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

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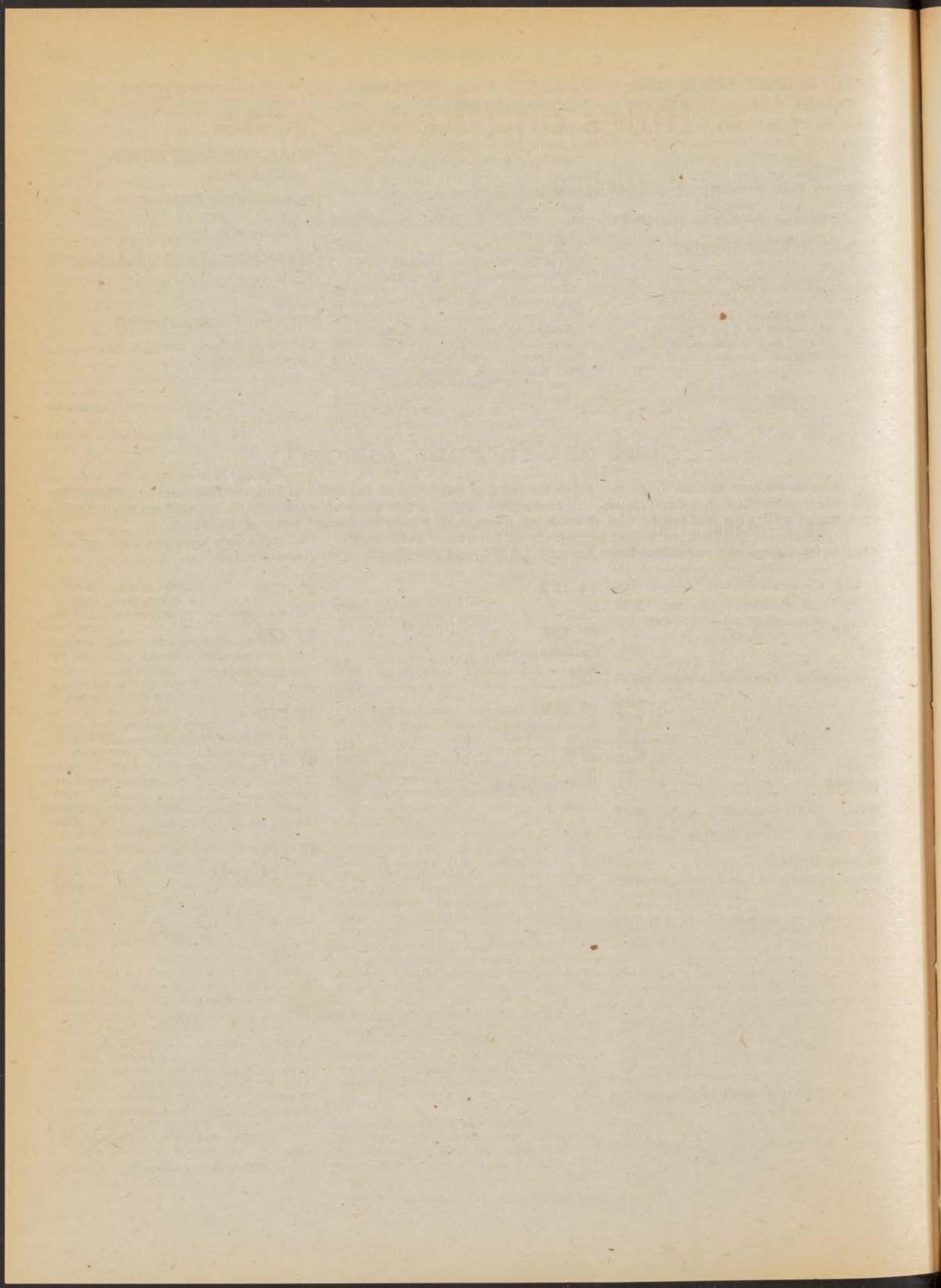
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Appendix B is amended by adding thereto the list of acts enacted in 1971 requiring or authorizing the publication of documents in the FEDERAL REGISTER, as follows:

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Title 7—AGRICULTURE

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

PART 981—ALMONDS GROWN IN CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of almonds grown in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Almonds Grown in California, as amended (Order No. 981, as amended; 7 CFR Part 981) and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Almonds Grown in California" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued January 10, 1972 (F.R. Doc. 72-557; 37 F.R. 617) with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such almonds. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 981.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations

hereinafter set forth are supplementary, and in addition to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 15 F.R. 4993; 22 F.R. 3781; 22 F.R. 8485; 23 F.R. 903; 35 F.R. 11372.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Sacramento, Calif., on March 17-23, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

(3) There are no differences in the production and marketing of almonds in the production area covered by the

order, as amended, and as hereby further amended, which require different terms applicable to different parts of such area;

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

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

(c) *Additional findings.* It is hereby further found, for the reasons hereinafter set forth, that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date thereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order permits the Control Board, with the approval of the Secretary, to establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising. The Control Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The crediting concept is new to the almond order. Hence, the Control Board must make extensive preparations before recommending administrative rules and regulations. An effective advertising program by the industry should tend to maximize the industry's opportunity to effectuate the declared policy of the act, and the almond industry should be afforded opportunity to engage in such activity as soon as practicable. No advance preparation by handlers will be necessary to comply with the amended order. Hence, to permit compliance with, and maximum benefit from, the new or revised provisions, it is necessary that the amendatory order become effective as hereinafter specified.

(d) *Determinations.* It is hereby determined that: (1) The "Marketing Agreement, as Amended, Regulating the Handling of Almonds Grown in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping almonds covered by the said order, as amended and as hereby further amended) who during the period July 1, 1970, through June 30, 1971, handled not less than 50 percent of the volume of

such almonds covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period July 1, 1970, through June 30, 1971 (which has been determined to be a representative period), have been engaged, within the State of California, in the production for market of almonds, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

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

§ 981.16 [Amended]

1. Section 981.16 is amended by deleting the words "continental," "Alaska," and "Hawaii".

§ 981.21 [Amended]

2. Section 981.21 is amended by deleting the word "continental," and substituting therefor the word "the" and deleting the words "Alaska" and "Hawaii".

3. A new paragraph (e) is added to § 981.40 to read:

§ 981.40 Procedure.

(e) *Additional voting requirements.* Adoption of recommendations by the Control Board with respect to projects pursuant to § 981.41 involving production research, marketing research and development projects, and marketing promotion including paid advertising and crediting the pro rata expense assessment obligation of handlers with such portion of their direct expenditures for marketing promotion including paid advertising, shall require at least seven affirmative votes.

4. Section 981.41 is revised to read:

§ 981.41 Research and development.

(a) *General.* The Control Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of almonds. The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 981.81 (a) or credited

pursuant to paragraph (c) of this section.

(b) *Authorization.* If, on the basis of a Control Board recommendation pursuant to § 981.40 (e) with respect to projects pursuant to this section, and appertaining rules and regulations established by the Secretary on recommendation of the Control Board, and other available information, the Secretary concurs that such activities should be permitted, he shall authorize such activities.

(c) *Creditable expenditures.* The Control Board, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of almonds, almond products or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising. Such expenditures may include, but are not limited to, money spent for advertising space or time in newspaper, magazines, radio, television, transit, and outdoor media, including the actual standard agency commission costs not to exceed 15 percent: *Provided,* That, with respect to paid advertising, advertising production costs, preparation expenses, travel allowances, and other expenses not directly connected with paid space or time, and costs relating to pretesting of advertising, test marketing, directory advertising, point of sales materials, premiums, and trade promotion allowances shall not be eligible for credit against a handler's assessment obligation.

(d) *Promotion guidelines.* All marketing promotion activity engaged in by the Control Board, including paid advertising, shall be subject to the following terms and conditions:

(1) No marketing promotion, including paid advertising shall refer to any private brand, private trademark or private trade name;

(2) No promotion or advertising shall disparage the quality, use, value, or sale of like or any other agricultural commodity or product, and no false or unwarranted claims shall be made in connection with the product;

(3) No promotion or advertising shall be undertaken without reason to believe that returns to producers will be improved by such activity; and

(4) Upon conclusion of each activity, but at least annually, the Control Board shall summarize and report the results of such activity to its members and to the Secretary.

(e) *Rules and regulations.* Before any project involving marketing promotion, including paid advertising and the crediting of the pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively regulate such activity.

§ 981.66 [Amended]

5. Paragraph (b) of § 981.66 is amended by deleting the words "continental," "Alaska," and "Hawaii".

6. Paragraph (c) of § 981.66 is amended by deleting the words "Alaska" and "Hawaii".

§ 981.70 [Amended]

7. Section 981.70 is amended by inserting in the first sentence after the word "disposition" the words "advertising and promotion activities".

§ 981.80 [Amended]

8. Section 981.80 is amended by inserting in the first sentence after the words "maintenance and functioning of the Control Board" the words, "including the accumulation and maintenance of an operating reserve fund", and in the second sentence after the word "expenses" the words "and size of the operating reserve fund".

§ 981.81 [Amended]

9. Paragraph (a) of § 981.81 is amended by inserting in the first sentence after the words "such sums" the words "less any amounts credited pursuant to § 981.41" and by inserting after the words "to meet the authorized Board expenses" the words "and the operating reserve requirements," and by adding a new sentence, after the last sentence, to read as follows: "The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative".

10. Paragraph (b) of § 981.81 is revised to read:

(b) *Refunds.* Any money collected as assessments during any crop year and not expended at the end of the crop year's operations shall be used by the Control Board during the period of 4 months subsequent to such crop year in paying the expenses of the Control Board incurred in connection with the new crop year, refunded by the Control Board in accordance with the provisions of this part, or be retained in an operating reserve fund as provided in paragraph (c) of this section. Assessments collected in excess of Board expenses and not retained in the reserve shall be refunded to handlers. The Control Board shall from funds on hand, including assessments collected during the new crop year, or from funds in the reserve, distribute or make available within 5 months after the beginning of the new crop year, such excess to the handlers from whom it was collected or credited. Each handler's share of such funds shall be the amount of assessment he paid to the Board plus any assessment credited pursuant to § 981.41, in excess of his pro rata share of actual expenses of the Board including amounts credited to handlers for paid advertising pursuant to § 981.41 and the addition, if any, to the operating reserve fund.

11. Paragraph (c) of § 981.81 is designated (d), and a new paragraph (c) is added to read:

(c) *Reserve.* The Board, with the approval of the Secretary, may establish and maintain during one or more crop years an operating reserve fund for marketing promotion including paid advertising, and for the maintenance and functioning and other authorized activities of the Board. For the foregoing respective activities, the amount applicable to these purposes shall not exceed approximately 1 crop year's budgeted expenses for such activities. Upon approval of the Secretary, funds accumulated in the reserve fund may be used by the Board for authorized activities.

