1074	970	No
CBFST-2	Canadian B/Cing Corporation	Temiskaming, Quebec N 46 38 28 W 79 04 24	7.08 V 1.416 A	D.A.	525	1825	860	(-)
CKCK-TV-1	Transcanada Communications, Ltd.	Colgate, Sask. N 49 26 16 W 103 47 53	15.10 V 3.02 A	D.A.	538	2463	532	No

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna Height Above Ground (Ft.)	Antenna Height Above MSL (Ft.)	Antenna Height Above Terrain (Ft.)	Offset
		CHANNEL 13 (210-216 MHz)						
CFCN-TV-5	CFCN Television Ltd.	Lethbridge, Alberta N 49 42 55 W 112 47 56	47.00 V 7.34 A	D.A.	530	3549	593	(+)
CBUDT	Canadian B/Cing Corporation	Bonnington, B.C. N 49 28 33 W 117 29 16	0.022 V 0.0022 A	D.A.	107	2907	−1287	(+)
CHAN-TV-4	British Columbia TV B/Cing.	Courtenay, B.C. N 49 44 55 W 125 14 53	0.930 V 0.093 A	D.A.	68	3343	1321	No
CHBC-TV-1	Okanagan Valley TV Co. Ltd.	Penticton, B.C. N 49 39 34 W 119 34 18	0.300 V 0.038 A	D.A.	91	4391	2717	No
CJBR-TV-1	Lower St. Lawrence Radio, Inc.	Edmundston, N.B. N 47 23 25 W 68 18 59	1.430 V 0.714 A	D.A.	521	1721	856	No
CBHFT	Canadian B/Cing Corp.	Halifax, Nova Scotia N 44 39 03 W 63 39 28	0.135 V 0.0135 A	D.A.	525	975	771	No
CBLAT	Canadian B/Cing Corporation	Geraldton, Ontario N 49 43 50 W 86 43 21	22.00 V 4.40 A	D.A.	540	1690	598	(+)
CKCO-TV	Central Ontario TV Ltd.	Kitchener, Ontario N 43 24 15 W 80 38 05	325.00 V 65.00 A	Om.	653.8	2089	954	(+)
CJOH-TV	Bushnell Communications Ltd.	Ottawa, Ontario N 45 30 11 W 75 51 02	178.00 V 35.60 A	D.A.	533	1683	1225	(+)
CBFST-1	Canadian B/Cing Corporation	Sudbury, Ontario N 46 30 14 W 80 58 04	8.60 V 1.72 A	D.A.	265	1403	478	(−)
CBCT	Canadian B/Cing Corporation	Charlottetown, P.E.I. N 46 12 40 W 63 20 25	38.60 V 19.30 A	D.A.	540	890	771	(+)
CKTM-TV	Television St. Maurice, Inc.	Three Rivers, Quebec N 46 29 27 W 72 39 00	162.50 V 32.50 A	D.A.	1040	1615	1323	(−)
		CHANNEL 19 (500-506 MHz)						
CICA-TV	Canadian B/Cing Corporation	Toronto, Ontario N 43 39 43 W 79 22 42	600.00 V 120.00 A	Om.	521	861	476	(−)
		CHANNEL 72 (818-824 MHz)						
CHBC-TV-5	Okanagan Television Co., Ltd.	Enderby, B.C. N 50 33 48 W 119 06 10	0.020 V 0.0025 A	D.A.	103	2103	−625	No

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
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Chief, Broadcast Bureau.

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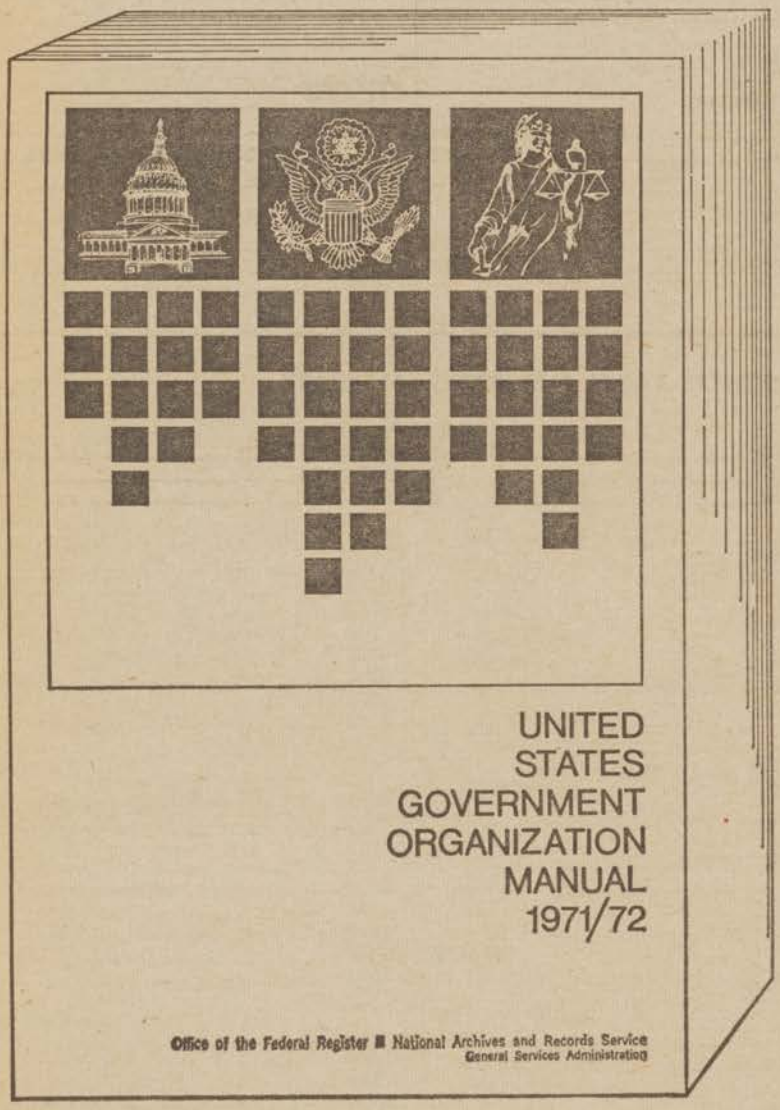
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