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

Dated February 18, 1972, to become effective upon publication in the FEDERAL REGISTER (2-25-72).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc. 72-2779 Filed 2-24-72; 8:48 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

On April 6, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 6521) proposed amendments to 10 CFR Parts 20, 30, 40, 70, and 71 of its regulations. The proposed amendments would impose on AEC licensees safety regulations applicable to shippers and carriers of radioactive material not regulated by the Department of Transportation (DOT), the U.S. Postal Service (formerly the Post Office Department), or an Agreement State. Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After consideration of the comments received and other factors involved, the Commission has adopted the amendments published for comment with certain modifications of the requirements for opening instructions in §§ 20.205, 71.51, and 71.55, and certain editorial changes. The amendments which follow impose on AEC licensees: (1) Packaging requirements for shipments of licensed material not presently subject to Part 71 and DOT regulations; (2) package marking and labeling requirements for all shipments of licensed material not subject to DOT regulations; (3) requirements to provide consignees with any special opening instruction needed to safely open packages delivered to a carrier for transport and to have procedures for opening and closing packages; and (4) all applicable requirements of the

regulations of DOT when transporting licensed material as a carrier not subject to DOT regulations.

Amendments to §§ 30.13, 40.12, and 70.12 add freight forwarders and warehousemen to the present exemptions from licensing requirements for common and contract carriers to the extent that they transport or store byproduct, source, or special nuclear material for another. An amendment to Part 71, § 71.7, exempts physicians from the requirements of Part 71 to the extent that they transport, or direct an employee to transport, in a vehicle under the physician's control, licensed radioactive material for use in the practice of medicine.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 20, 30, 40, 70, and 71, are published as a document subject to codification to become effective 30 days after publication in the FEDERAL REGISTER.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. A new § 20.205 is added to Part 20 to read as follows:

§ 20.205 Procedures for opening packages.

Each licensee shall establish and maintain procedures for safely opening packages in which licensed material is received, and shall assure that such procedures are followed and due consideration is given to special instructions for the type of package being opened.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

2. Section 30.13 of Part 30 is revised to read as follows:

§ 30.13 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and Parts 31-36 of this chapter and the requirements for a license set forth in section 81 of the Act to the extent that they transport or store byproduct material in the regular course of carriage for another or storage incident thereto.

3. Paragraph 30.34(c) of Part 30 is amended by adding the following sentence:

§ 30.34 Terms and conditions of licenses.

(c) * * * Preparation for shipment and transport of byproduct material shall be in accordance with the provisions of Part 71 of this chapter.

PART 40—LICENSING OF SOURCE MATERIAL

4. Section 40.12 of Part 40 is revised to read as follows:

§ 40.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and the requirements for a license set forth in section 62 of the Act to the extent that they transport or store source material in the regular course of carriage for another or storage incident thereto.

5. Paragraph 40.41(c) of Part 40 is amended by adding the following sentence:

§ 40.41 Terms and conditions of licenses.

(c) * * * Preparation for shipment and transport of source material shall be in accordance with the provisions of Part 71 of this chapter.

PART 70—SPECIAL NUCLEAR MATERIAL

6. Section 70.12 of Part 70 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto.

7. Paragraph 70.41(a) of Part 70 is amended by adding the following sentence:

§ 70.41 Authorized use of special nuclear material.

(a) * * * Preparation for shipment and transport of special nuclear material shall be in accordance with the provisions of Part 71 of this chapter.

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT

8. The title of 10 CFR Part 71 is amended to read as follows:

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

9. Section 71.1 of Part 71 is revised to read as follows:

§ 71.1 Purpose.

(a) This part establishes requirements for transport and for preparation for shipment of licensed material and prescribes procedures and standards for approval by the Atomic Energy Commission of packaging and shipping procedures for fissile material (uranium-233, uranium-235, plutonium-238, plutonium-239, and plutonium-241) and for large quantities of licensed materials, as defined in § 71.4(f).

(b) The packaging and transport of these materials are also subject to other

parts of this chapter and to the regulations of other agencies having jurisdiction over means of transport. The requirements of this part are in addition to, and not in substitution for, other requirements.

10. Section 71.2 of Part 71 is revised to read as follows:

§ 71.2 Scope.

The regulations in this part apply to each person authorized by specific license issued by the Commission to receive, possess, use, or transfer licensed materials, if he delivers such materials to a carrier for transport or transports such material outside the confines of his plant or other place of use.

11. Section 71.3 of Part 71 is revised to read as follows:

§ 71.3 Requirement for license.

No licensee subject to the regulations in this part shall (a) deliver any licensed materials to a carrier for transport or (b) transport licensed material except as authorized in a general license or specific license issued by the Commission, or as exempted in this part.

12. Section 71.5 of Part 71 is redesignated § 71.6 and §§ 71.6 through 71.14 are redesignated §§ 71.8 through 71.16.

13. A new § 71.5 is added to Part 71 to read as follows:

§ 71.5 Transportation of licensed material.

(a) No licensee shall transport any licensed material outside of the confines of his plant or other place of use, or deliver any licensed material to a carrier for transport, unless the licensee complies with the applicable requirements of the regulations appropriate to the mode of transport, of the Department of Transportation in 49 CFR Parts 170-189, 14 CFR Part 103 and 46 Part 146, and the U.S. Postal Service in 39 CFR Parts 14 and 15 insofar as such regulations relate to the packaging of byproduct, source, or special nuclear material, marking and labeling of the packages, loading and storage of packages, placarding of the transportation vehicle, monitoring requirements and accident reporting.

(b) When Department of Transportation regulations are not applicable to shipments of licensed material by rail, highway, or water because the shipment is not in interstate or foreign commerce, or to shipments of licensed material by air because the shipment is not transported in civil aircraft, the licensee shall conform to the standards and requirements of the Department of Transportation specified in paragraph (a) of this section, to the same extent as if the shipment or transportation were in interstate or foreign commerce or in civil aircraft. Any requests for modifications, waivers, or exemptions from those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

(c) Paragraph (a) of this section shall not apply to the transportation of

licensed material, or to the delivery of licensed material to a carrier for transport, where such transportation is subject to the regulations of the Department of Transportation or the U.S. Postal Service.

14. An undesignated center head "Exemptions" is added to Part 71 preceding § 71.6.

15. In redesignated § 71.6 of Part 71, paragraph (a), and the introductory language of paragraph (b) preceding paragraph (b)(1) are revised to read as follows:

§ 71.6 Exemptions for certain shipments.

A licensee is exempt from all the requirements of this part to the extent that he delivers to a carrier for transport:

(a) Packages each of which contains no licensed material having a specific activity in excess of 0.002 microcurie/gram; or

(b) Shipments subject to the regulations of the Department of Transportation in 49 CFR Parts 170-189, 14 CFR Part 103, or 46 CFR Part 146 or the U.S. Postal Service in 39 CFR Parts 14 and 15 of packages each of which contains less than a large quantity of radioactive material, as defined in § 71.4(f), which may include one of the following:

16. A new § 71.7 is added to Part 71 to read as follows:

§ 71.7 Exemption of physicians.

Physicians, as defined in § 35.3(b) of this chapter, are exempt from the regulations in this part to the extent that they transport licensed material for use in the practice of medicine.

17. Redesignated § 71.16 of Part 71, is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 71.16 Amendment of existing licenses.

(a) AEC licenses issued pursuant to this part and in effect on October 4, 1968, which authorize Fissile Class II packages are hereby amended by increasing the minimum number of units specified for each Fissile Class II package by a factor of 1.25. The new number shall be rounded up to the first decimal. In addition, the term "radiation units" is changed to "transport index" wherever used in the license.

(b) The reference to § 71.7(b) in AEC licenses issued pursuant to this part prior to (the effective date of this amendment) is changed to § 71.9(b).

18. Section 71.24 is revised to read as follows:

§ 71.24 Procedural controls.

The applicant shall describe the regular and periodic inspection procedures proposed to comply with § 71.51(c).

19. Section 71.51 of Part 71 is revised by amending paragraphs (a) and (b), redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

§ 71.51 Establishment and maintenance of procedures.

The licensee shall establish and maintain:

(a) Operating procedures adequate to assure that the determinations and controls required by this chapter are accomplished;

(b) Procedures for opening and closing packages in which licensed material is transported to provide safety and to assure that, prior to delivery to a carrier for transport, each package is properly closed for transport; and

(c) Regular and periodic inspection procedures adequate to assure that the procedures required by paragraphs (a) and (b) of this section are followed.

20. A new § 71.55 is added to Part 71 to read as follows:

§ 71.55 Opening instructions.

Prior to delivery of a package to a carrier for transport, the licensee shall assure that any special instruction needed to safely open the package are sent to or have been made available to the consignee.

(Secs. 53, 62, 81, 161; 68 Stat. 930, 932, 935, 948, as amended; 42 U.S.C. 2073, 2092, 2111, 2201)

Dated at Germantown, Md., this 18th day of February 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc. 72-2735 Filed 2-24-72; 8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-7-AD, Amdt. 39-1395]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Models F-28 and F-28A Helicopters

There have been failures of the horizontal stabilizer center spar on Enstrom Model F-28 and F-28A helicopters. These failures are caused by a combination of fatigue and overload due to improper ground handling of the helicopters. Failure of the spar can result in loss of the horizontal stabilizer and possible interference with the tail rotor. Since the conditions described herein may exist or develop in other helicopters of the same type design, an Airworthiness Directive is being issued requiring repetitive visual and penetrant inspections of the horizontal stabilizer spar attachments on Enstrom Models F-28 and F-28A helicopters for evidence of cracks and the replacement of defective parts discovered during said inspections.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for

making the amendment effective in less than thirty (30) days.

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

ENSTROM. Applies to Models F-28 and F-28A helicopters.

Compliance: Required as indicated, unless already accomplished.

To detect cracks in the horizontal stabilizer attachments within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, accomplish the following:

(A) Remove the left and right stabilizer assemblies (P/N 28-20100) from the center spar (P/N 28-11222) and remove the center spar from the tail cone.

(B) Visually and by use of a penetrant method or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, inspect the center spar around the area of all drilled holes and the two stabilizer trailing edge attachment clips (P/N 28-20106) for cracks.

(C) If a crack is found during inspections required by Paragraph B, prior to further flight, replace the affected part with an airworthy part.

Enstrom Service Note No. 0010 dated February 8, 1972, or later revision, refers to this subject.

This amendment becomes effective February 25, 1972.

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

Issued in Kansas City, Mo., on February 14, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-2846 Filed 2-24-72; 8:49 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[72-182]

PART 556—STATEMENTS OF POLICY

Board's Policy Regarding Branch Offices of Federal Savings and Loan Associations

FEBRUARY 10, 1972.

Resolved that the Federal Home Loan Bank considers it advisable to amend § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5) for the purpose of stating a change in the Board's policy regarding branch offices of Federal savings and loan associations in States other than the States in which such Federal associations have their home offices. Accordingly, on the basis of such consideration and for such purpose, the Board

hereby amends said § 556.5 by revising subparagraphs (2) and (3) of paragraph (b) thereof to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

(b) Policy on approval of branch office and mobile facilities. * * *

(2) It is the Board's general policy not to approve the establishment of a branch office or a mobile facility by such an association in a State other than that in which the home office of the association is located. However, as to a Federal association which has converted (or is in the process of converting) from a State-chartered association, this policy does not apply to the upgrading, with the prior approval of the Board, of an office facility, which such association (i) operated while under State charter and (ii) has operated continuously since becoming a Federal association (if conversion has been completed), to the status of a branch office to be located at or in the same vicinity as such existing office facility is located.

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or a mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, or Puerto Rico, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed in § 545.6-6 of this subchapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, if the Board determines that a State permits its State-chartered savings and loan associations, savings banks, or similar institutions to establish branch offices or mobile facilities beyond 100 miles from their home offices, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in such State without regard to the 100-mile geographical limitation contained in the preceding sentence.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-2821 Filed 2-24-72; 8:52 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

RESINOUS AND POLYMERIC COATINGS

A notice was published in the FEDERAL REGISTER of June 5, 1971 (36 F.R. 10983), proposing that § 121.2514 (21 CFR 121.2514) be amended to provide for silicone release agents of not less than 100 centistokes viscosity for use only on metal substrates; this amendment was proposed in accordance with a petition (FAP 8B2295) filed (and subsequently revised) by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19898. In addition the Commissioner proposed that § 121.2514(b)(3) be amended to reflect the identity of the silicone release agents that have been shown to be toxicologically safe and to clarify the identity of the related item "Silicones, as the basic polymers, and their curing catalysts."

Thirty days were allowed for comments by interested persons. No comments were received, and it is concluded that the amendments should be adopted as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) and (d), 72 Stat. 1786-87 as amended; 21 U.S.C. 348 (c) and (d)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514 (b)(3) is amended in subdivision (xxv) by revising the existing entry on silicones and adding a new entry on silicones, and by revising subdivision (xxviii) as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *
(b) * * * * *
(3) * * * * *
(xxv) * * * * *

Silicones (not less than 300 centistokes viscosity): Dimethylpolysiloxanes and/or methylphenylpolysiloxanes. The methylphenylpolysiloxanes contain not more than 2.0 percent by weight of cyclosiloxanes having up to and including 4 siloxy units. Silicones (not less than 100 centistokes viscosity): Dimethylpolysiloxanes and/or methylphenylpolysiloxanes limited to use only on metal substrates. The methylphenylpolysiloxanes contain not more than 2.0 percent by weight of cyclosiloxanes having up to and including 4 siloxy units.

(xxviii) Silicones and their curing catalysts:

(a) Silicones as the basic polymer:

Siloxane resins originating from methyl hydrogen polysiloxane, dimethyl polysiloxane, and methylphenyl polysiloxane.

(b) Curing (cross-linking) catalysts for silicones (the maximum amount of tin catalyst used shall be that required to effect optimum cure but shall not exceed 1 part of tin per 100 parts of siloxane resins solids):

Dibutyltin dilaurate.
Stannous oleate.
Tetrabutyl titanate.

(Sec. 409 (c) and (d), 72 Stat. 1786-87 as amended; 21 U.S.C. 348 (c) and (d))

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 (2-25-72).

Dated: February 17, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-2786 Filed 2-24-72; 8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Ethion

A petition (PP 0F0920) was filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on the raw agricultural commodity cottonseed at 0.5 part per million.

The petitioner subsequently amended the petition by requesting tolerances for ethion including its oxygen analog (*S*-[(diethoxyphosphinothioyl)thio]meth-

yl] *O,O*-diethyl phosphorothioate) in or on cottonseed and in milk fat (reflecting negligible residues in milk) at 0.5 part per million and in eggs and in meat, fat, and meat byproducts of goats, hogs, horses, poultry, and sheep at 0.2 part per million.

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

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

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

1. Established and proposed tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from the established and proposed uses. The uses are in the category specified in § 180.6(a) (1).

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 180.173 is amended by revising the paragraph "0.5 part per million * * *"; by inserting three new paragraphs "0.5 part per million in milk fat * * *", "0.2 part per million in eggs," and "0.2 part per million in meat, * * *"; and by deleting the paragraph "Zero in milk," as follows:

§ 180.173 Ethion; tolerances for residues.

* * * * *

0.5 part per million in or on cottonseed, cucumbers, and summer squash.

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

0.2 part per million in eggs.

0.2 part per million in meat, fat, and meat byproducts of goats, hogs, horses, poultry, and sheep.

* * * * *

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the

grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-25-72).

Dated: February 16, 1972.

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

[FR Doc.72-2813 Filed 2-24-72; 8:49 am]

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

S-2,3,3-Trichloroallyl Diisopropylthiocarbamate

A petition (PP 0F0944) was filed by Monsanto Co., North Lindbergh Boulevard, St. Louis, Mo. 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide *S*-2,3,3-trichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities grain, forage and straw of barley and wheat; peas and pea forage and hay; and lentils and lentil forage and hay at 0.05 part per million.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances on the forages of barley and wheat.

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

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

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

1. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry.

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

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

§ 180.314 S-2,3,3-Trichloroallyl diisopropylthiocarbamate; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the herbicide S-2,3,3-trichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities grain and straw of barley and wheat, lentils and lentil forage and hay, and peas and pea forage and hay.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become on its date of publication in the FEDERAL REGISTER (2-25-72).

Dated: February 16, 1972.

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

[FR Doc. 72-2814 Filed 2-24-72; 8:49 am]

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

4-Aminopyridine

A petition (PP 1F1013) was filed by Phillips Petroleum Co., Bartlesville, Okla. 74004, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain and corn fodder and forage at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which the tolerances are being established, and the Fish and Wildlife Service of the Department of the Inte-

rior advised that it has no objection to the tolerances.

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

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

1. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry.

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

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

§ 180.312 4-Aminopyridine; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain and corn fodder and forage.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(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 Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-25-72).

Dated: February 18, 1972.

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

[FR Doc. 72-2741 Filed 2-24-72; 8:45 am]

Title 29—LABOR

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

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Hazardous Locations

Correction

In F.R. Doc. 72-2160 appearing at page 3512 in the issue for Thursday, February 17, 1972, paragraph (b) of § 1926.404 should read as follows:

(b) All components and utilization equipment used in a hazardous location shall be chosen from among those listed by a nationally recognized testing laboratory, such as Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp., except custom-made components and utilization equipment.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15-1—GENERAL

Subpart 15-1.53—Code of Conduct

Code of conduct, Subpart 15-1.53, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (2-25-72).

Dated: February 18, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 15-1.53—Code of Conduct

Sec.
15-1.5300 Code of conduct.
15-1.5301 Organizational conflicts of interest.

AUTHORITY: The provisions of this Subpart 15-1.53 issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15-1.5300 Code of conduct.

(a) *Government personnel.* (1) A number of Federal statutes prohibit certain acts by Government personnel and special Government employees as defined in 18 U.S.C. 202 in relation to procurement activities for the Government. Among these statutes are the following: (i) 18 U.S.C. 201 relating to bribes in order to secure a Government contract; (ii) 18 U.S.C. 203 relating to compensation for services rendered in connection with any proceeding or claim in which the United States has an interest; (iii) 18 U.S.C. 205 relating to acting as an agent or attorney for prosecuting any

claim against the United States; (iv) 18 U.S.C. 208 relating to transacting business as an officer or agent of the United States with firms of which such officer or agent, his spouse, minor child, or partner is an official or in which he has a pecuniary interest; and (v) 18 U.S.C. 200 relating to compensation from non-Government sources in connection with Government services EPA regulations on Employee Responsibilities and Conduct are contained in 40 CFR 3.735-101 et seq. All personnel involved in procurement actions shall become familiar with these statutory prohibitions. Any questions concerning them shall be referred to the Assistant General Counsel for Grants and Procurement. In addition to criminal penalties the statutes provide that transactions entered into in violation of these prohibitions are voidable (18 U.S.C. 218).

(2) Aside from such statutory prohibitions, as set forth above, procurement personnel shall maintain the highest standards of conduct in connection with dealings on behalf of the Government. Such conduct must at all times be beyond reproach and must be such that each individual involved in EPA procurement activities would have no reticence in making a full public disclosure of all actions taken in connection with such activities.

§ 15-1.5301 Organizational conflicts of interest.

(a) It is EPA policy to avoid situations in the procurement process where, by virtue of work or services performed for EPA, or as the result of data acquired from EPA or from industry, a particular company:

(1) Is given an unfair competitive advantage over other companies in respect to future EPA business;

(2) Is placed in a position to affect Government actions under circumstances in which there is danger that the company's judgment may be biased; or

(3) Otherwise finds that a conflict exists between the performance of work or services for the Government in an impartial manner and the company's own self-interest.

(b) It has been EPA's experience that conflicts of this type occur most frequently in circumstances where contractors provide services involving either (1) the preparation of specifications or statements of work to be incorporated into a solicitation of bids or proposals on subsequent procurements, or (2) access to the proprietary data of other companies. In such circumstances, the following clause shall be used in both the solicitation and the ensuing contract:

LIMITATION ON FUTURE CONTRACTING

(a) It is agreed by the parties to this contract that the Contractor will be restricted in its future contracting with EPA in the manner described below. Except as specifically provided in this clause, the Contractor shall be free to compete for EPA con-

tracts on an equal basis with other companies.

(b) If the Contractor, under the terms of this contract, or through the performance of tasks pursuant to this contract, is required to develop specifications or statements of work and such specifications or statements of work are incorporated into a solicitation, the Contractor shall be ineligible to perform the work described in that solicitation as a prime or first tier subcontractor under an ensuing EPA contract. Such restriction shall remain in effect for three years following the date of the initial solicitation. It is further agreed that EPA will not unilaterally require the Contractor to prepare specifications or statements of work under this contract.

(c) To the extent that the work under this contract requires access to proprietary or confidential business or financial data of other companies, and as long as such data remains proprietary or confidential, the Contractor shall protect such data from unauthorized use and disclosure and agrees not to use it to compete with such companies.

(d) The restrictions of paragraph (b) above may be waived by the contracting officer if it is determined that such restrictions would be detrimental to the EPA program.

The waiver provision in paragraph (d) of the clause may be exercised by the contracting officer only after receiving written approval from the Director, Contracts Management Division, EPA. Unless the circumstances of paragraph (b) or (c) of the clause are present, the fact that a contractor will perform research and development work under a support service contract is not reason for inclusion of the clause: *Provided*, That if the circumstances of paragraph (b) or (c) of the clause are introduced by a task order which is to be issued under a contract whose general scope would not have otherwise required the clause, the clause will be incorporated in the basic contract prior to issuance of the task order.

(c) In those cases where the contracting officer determines that a potential organizational conflict of interest exists which is not covered by the clause set out in paragraph (b) of this section, he shall prepare a written analysis of the facts of the case, clearly indicating the area of concern and the nature of the potential conflict. The written analysis shall be forwarded to the Director, Contracts Management Division, who after obtaining the advice of counsel, shall prepare an appropriate clause for use in the solicitation and/or the contract, or take other appropriate action.

[FR Doc.72-2740 Filed 2-24-72;8:45 am]

Chapter 114—Department of the Interior MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER (2-25-72).

WARREN F. BRECHT,
Deputy Assistant Secretary
of the Interior.

FEBRUARY 17, 1972.

PART 114-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 114-32.4 is deleted in its entirety.

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114-38.3—Official Government Tags

The title of Subpart 114-38.3, erroneously numbered Subpart 101-38.3 in the FEDERAL REGISTER of January 8, 1970, is amended to read: "Subpart 114-38.3—Official Government Tags".

Section 114-38.5001(b) is amended to read:

§ 114-38.5001 Statutory requirement.

(b) *Approval of authorizations.* The head of a bureau or office may approve the use of a Government-owned or leased vehicle between an employee's domicile and place of employment or he may redelegate this authority to officials not below the Chief Administrative Officer of the Bureau pursuant to Delegation found in 205 DM 9. Except as provided in IPMR 114-38.5002 and 114-38.5003, the approving official must determine that the nature of the field duties of the employee involved make such transportation necessary before granting such approval. Approvals must be in writing and are not transferable.

PART 114-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

The title of Subpart 114-45.8, erroneously numbered "Subpart 144-45.8" in the FEDERAL REGISTER of January 8, 1970, is amended to read: "Subpart 114-45.8—Mistakes in Bids".

Section 114-45.803(a) is amended to read:

§ 114-45.803 Other mistakes disclosed before award.

(a) The Director, Office of Survey and Review, is authorized to make the determinations contemplated by FPMR 101-45.803. This authority may not be redelegated.

Section 114-45.804(a) is amended to read:

§ 114-45.804 Mistakes disclosed after award.

(a) The Director, Office of Survey and Review, is authorized to make the determinations contemplated by FPMR 101-45.804. This authority may not be redelegated.

[FR Doc.72-2784 Filed 2-24-72;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-167]

PART 1—PRACTICE AND PROCEDURE

Filing of Contracts

Order. In the matter of clarifying paragraph (c) of § 1.613, concerning the filing of agreements involving the sale of broadcast time for resale.

1. The Commission here considers a clarifying amendment of § 1.613(c) of the Commission's rules and regulations. Since it is interpretative in nature, prior notice of proposed rule making is not necessary. 5 U.S.C. 553 (b) (A) and (d) (2).

2. Section 1.613 requires broadcast licensees to file with the Commission various kinds of documents pertaining to the ownership and operation of their stations. Paragraph (c) of that section imposes this requirement as to "Contracts relating to the sale of broadcast time to 'time brokers' for resale." Our notice of apparent liability to "Rand Broadcasting Company," FCC 71-621, 22 RR 2d 155 (June 1971), applied this requirement to "trade-out" arrangements where the licensee gave other parties the right to sell spot announcements on the station in return for providing goods or services to the licensee. However, when the Commission first adopted the requirement that time brokerage contracts be filed, it was primarily concerned with situations in which stations sold time brokers substantial segments of their programing schedule raising questions as to whether the licensee thereby relinquished or diminished control over programing. In the light of this fact, we have given further consideration to barter arrangements such as those in the "Rand" case as well as those where rights to broadcast a syndicated program, sports event, etc., are given to the licensee in return for the right on the part of the owner of the program to sell a certain number of spot announcements. These involve the sale of broadcast time for resale, but it is also clear that they are not "time brokerage" agreements in the historic sense of that term, arrangements under which an outside party is sold substantial blocks of a station's daily or weekly program time.¹

3. That any extensive time brokering in the latter sense may be contrary to the public interest is well settled. "Metropolitan Broadcasting Corp., et al.," 8 FCC 557 (1941). Because of the lessening of licensee control involved, a requirement for filing such agreements was first adopted in 1945 along with other filing

¹ The traditional "time brokerage" arrangement, which has been particularly prevalent in the area of foreign-language programing, has usually involved the sale by the station to the "time broker" of a number of hours each day or week. However, "time brokers" may exist with respect to much smaller amounts, for example, 10 minutes per week on a TV station ("Eller Telecasting Company," 19 FCC 2d 913 (1969)).

requirements (Docket No. 6756).² Our concern is with the broadcaster maintaining his programing responsibility. "United Broadcasting Co. of New York, Inc.," 4 R.R. 2d 167 (1965); see also "In the Matter of Liability of WGOK," 2 F.C.C. 2d 245 (1965); "In the Matter of Radio Station KAYE," 7 R.R. 2d 313 (1966); "In regard Continental Broadcasting, Inc.," 15 F.C.C. 2d 120 (1968), affirmed on reconsideration, 17 F.C.C. 2d 485 (1969), affirmed on appeal, "Continental Broadcasting, Inc. v. FCC," 439 F. 2d 580 (C.A.D.C., 1971).

4. In a large number of situations, including many of those mentioned in the Rand case and covered in contracts which have recently been filed, this ground for concern is absent. These are where—in return for consideration of various types, such as cash, merchandise for use by the station as gifts or contest prizes, air travel or hotel accommodations, equipment or station construction, etc.—the other party to the contract gets the right to sell a certain number of spot announcements on the station. These, sometimes called "barter" or "tradeout" arrangements, do not give sufficient grounds for Commission concern to warrant a requirement that they be filed, as long as the station retains under the contract the right to reject, without contractual liability, the particular advertiser to whom the time is resold or the commercial continuity to be used in the spot resold. Therefore, we are amending § 1.613(c).

5. In another type of situation, part or all of the consideration passing to the station is program material, for example, where the party furnishing the material reserves the right to resell a certain number of the spot availabilities in it or adjacent to it. In these situations the other party is furnishing part of the material to be used in such programing. Nevertheless, there is no reason to believe that the degree of licensee control is lessened in such situations any more than it is whenever a program or program series is purchased in a conventional matter. Accordingly, the amendment of § 1.613(c) is designed to exempt such situations also.

6. In all of these cases, a more important cause for Commission concern is that the consideration received is properly reported as revenue, with offsetting expenses where appropriate. This was also mentioned in the Rand letter. Another public notice adopted today discusses this question.

7. In the circumstances, we have decided to revise paragraph (c) of § 1.613 as set forth below, to clarify its meaning. Authority for such amendment may be found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended:

8. *It is ordered.* That this amendment shall be effective March 31, 1972.

² The rule was amended into its present form in Docket No. 10409 (1953). See 9 R.R. 1547, 1553-54. The reference to "time brokers" was included in the rule in line with a suggestion by NBC that otherwise the meaning would be much too broad in relation to what was meant.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 16, 1972.

Released: February 22, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

Section 1.613 of the Commission's rules and regulations is revised to read as follows:

§ 1.613 Filing of contracts.

(c) Contracts relating to the sale of broadcast time to "time brokers" for resale. This paragraph shall not apply to or require the filing of agreements, including "barter" or "trade-out" agreements, under which the party furnishing the consideration acquires only the right to re-sell time for spot announcements.

[FR Doc.72-2800 Filed 2-24-72; 8:52 am]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in South Lake Tahoe, Calif.

Order. In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations. (South Lake Tahoe, Calif.)

1. In the first report and order in Docket No. 18883, we assigned Channel 261A to "South Lake Tahoe, California" and included Channel 276A previously allocated to "Tahoe Valley" because Tahoe Valley was included as part of South Lake Tahoe when incorporated in 1965, 27 F.C.C. 2d 844, 848-849 (1971). In the circumstances, the entry for Tahoe Valley, Calif., in § 73.202(b) is deleted.

2. Authority for this action is taken pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations. Since this change is entirely editorial in nature, the "notice" and "effective date" provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. This amendment shall become effective February 18, 1972.

Adopted and released: February 16, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JOHN M. TORBET, Executive Director.

[FR Doc.72-2801 Filed 2-24-72; 8:52 am]

[Docket No. 18425; RM-1340]

PART 73—RADIO BROADCAST SERVICES

Remote Control Operation Correction

In F.R. Doc. 71-19134 appearing at page 25413 in the issue of Friday, December 31, 1971, a line of five asterisks should be added between the two notes under § 73.676.

² Commissioners Johnson and H. Rex Lee absent.

Proposed Rule Making

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR EXPOSURE TO ASBESTOS DUST

Supplement to Notice of Proposed Rule Making

On January 12, 1972, notice of proposed rule making was published in the FEDERAL REGISTER at page 466 concerning proposed occupational standards dealing with exposure of employees to asbestos dust. The notice is supplemented as follows.

The National Institute for Occupational Safety and Health has filed with the Secretary of Labor "Criteria for a Recommended Standard on Occupational Exposure to Asbestos." The above-captioned document will be submitted for inclusion in the record of the proceeding. Copies of the document are available for public inspection and copying during normal business hours in the national office of the Occupational Safety and Health Administration, Office of Standards, Room 305, 400 First Street NW., Washington, DC 20210, and also in the various regional offices of the Administration.

Signed at Washington, D.C., this 22d day of February 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-2810 Filed 2-24-72;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 204, 205, and 260]

[Docket No. R-435]

NET REALIZABLE VALUE OF HYDROCARBON RESERVES

Uniform System of Accounts; Notice of Extension of Time

FEBRUARY 18, 1972.

Revisions in Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) and Annual Report Form No. 2 to provide that the determination of natural gas reserves on acreage acquired after October 7, 1969, shall be made and attested to by independent appraisers, to disclose the net realizable value and related costs of hydrocarbon reserves, and to eliminate an allowance for equity funds on exploration and development expenditures in-

curred on or related to acreage acquired after October 7, 1969.

On February 15, 1972, the Independent Natural Gas Association of America filed a request for an extension of time to and including March 21, 1972, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including March 21, 1972, within which any interested person may submit data, views, comments or suggestions concerning the notice of proposed rule making issued on January 5, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2794 Filed 2-24-72;8:51 am]

[18 CFR Part 260]

[Docket No. R-308]

GAS PIPELINES COMPANIES

Total Gas Supply; Notice of Postponement of Conference Regarding Annual Report FPC Form No. 15

FEBRUARY 18, 1972.

On February 11, 1972, the American Gas Association filed a request for a postponement of the conference scheduled for March 14, 1972, by notice issued February 7, 1972, in the above-designated matter.

Upon consideration, notice is hereby given that the conference in the above-designated matter is postponed to March 21, 1972, at 10 a.m., in a hearing room (to be posted) of the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2796 Filed 2-24-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release 34-9496; File No. S7-428]

NEW YORK STOCK EXCHANGE PLAN

Report of Income and Expenses

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 17a-10 (17 CFR 240.17a-10) under the Securities Exchange Act of 1934 (the Act). The action would be taken under the provisions of the Act, and particularly sections 17(a) and 23(a) thereof.

Rule 17a-10 requires every member of a national securities exchange and every broker or dealer registered pursuant to

section 15 of the Act to file each year with the Commission a report of his income and expenses and related financial and other information on Form X-17A-10 (17 CFR 249.618).

Paragraph (b) of Rule 17a-10 presently provides that a national securities exchange or a registered national securities association may submit to the Commission a plan providing for reports from its members on forms consistent with Form X-17A-10, and for the transmission to the Commission of copies of such reports. Such a plan may also provide that, in transmitting copies of such records to the Commission, the names and addresses of members whose information is transmitted may be omitted. The Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act. Upon Commission approval of such a plan, the members of the exchange or association which submitted the plan are to file their reports directly with the association or exchange in accordance with the plan and not with the Commission. The National Association of Securities Dealers, Inc. and the American, Midwest, New York and Philadelphia-Baltimore-Washington Stock Exchanges have qualified plans pursuant to paragraph (b).

Since the adoption of that rule in June 1968, many important developments (such as the Commission's hearings relating to commission rates and other matters, the operations and back office crisis of 1968, the failure of numerous broker-dealers because of financial difficulties, the adoption of the Securities Investor Protection Act of 1970 and the "Study on Unsafe and Unsound Practices of Brokers and Dealers" submitted to Congress on December 28, 1971) have taken place. In light of these developments and the experience accumulated by the Commission during that period, the Commission believes that it should receive Form X-17A-10 reports from organizations that have qualified a plan pursuant to paragraph (b) of Rule 17a-10 on an identified basis so that it can more effectively carry out its regulatory responsibilities in the future. Accordingly, the Commission proposes to amend paragraph (b) of Rule 17a-10 by deleting the wording in that paragraph which permits a plan to provide that in transmitting copies of Form X-17A-10 reports to the Commission, a self-regulatory organization may omit the names and addresses of members as to whom such information is transmitted. If this proposal is adopted, it will be

necessary for all self-regulatory organizations that have qualified plans with the Commission pursuant to paragraph (b) of Rule 17a-10 to amend their respective plans to delete the provisions of this nature.¹

TEXT OF PROPOSED AMENDMENT

The Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, and more particularly sections 17(a) and 23(a) proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by amending § 240.17a-10(b) to read as follows:

§ 240.17a-10 Report of income and expenses.

(b) The provisions of paragraph (a) of this section shall not apply to a member of a national securities exchange or a registered national securities association which maintains records containing the information required by Form X-17A-10 as to each of its members, and which transmits to the Commission a copy of the record as to each such member, pursuant to a plan the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that [in transmitting copies of such records to the Commission, the names and addresses of members as to whom such information is transmitted may be omitted, and may further provide that] when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be transmitted by

¹ While the Commission is not at this time proposing to amend other provisions of Rule 17a-10, including paragraph (c) relating to nonpublic treatment of individual Form X-17A-10 reports, it has pending certain rule proposals concerning financial disclosures to customers of securities firms. See Securities Exchange Act of 1934 Release No. 9404 (December 3, 1971) and the FEDERAL REGISTER of December 30, 1971, 36 F.R. 25236.

only one specified national securities exchange or registered national securities association. For the purpose of this section a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

(Sec. 17(a), 48 Stat. 897, as amended, 49 Stat. 1379, Sec. 4, 52 Stat. 1076, sec. 5, 15 U.S.C. 78q; Sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8., 15 U.S.C. 78w)

All interested persons may submit their views and comments on the above proposals in writing to the Securities and Exchange Commission, Washington, D.C. 20549 on or before April 10, 1972. All communications with respect to the proposed amendment should refer to File No. S7-428 and all such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 15, 1972.

[FR Doc.72-2762 Filed 2-24-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition for Sales of Government Property

Notice is hereby given that the Administrator of the Small Business Ad-

ministration hereby proposes to amend the definition of a small business for the purpose of sales to other than manufacturers and stockpile purchasers, of Government-owned personal property.

It has been suggested that the currently effective \$5 million annual receipts small business size standard applicable to nonmanufacturers other than stockpile purchasers for the purpose of bidding on sales of Government-owned personal property includes substantially all of the concerns that normally would buy such property. Government data indicates that ninety-five percent (95%) of such concerns generate annual sales of less than \$1 million.

In order to provide a more reasonable basis for small business set-aside sales of Government-owned personal property, it is proposed to revise § 121.3-9 (a) (2) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

(a) * * *

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its average annual receipts for its preceding three (3) fiscal years do not exceed \$1 million.

The exception in the proposed rule refers to stockpile purchasers. Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Acting Director, Size Standards Staff, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: February 16, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-2785 Filed 2-24-72;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., No. 11]

COTTON STATES MUTUAL INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of \$420,000.00 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

Cotton States Mutual Insurance Company
Atlanta, Georgia
Georgia

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: February 18, 1972.

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

[FR Doc. 72-2780 Filed 2-24-72; 8:48 am]

[Dept. Cir. 570, 1971 Rev., No. 12]

NATIONAL-BEN FRANKLIN INSURANCE COMPANY OF ILLINOIS

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of \$1,943,000.00 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

National-Ben Franklin Insurance Company of Illinois
New York, New York
Illinois

Certificates of Authority expire on June 30 each year, unless sooner revoked,

and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: February 18, 1972.

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

[FR Doc. 72-2781 Filed 2-24-72; 8:48 am]

Internal Revenue Service

[Pay Board Ruling 1972-7]

COMPETITIVE WAGE AND SALARY INCREASES TO RETAIN KEY EMPLOYEES

Pay Board Ruling

Facts. Employer A has had difficulty retaining his key employees or attracting replacements because his salary scale is below that of his competitors. He refrained from increasing salaries and wages during the freeze period; now, however, he would like to increase his wage scale so as to become more competitive.

Issue. May Employer A increase his wage rate to a competitive level without regard to the 5.5 percent general wage and salary standard?

Ruling. In Economic Stabilization Regulations, 6 CFR 201.11(a)(2), 36 F.R. 25427 (December 31, 1971), the Pay Board has attempted to permit an employer to become more competitive in his wage rate so that he might attract or retain employees essential to an efficient operation of his firm. An employer will be permitted to increase his wage rate by as much as 7 percent, if he can demonstrate to the Board:

(1) That he has experienced a significant proportion of vacancies in an employee unit, despite intensive recruiting activity over a period of at least 3 months,

(2) That there has been no significant deterioration or reduction in other conditions of employment, and

(3) That there is a reasonable expectation that higher wages will be effective in recruiting and maintaining a supply of qualified employees.

Within these limitations, the employer may disregard the general wage and salary standard, thereby increasing his wage rate by a maximum of 7 percent. However, if he fails to satisfy the specific criteria as set forth by the Pay Board, the employer will be subject to the 5.5-percent limitation. Furthermore, the employer must notify the Board and receive

its approval before the increase permitted under this exception may be implemented.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-2824 Filed 2-24-72; 8:50 am]

[Pay Board Ruling 1972-8]

INCORPORATION OF AN EXISTING BUSINESS

Pay Board Ruling

Facts. A grocer with four employees was operating his store as a sole proprietorship on November 13, 1971. Sometime after that date, he incorporated his business.

Issue. Whether a business in existence before November 13, 1971, which is incorporated after November 13, 1971, will be treated as an existing business or as a new business under the stabilization regulations.

Ruling. In cases where an existing business is incorporated after November 13, 1971, the appropriate employee units, the wage and salary bases of these units, and the wage years of these units of the existing business organization shall be carried over into the newly incorporated business. The wages and salaries for the positions in the new corporation would thus be subject to the same standards and criteria as would have been the lawful rates for the same or comparable jobs in the business organization had it not incorporated.

A determination of the appropriate employee unit of the grocer himself would take into account the contractual or historical wage and salary relationships within the business organization. If treated as such in the old business, the employer-as-employee of the newly incorporated grocery store may be treated as a separate, appropriate employee unit, which would be distinguished from the unit (or units) formed by the other employees of the store.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-2825 Filed 2-24-72; 8:50 am]

[Pay Board Ruling 1972-9]

INCLUSION OF VACATION AND HOLIDAY BENEFITS IN TOTAL COMPENSATION PACKAGE

Pay Board Ruling

Facts. X corporation has 1,500 production workers, all represented by one bargaining representative. X's present contract with these employees was entered into on November 30, 1970, and expires November 30, 1974. The contract provides (i) that these employees will receive an average wage increase of 5 percent commencing on November 30, 1971, and (ii) that X's employees generally will receive additional vacation and holiday benefits beginning November 30, 1971. The average value of the increase in incidental benefits is 1 percent of the employee's total remuneration.

Issue. 1. Are pay adjustments that result from existing contracts and pay practices subject to the 5.5 percent general wage and salary standard?

2. Is the 1 percent general increase in the incidental benefits accorded to X's employees included in determining whether the 5.5 percent general wage and salary standard has been exceeded?

Ruling. With respect to the first issue, Economic Stabilization Regulations 6 CFR 201.14, 36 F.R. 21791 (November 13, 1971) provides that pay adjustments under contracts and pay practices existing prior to November 14, 1971, will be permitted to operate according to their terms, except that, if such pay adjustments are challenged by five members of the Pay Board or by a party at interest, the pay adjustments are subject to review by the Pay Board to determine if they are unreasonably inconsistent with criteria established by the Pay Board. (Since X's pay adjustments apply to or affect more than 1,000 employees, the pay adjustments must be reported to the Pay Board. Pay adjustments in the building and construction trades, regardless of the number of employees affected and regardless of when agreed upon, must be prenotified to and approved by the Construction Industry Stabilization Committee under criteria established by the Board.)

With respect to the second issue, Economic Stabilization Regulations, 6 CFR 101.51, 36 F.R. 21790 (November 13, 1971) provides that the increased vacation and holiday benefits which are subject to being reasonably valued, must be considered in calculating the total compensation package granted to X's employees. Accordingly, X's combined wage and benefits increase will be considered in calculating the total compensation package granted to X's employees. Accordingly, X's combined wage and benefits increase will be considered by the Pay Board (assuming that X's pay adjustments are challenged) in determining whether the increase is unreasonably inconsistent with the criteria established by the Pay Board. It must be noted, however, that section 203(g) of the Economic Stabilization Act of 1970, as amended, exempts from the term "wages

and salaries" employer contributions to the following fringe benefits: (1) Pension, profit sharing, and annuity and savings plans meeting the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954; (2) group insurance plans; and (3) disability and health plans to the extent that employer contributions to such plans are not unreasonably inconsistent with the wage and salary standard. The Pay Board will develop regulations governing what constitutes permissible employer contributions to such plans.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2826 Filed 2-24-72;8:50 am]

[Pay Board Ruling 1972-10]

MEASURING COST OF LIVING INCREASES

Pay Board Ruling

Facts. A local union has negotiated with Employer X a labor contract whereby he has agreed to grant cost-of-living increases to his employees on a semiannual basis. That is, a 2 percent cost of living increase at the end of the third month of the 12-month period, commencing with the contract date, and a 6 percent increase at the end of the ninth month. The employer asserts that he is unable to grant the increases, the first of which is due April 1, because the total increase, 8 percent, would exceed the 5.5 percent general wage and salary standard.

Issue. May cost of living increases be made without regard to the general wage and salary standard?

Ruling. Economic Stabilization Regulations, 6 CFR 201.11(a)(4), 36 F.R. 25427 (December 31, 1971), provides that:

If a wage and salary increase in a new contract or pay practice is composed of two parts, wages and salaries other than cost of living adjustments and cost of living adjustments pursuant to and justified by a generally accepted escalator formula, the wage and salary part shall be calculated by the sum of the percentage increases method, and the cost of living part shall be calculated by multiplying each cost of living adjustment by a fraction, the numerator of which shall be the number of months within the appropriate 12-month period such cost of living adjustment is in effect, and the denominator of which shall be 12. These two parts shall be added together to determine the maximum permissible annual aggregate wage and salary increase.

That is, the cost-of-living increase for a portion of a 12-month year would be averaged over the 12 months, thus reducing the percentage increase. If the

employer provided a 2 percent cost of living increase at the end of the third month of the year and a 6 percent increase at the end of the ninth month and the "sum of the percentages" method were used the total increase would be computed as 8 percent, far in excess of the General Wage and Salary Standard. However, using the formula applicable to cost-of-living adjustments, the 2 percent increase for the 9-month period would be averaged over 12 months, producing a 1½ percent annual increase and the 6 percent increase for the 3-month period, averaged over 12 months, would produce only a 1½ percent annual increase.

Therefore, the total annual cost-of-living increase would be 3 percent, determined by combining the averaged percentage for both cost-of-living increases; this could be combined with a 2½ percent increase in other "wages and salaries" and still be within the General Wage and Salary Standard. The appropriate 12-month period means the 12-month period beginning on the date that the wage and salary increases became effective.

However, such a benefit is available only if the cost-of-living increase is pursuant to a "generally accepted escalator formula"; it cannot be subject merely to the whim of the employer. Moreover, such an exemption would be subject to the prenotification requirements for Category I wage and salary increases, as defined in the Economic Stabilization Regulations, 6 CFR 101.21, 36 F.R. 21788 (November 13, 1971), and as set forth in regulations, 6 CFR 202.10, 36 F.R. 25429 (December 31, 1971), or the reporting requirements for Category II wage and salary increases, as defined in regulations 6 CFR 101.23, 36 F.R. 101.23, 36 F.R. 21788 (November 13, 1971), and set forth in regulations 6 CFR 202.20, 36 F.R. 25429 (December 31, 1971).

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2827 Filed 2-24-72;8:50 am]

[Pay Board Ruling 1972-11]

RETROACTIVE BONA FIDE PROMOTIONS

Pay Board Ruling

Facts. Employee A receives a bona fide promotion in June 1971, but does not automatically receive the increased salary for the new job. The Board of Directors for the employer passes a resolution in late November 1971, directing that the employee be paid the salary designated for the position to which he has been promoted granting the salary increase.

Issue. Can the employer now pay the employee a retroactive pay increase, effective June 1971, to reflect the promotion on that date?

Ruling. Bona fide promotions have never been the subject of regulation under the Economic Stabilization Program. During the initial freeze period, the Cost of Living Council announced that bona fide promotions which constituted an advancement to an established job with greater responsibilities would be permitted.

For the purposes of Phase II of the Economic Stabilization Program, bona fide promotions are excluded from the 5.5 percent general wage and salary standard because the remuneration goes with the job, not the man. That is, they can be made without regard to the Stabilization Program guidelines.

Therefore, since the bona fide promotions are not limited by the Economic Stabilization Program, the timing of the actual promotions or pay increases which accompany them would likewise not be subject to regulation. This would mean that the employer can grant the increased salary without regard to the Economic Stabilization Regulations controlling retroactivity, back to the actual effective date of the promotion, June 1971.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2828 Filed 2-24-72; 8:50 am]

[Price Commission Ruling 1972-67]

MUNICIPALITIES—FEES FOR SERVICES

Price Commission Ruling

Facts. Federal authorities required City A to make water and sewage system improvements. In making these improvements City A incurred costs in October 1971, including construction of sewage treatment facilities and hiring of additional personnel, which will continue in effect for months to come.

Issue. May City A, (1) increase its water and sewage fees effective November 14, 1971, to pass on to the property owners and users increased costs in effect on or after that date and (2) bill the owners and users additional charges for the month of October 1971, to recover the increased expenditures made in October.

Ruling. State and local fees and charges (including those for water and sewage) are prices within the meaning of the Economic Stabilization Act of 1970, as amended, and any increase must con-

form to Price Commission regulations. The charge for service after November 13, 1971, may be increased to reflect cost increases in effect on or after November 14, 1971, reduced to reflect productivity gains provided the price increase does not increase the profit margin. Economic Stabilization Regulations 6 CFR 300.14, 36 F.R. 23976 (December 16, 1971). The increased charges, however, may not be applied retroactively, to pre-November 14, 1971 charges, even if "cost-justified" by pre-November 14, 1971, costs. This ruling is effective only from November 14, 1971, to January 26, 1972. As of the latter date Cost of Living Council regulations became effective exempting price adjustments for water and sewage services by State and local governments. See Economic Stabilization Regulations, 6 CFR 101.34(a)(2), 37 F.R. 1241 (January 27, 1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2830 Filed 2-24-72; 8:50 am]

[Price Commission Ruling 1972-68]

MUNICIPALITIES—ALLOWABLE COSTS

Price Commission Ruling

Facts. City A furnishes sewage services. On December 1, 1971, it issues 5-percent bonds to raise funds for the operation of its sewage departments and enters into a contract with a bank by which the bank will receive interest coupons when due and will disburse the interest payments.

Issue. May City A, in determining whether it may increase its service charges for its sewage service after November 13, 1971, take into account increased cost attributable to the interest and service fees incurred in connection with the bond issue?

Ruling. City A, in determining under Economic Stabilization Regulations, 6 CFR 300.14, 36 F.R. 23976 (December 16, 1971), whether it may increase its sewage service charges, may consider the interest costs and fees paid in connection with the bond issue as "allowable costs."

This ruling is effective only from November 14, 1971, to January 26, 1972. As of the latter date Cost of Living Council regulations became effective exempting price adjustments for sewage disposal services by State and local governments. See Economic Stabilization Regulations, 6 CFR 101.34(a)(2), 37 F.R. 1241 (January 27, 1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 17, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2831 Filed 2-24-72; 8:50 am]

[Price Commission Ruling 1972-69]

RETAIL PRICE INCREASES—DETERMINING VIOLATIONS

Price Commission Ruling

Facts. X is a regular customer of Y department store. Y has posted its base period price for the article X is interested in purchasing. The current asking price is about 20 percent more than the base price. X has heard that a store may increase its selling price for a product to the extent its cost of the product has increased.

Issue. Is X's understanding correct that prices may be increased to reflect increased product costs? How can X determine whether Y is complying with the stabilization regulations?

Ruling. X's understanding is correct. A retailer or wholesaler is allowed to maintain the "customary initial percentage markup" that prevailed during its base period on current sales, so long as the price changes do not, in the aggregate, increase its profit margin over that in its base period. (6 CFR 300.13(a), 36 F.R. 23974 (December 16, 1971)). This means that if, during the freeze base period, Y sold a particular product at 150 percent of the product's cost to it, it may now sell the same product at 150 percent of its current cost to it. Y may not, however, increase its prices to fully reflect its customary markup if to do so would increase its profitability (expressed as a percent of sales) over that of its base period.

In an effort to encourage retailers to comply with the above requirements, the Price Regulations require the posting of base period prices for many articles sold (6 CFR 300.13(b)) so that the consumer would be alerted to any price increases which appear to be unreasonable.

Since X does not have access to Y's actual costs during the base period and currently, he is not able to compute for himself the business's customary markup then and now. The Internal Revenue Service has been given the task of enforcing the regulations and investigating complaints. Thus, if X believes that a price increase is unreasonable and Y cannot adequately explain (or refuses to explain) the reason for the increase, he should file a complaint with the appropriate District Director of the Internal Revenue Service and the matter will be investigated in accordance with established procedures.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2832 Filed 2-24-72; 8:50 am]

[Price Commission Ruling 1972-70]

FORMULA RENTAL PAYMENTS

Price Commission Ruling

Facts. A owns a building with three apartment units. He has a lease with B under the terms of which the monthly rental is determined in part by reference to increases in the assessed value of the property. The assessed value has increased, and under the formula in B's lease, B's monthly rental would be increased. A also has a lease with C providing for an automatic increase in the rent of C's apartment to take effect at December 1, 1971. The leases were both executed January 1, 1971.

Issue. May the rent under either B's lease or C's lease be increased after November 13, 1971?

Ruling. B may be required to make increased payments to take into account the increase in the assessed value for which provision was made in the formula in the lease. Economic Stabilization Regulations, 6 CFR 300.204, 36 F.R. 21794 (November 13, 1971) provides that leases of real property entered into prior to August 15, 1971, in which the periodic rental price is determined by means of a formula specified in the lease agreement may continue with such formula in effect. However, any increases in the periodic rental price due to the passage of time shall not be allowed, and therefore, A may not increase C's rent.

This ruling is effective only from November 14, 1971 to December 29, 1971. As of the latter date new rent regulations became effective. See Economic Stabilization Regulations, 6 CFR 301.104, 36 F.R. 25390 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2829 Filed 2-24-72; 8:50 am]

[Price Commission Ruling 1972-71]

RENT—10-PERCENT RULE

Price Commission Ruling

Facts. A landlord of a 100-unit apartment building requires a 1-year lease from tenants. All leases expiring after January 1, 1971, have been renewed for another term at a 10 percent increase. Five leases expired between July 20 and August 14, 1971, were for the same amount, and all were renewed prior to August 14, 1971, with a 10 percent increase in rent. All units in the building are substantially identical.

Issue. May the landlord after November 13, 1971, demand a 10 percent increase in rent for leases expiring after this date?

Ruling. The landlord may renew leases expiring after November 13, 1971, at a 10 percent increase over the rate of the expiring leases. The base price for a lease of an interest in real property is the highest price charged by the lessor with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period. Economic Stabilization Regulations, 6 CFR 300.407, 36 F.R. 23979 (December 16, 1971). Since all leases that expired during the freeze base period (beginning July 16 and ending August 14, 1971), were continued at an increased rate of 10 percent over the rate of the previous leases, the base price for the new leases executed after November 13, 1971, is the increased lease amount. This ruling is not applicable to transactions occurring after December 28, 1971, or requests for information concerning those transactions. New regulations have been issued covering transactions after December 28, 1971. See Economic Stabilization Regulations, 6 CFR 301.1 et seq., 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2833 Filed 2-24-72; 8:50 am]

[Price Commission Ruling 1972-72]

DETERMINATION OF BASE PRICE WHERE THERE ARE BRANCH STORES

Price Commission Ruling

Facts. Stores E, F, and G are owned by Firm Y and are located in the same county. Firm Y establishes maximum prices but gives the store managers wide discretion in establishing special prices to attract customers. The manager of Store E has maintained a lower price on

one item than the other stores for several years. Store F is in a competitive area and has generally had lower prices than either E or G.

Issue. Whether the base price for all the stores is the highest price permitted to be charged by Firm Y or alternatively, whether the base price must be established by actual prices charged during the base period.

Ruling. The base price determination under the Economic Stabilization Regulations, Subpart F, is to be made on actual prices charged and not on prices which may have been charged. Retailers under § 300.5, Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), are those selling to ultimate consumers. For purposes of determining the base price for sales of personal property § 300.405, Economic Stabilization Regulations, 6 CFR 300.405, 36 F.R. 23974 (December 16, 1971), indicates the base price will be determined by sales to a specific class of purchasers during the base period. One store is not considered as selling to the same specific class of purchasers as another and each store must determine a base price for each item it sells.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2834 Filed 2-24-72; 8:51 am]

[Price Commission Ruling 1972-73]

DETERMINATION OF BASE PRICE OF ADVANCE TICKET SALES

Price Commission Ruling

Facts. A professional athletic team begins to solicit advance season ticket sales in July, 1971, for the 1971-72 season. The price of each seat has been raised 50 cents over the price last year. A substantial number of the solicitations are accepted by persons during the period July 16, 1971, to August 14, 1971.

Issue. Under the postfreeze stabilization program is the transaction, for determining a base price, consider to occur at the time the season tickets are purchased or at the time the events are scheduled to take place or in fact do take place.

Ruling. Under § 300.5, Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), a transaction is considered to occur at the time and place a binding contract is entered into. In the particular case of advance ticket sales the transaction occurs at the time the tickets are sold, because the team is bound to supply the tickets to the

given event and there has been consideration. There need be no guarantee that the event occurs and the subscriber does not have to have the right to compel such occurrence. It is enough that the team be bound to supply the agreed number of tickets upon receipt of the subscribers remittance. This definition of transaction is different from the definition of transaction in effect during the freeze which looked to the time goods were shipped or services were performed (OEP Economic Stabilization Regulation No. 1, Circular No. 101, section 302(1), 36 F.R. 18739, September 21, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2835 Filed 2-24-72;8:51 am]

[Price Commission Ruling 1972-74]

F.O.B. PRICES WHICH ANTICIPATE TRANSPORTATION COST REDUCTIONS

Price Commission Ruling

Facts. A is a manufacturer, such as a brewer, distiller, paint manufacturer, etc., which customarily establishes its prices f.o.b. the factory so that the f.o.b. factory price, plus transportation costs according to published tariff schedules and an anticipated profit margin for the wholesaler, will result in a price that is competitive in each wholesaler's marketing area. It has in this fashion effectively created a "delivered price" although it does not pay the transportation costs because this is forbidden by State law in many of the States in which it does business. A has built a new factory which is geographically closer to several wholesalers. Transportation costs for its product delivered to these wholesalers will be substantially lower than the costs of transportation from the current source factory. A has announced that it will increase its price f.o.b. the factory to these wholesalers so as to offset the amount by which the transportation costs have been reduced, although the total cost to the wholesaler will in no case be higher than that which he was paying previously.

Issue. Is A's pricing from his new factory allowable under the Economic Stabilization Regulations?

Ruling. A's pricing from his new factory is in violation of the Economic Stabilization Regulations to the extent that the increase in the f.o.b. factory price it will charge is not justified by increased costs or to the extent that it will increase A's profit margin over that which prevailed during the base period. Economic Stabilization Regulations 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 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2836 Filed 2-24-72;8:51 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEM

Guidelines for Design and Operation

The Deputy Secretary of Defense approved the following:

I. Purpose. The purpose of this directive is to define the functional, organizational, and operational relationships between all elements of the World-Wide Military Command and Control System (WWMCCS) and to provide policy guidance and establish responsibilities for the management, development, acquisition, and operation of the WWMCCS.

II. Applicability and scope. This directive applies to the Military Departments, Joint Chiefs of Staff, Office of the Secretary of Defense, Unified and Specified Commands, and Department of Defense Agencies (hereinafter referred to as DOD Components) involved in the development, acquisition, and operation and support of the WWMCCS.

III. Definitions—A. National Command Authorities (NCA). The NCA consists only of the President and the Secretary of Defense or their duly deputized alternates or successors. The chain of command runs from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the commanders of Unified and Specified Commands. The channel of communication for execution of the Single Integrated Operational Plan (SIOP) and other time-sensitive operations shall be from the NCA through the Chairman of the Joint Chiefs of Staff, representing the Joint Chiefs of Staff, to the executing commanders.¹

B. Command and Control. For purposes of this directive, command and control is the exercise of authority and direction by duly designated authorities. These functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures, which are employed in planning,

¹ The expression, "Chairman of the Joint Chiefs of Staff", as used in this directive includes the officer appointed to this position and the officer serving in this position in the appointee's absence.

directing, coordinating, and controlling operational activities of U.S. Military Forces.

C. World-Wide Military Command and Control System (WWMCCS). The WWMCCS is the worldwide command and control system that provides the means for operational direction and technical administrative support involved in the function of command and control of U.S. Military Forces.

D. National Military Command System (NMCS). The NMCS is the priority component of the WWMCCS designed to support the National Command Authorities in the exercise of their responsibilities. It also supports the Joint Chiefs of Staff in the exercise of their responsibilities.

IV. General concepts. A. The WWMCCS serves two functions, listed below in their order of priority and emphasis:

1. Support of the NCA is the primary mission. The NMCS provides the means by which the President and the Secretary of Defense can: Receive warning and intelligence upon which accurate and timely decisions can be made; apply the resources of the Military Departments; and assign military missions and provide direction to the Unified and Specified Commands. The NMCS must be capable of providing information so that appropriate and timely responses may be selected and directed by the NCA and implemented. In addition, the NMCS supports the Joint Chiefs of Staff in carrying out their responsibilities.

2. Support of the command and control systems of the Unified and Specified Commands and the WWMCCS related management/information systems of other DOD Components is the second mission. This function will be supported by the WWMCCS subordinate to and on the basis of noninterference with the primary mission.

B. Guidelines for Design and Operation of the WWMCCS. 1. Both the communication of warning and intelligence from all sources and the communication of decisions and commands to the Military Forces require that the NMCS be the most responsive, reliable, and survivable system that can be provided with the resources available. This requires that the command and control systems of all other DOD Components be configured and operated for effective support of the NMCS as well as their specific missions. Interfaces must be compatible, communication links must provide direct connection or real time relay wherever necessary, computerized data formats must be common and all details of system configuration and operation must be as efficient as possible in terms of both effectiveness and in utilization of resources.

2. The WWMCCS will be exercised frequently under the most realistic conditions possible in order to insure readiness and to identify deficiencies. Exercises will be used to evaluate the effectiveness of standard operating procedures, changes to these procedures, the

effectiveness of installed and deployed command and control equipment, equipment changes, and to assist in validating the need for and characteristics of hardware and software proposed to correct identified deficiencies.

3. These guidelines apply to all DOD Components and to the utilization of all other Department of Defense resources in support of the WWMCCS and its prime mission.

4. The effective operation of the WWMCCS rests upon the understanding of its concepts and objectives and its innovative support by those charged with its design and operation. Every effort must be made to assure this understanding and encourage this support.

V. *Composition of the WWMCCS*. A. National Military Command System (NMCS):

1. Since survival of the command and control capability of NMCS is fundamental to continuity of operations, a composite command structure with survivable communications is required. This includes the National Military Command (NMCC), the Alternate National Military Command Center (ANMCC), the National Emergency Airborne Command Post (NEACP), and such other command centers as may be designated by the Secretary of Defense. These centers must be linked by reliable communications, supported by warning and intelligence systems, and continuously manned and ready for use. Special capabilities must be provided for communication with strategic offensive and defensive forces and for other forces which may be required for quick reaction in crises. In this case, the communications will be designated and operated to assure minimum elapsed time for the transmission of orders to the operating units of these forces. The NMCS also includes communications connecting its facilities with primary and alternate command facilities of the:

a. Headquarters of the Unified and Specified Commands.

b. Service headquarters of the Military Departments.

c. Other designated DOD Components which provide support through the WWMCCS.

2. Support of the NMCS will be the priority function of all primary and alternate command facilities.

B. Command and Control Systems of the Unified and Specified Commands:

1. The command and control systems of the Unified and Specified Commands provide the means through which Unified/Specified Commanders receive information and exercise operational command of assigned forces.

2. The command and control system of a unified command includes the command and control systems of subordinate unified commands and joint task forces when such organizations are established and assigned. Further, the Unified/Specified Commander must provide guidance to his Component Commands to assure interoperability of the command-wide command, control, and

intelligence support systems necessary to his operational functions.

C. WWMCCS-Related Management/Information Systems of the Headquarters of the Military Departments: This consists of the facilities, equipment, communications, procedures, and personnel which provide the means through which the headquarters of the Military Departments carry out their assigned functions in support of the WWMCCS.

D. Command and Control Systems of the Headquarters of the Service Component Commands: These systems provide the means through which the commanders send and receive information and exercise command over their forces.

E. Command and Control Support Systems of Department of Defense Agencies: These systems provide the means through which the Directors accomplish the missions of their Agencies in support of the command and control function.

F. "Command and Control Systems" described in paragraphs B, C, D, and E will be configured and operated generally to meet the requirements of the commands being served. However, the priority requirement will be as defined in subparagraph IV.A.1. All communications facilities of these commands will be designed not only to interface with main NMCS communications, but for information to flow through and to and from points within each command as may be appropriate.

G. *Non-Department of Defense Systems*. 1. Effective coordination and liaison must be established and maintained with those activities of the U.S. Government outside the Department of Defense which have functions associated with the NMCS, e.g., White House Situation Room, State Department Operations Center, Central Intelligence Agency Indications Office, U.S. Intelligence Board National Indications Center, U.N. Military Mission, Office of Emergency Preparedness National Warning Center, the U.S. Coast Guard Operations Center, the FAA Executive Communications Control Center, and such other agencies, activities, or centers as may be designated.

2. Appropriate military information will be provided to these associated systems through the NMCS, utilizing timely, secure, and reliable communications systems. Conversely, political, intelligence, diplomatic, and economic information input to the NMCS will be provided by these same systems. The WWMCCS may also be required to interface with such multinational elements as NATO. In addition, the NMCS should provide communications and space to support representatives of the White House and other Government activities who may use the NMCS in a politico-military situation concerning strategic direction of U.S. Military Forces. The Joint Chiefs of Staff will provide for lateral coordination with U.S. Government activities external to the Department of Defense to insure necessary interchange of data to and from the NMCS.

VI. *Responsibilities*. A. Subject to the authority and direction of the President and the Secretary of Defense, the Joint Chiefs of Staff have the responsibility:

1. To prepare strategic plans and provide for the strategic direction of the Armed Forces, including the direction of operations conducted by Commanders of Unified and Specified Commands and the discharge of any other function of command for such commands directed by the Secretary of Defense.

2. To serve as advisers and as military staff in the chain of operational command with respect to Unified and Specified Commands, to provide a channel of communications from the President and Secretary of Defense to Unified and Specified Commands, and to coordinate all communications in matters of joint interest addressed to the Commanders of the Unified or Specified Commands by other authority.

3. To advise on the effectiveness of the WWMCCS.

B. Under the direction of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff will:

1. Operate, for the Secretary of Defense, the NMCS to meet the needs of the NCA. He will establish operational policies and procedures for all components of the NMCS and assure their implementation.

2. Define the scope and components of the NMCS.

3. Develop and validate requirements for the NMCS, make recommendations on the design, development, and procurement of systems and prepare, with appropriate DOD Component assistance, appropriate planning, programming, and budgeting documents for the NMCS.

4. Maintain cognizance of all WWMCCS programs and capabilities. Validated WWMCCS requirements of the Unified/Specified Commanders. Develop an overall WWMCCS Objectives Plan.

5. Make recommendations to the Secretary of Defense to insure responsiveness, functional interoperability, and standardization of the WWMCCS. Make recommendations for changes to the WWMCCS that will increase the effectiveness of the NMCS.

6. Implement decisions of the Secretary of Defense concerning requisite capabilities of the NMCS pertaining to subparagraph V.F.

C. The Assistant Secretary of Defense (Telecommunications) will have primary staff responsibility in the Office of the Secretary of Defense for the WWMCCS, NMCS, and WWMCCS-related systems. This responsibility includes review and advice to the Secretary of Defense on all matters, except those assigned in paragraphs VI.D and VI.E, below, relating to the design, development, procurement, and performance of equipment, systems, and technical procedures involved in the WWMCCS, including recommendations made by or through the Chairman, Joint Chiefs of Staff.

D. The Assistant Secretary of Defense (Intelligence) will have primary staff

responsibility in the Office of the Secretary of Defense for intelligence collection and reporting systems. This responsibility includes review and advice to the Secretary of Defense on all matters involving warning and intelligence relating to the design, development, procurement (other than ADP procurement), and performance of equipment, systems and technical procedures involved in the WWMCCS, including recommendations made by or through the Chairman, Joint Chiefs of Staff.

E. The Assistant Secretary of Defense (Comptroller) will maintain central focal point cognizance of ADP procurement, reporting, and reutilization.

F. Non-NMCS elements of the WWMCCS will continue to be administered by their responsible DOD Components.

VII. *World-Wide Military Command and Control System (WWMCCS) Council.* There is hereby established a WWMCCS Council, which will be chaired by the Deputy Secretary of Defense and will have as additional members the Chairman of the Joint Chiefs of Staff, the Assistant Secretary of Defense (Intelligence), and the Assistant Secretary of Defense (Telecommunications). The Council will provide policy guidance for the development and operation of the WWMCCS and evaluate its overall performance. In particular, it will review and evaluate for the Secretary of Defense the exercises specified under IV.B. It will also review and make recommendations to the Secretary of Defense on the planning, programing, and budgeting of the WWMCCS.

MAURICE W. ROCHE,
*Director, Correspondence and
Directives Division OASD
(Comptroller).*

[FR Doc.72-2782 Filed 2-24-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona A 6721; Power Site Classification 438; Cancellation 311]

ARIZONA

Order Providing for Opening of Public Lands

By published notice (37 F.R. 24, Jan. 4, 1972) the U.S. Geological Survey canceled Power Site Classification No. 438 of November 16, 1956, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved public lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

1. The following described lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights:

GILA AND SALT RIVER MERIDIAN, ARIZONA

- T. 7 S., R. 16 E.,
Sec. 1, SW $\frac{1}{4}$;
Sec. 2, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;
Sec. 10, lot 7, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, lots 10 and 12, and NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 23, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, W $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
T. 8 S., R. 16 E.,
Sec. 1, lot 1;
Sec. 12, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 7 S., R. 17 E.,
Sec. 6, W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 8 S., R. 17 E.,
Sec. 6, lot 6;
Sec. 7, lot 1.

The areas described aggregate 3,159.88 acres in Pinal County.

GLENDON E. COLLINS,
Acting State Director.

FEBRUARY 15, 1972.

[FR Doc.72-2760 Filed 2-24-72;8:46 am]

[OR 8920]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

FEBRUARY 15, 1972.

The Bureau of Land Management, Department of the Interior, has filed an application, Serial No. OR 8920, for the withdrawal of public land described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires to have the area withdrawn for the "Little Sink Natural Area" to protect the land, with its associated biotic community, which is valuable for scientific, educational, and research purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources.

After receipt of comments from interested parties, he will prepare a report for consideration by the Secretary of the Interior who will determine whether or

not the land will be withdrawn as requested by the Bureau of Land Management.

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

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

The land involved in the application is:

WILLAMETTE MERIDIAN

T. 8 S., R. 6 W.,
Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described contains 80 acres in Polk County.

IRVING W. ANDERSON,
*Chief, Branch of
Lands and Minerals Operations.*

[FR Doc.72-2817 Filed 2-24-72;8:52 am]

[Serial No. Idaho-4799]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 17, 1972.

The Department of Agriculture has filed an application, Serial No. I-4799, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as scenic and recreation areas around 21 high mountain lakes in the St. Joe and Clearwater National Forests.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398, Federal Building, 550 West Fort Street, Boise, ID 83702.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

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

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

The lands involved in the application are:

ST. JOE NATIONAL FOREST

HIGH MOUNTAIN LAKES, MALLARD-LARKINS AREA—BOISE MERIDIAN

Devil's Lake

T. 42 N., R. 6 E.,
Sec. 25, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area—60 acres.

Fawn Lake

T. 42 N., R. 7 E.,
Sec. 25, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
and SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Total area—80 acres.

Skyland Lake

T. 42 N., R. 7 E.,
Sec. 25, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$;
Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$;
Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area—95 acres.

Northbound Lake

T. 42 N., R. 7 E.,
Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$.

Total area—70 acres.

Hero Lake and Gnat Lake

T. 42 N., R. 7 E.,
Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area—105 acres.

Craig Lake

T. 42 N., R. 7 E.,
Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$.

Total area—60 acres.

Heart Lake

T. 42 N., R. 7 E.,
Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area—145 acres.

Mudd Lake

T. 42 N., R. 7 E.,
Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area—47.50 acres.

Larkins Lake

T. 42 N., R. 7 E.,
Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area—75 acres.

Bacon Lake

T. 42 N., R. 9 E.,
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area—75 acres.

Forage Lake

T. 42 N., R. 9 E.,
Sec. 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area—65 acres.

Halo Lake

T. 42 N., R. 9 E.,
Sec. 13, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 42 N., R. 10 E.,
Sec. 18, SW $\frac{1}{4}$ NW $\frac{1}{4}$ of lot 4 and SW $\frac{1}{4}$ of
lot 4;

Sec. 19, NW $\frac{1}{4}$ of lot 1.

Total area—69.10 acres.

The above areas aggregate 946.60 acres more or less within Shoshone County, Idaho.

CLEARWATER NATIONAL FOREST

HIGH MOUNTAIN LAKES, MALLARD-LARKINS AREA—BOISE MERIDIAN

T. 41 N., R. 7 E.,
Sec. 23, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
and W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 42 N., R. 7 E.,
Sec. 34, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 36, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 41 N., R. 8 E., Unsurveyed, but which when surveyed will be:

Sec. 19, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$;

Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$;

Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The above areas aggregate approximately 185 acres located in Shoshone and Clearwater Counties, Idaho.

RICHARD H. PETRIE,

Chief,

Division of Technical Services.

[FR Doc.72-2761 Filed 2-24-72; 8:46 am]

National Park Service

[Order No. 66, Amdt. No. 1]

CHIEF, DIVISION OF PROPERTY MANAGEMENT AND GENERAL SERVICES ET AL.

Limitations on Redelegation of Authority

Order No. 66, Revised, approved October 29, 1971, and published in the FEDERAL REGISTER of November 4, 1971 (36 F.R. 21218) set forth in section 2 the limitations on redelegations of authority.

Section 2 is hereby amended to read as follows:

Sec. 2. *Redelegation.* Subject to the following exceptions; the Directors of

the Regions may, in writing redelegate to their officers and employees, the authority delegated in this order and may authorize written redelegations of such authority:

(1) Master Plan approval authority may not be redelegated.

(2) In the Regional Offices, procurement and contracting authority in excess of \$2,000 may only be redelegated to the Chief, Division of Property Management and General Services and the Chief, Office of Finance and Control. Authority to contract for supplies, equipment and services may be redelegated by the Directors to Superintendents as follows: Superintendents, Grade GS-12 and below not to exceed \$2,000; Superintendents, Grade GS-13 not to exceed \$50,000; Superintendents, Grade GS-14 not to exceed \$100,000; Superintendents, Grade GS-15 not to exceed \$200,000. The limitations in this subsection (2) of section 2 apply only to open market or nonmandatory sources of supply. Employees and officers who are otherwise authorized may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding \$2,000.

(3) Authority to approve land acquisition priorities may not be redelegated. Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto, may be redelegated only to the Chief land acquisition officer in the Regional Office and field land acquisition officers.

Each redelegation shall be published in the FEDERAL REGISTER.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 16, 1972.

GEORGE P. HARTZOG, Jr.,
Director, National Park Service.

[FR Doc.72-2783 Filed 2-24-72; 8:48 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 1786]

CERTAIN DRUGS FOR HUMAN USE
CONTAINING ORGANIC NITRATES

Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following "coronary vasodilator" drug:

1. Metamine Tablets containing trolnitrate phosphate; Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 8-294).

2. Metamine Sustained Tablets containing trolnitrate phosphate; Charles Pfizer & Co., Inc (NDA 10-131).

3. Nitretamine and Nitretamine-10 Tablets containing trolnitrate phosphate; E. R. Squibb & Sons, Inc., Georges

Road, New Brunswick, N.Y. 08903 (NDA 9-196).

4. Metamine with Butabarbital Tablets containing trolnitrate phosphate and butabarbital; Charles Pfizer & Co., Inc. (NDA 8-798).

5. Metamine with Butabarbital Sustained Tablets containing trolnitrate phosphate and butabarbital; Charles Pfizer & Co. (NDA 11-420).

6. Penta-Erythritol Tetranitrate Nyscaps containing pentaerythritol tetranitrate; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 12-317).

7. Timed Pentrate Stronger Capsules containing pentaerythritol tetranitrate; Fellows-Testagar, Division Fellows Medical Manufacturing Co., Inc., 12741 Capital Avenue, Oak Park, Mich. 48237 (NDA 12-646).

8. Pentestane-80 Stancaps containing pentaerythritol tetranitrate; Standex Laboratories, Inc., 585 West Second Avenue, Columbus, Ohio 43215 (NDA 12-488).

9. Pentritol Tempules containing pentaerythritol tetranitrate; Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901 (NDA 12-311).

10. Duotrate 45 Plateau Caps containing pentaerythritol tetranitrate; Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137 (NDA 12-748).

11. Petritrate SA Tablets containing pentaerythritol tetranitrate; Warner-Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 11-109).

12. Peritrate Tablets containing pentaerythritol tetranitrate; Warner-Chilcott Laboratories (NDA 8-072).

13. Metranil Duracap containing pentaerythritol tetranitrate; Meyer Laboratories, Inc., 22601 Mack Avenue, St. Clair Shores, Mich. 48080 (NDA 12-529).

14. Tetrasule-80 Timesules containing pentaerythritol tetranitrate; Storck Pharmaceuticals, Inc., Division Arnar-Stone Laboratories, Inc., 601 East Kensington Road, Mount Prospect, Ill. 60056 (NDA 12-450).

15. Duotrate 45 with Phenobarbital Plateau Caps containing pentaerythritol tetranitrate and phenobarbital; Marion Laboratories, Inc. (NDA 12-749).

16. Pentaerythritol tetranitrate and phenobarbital; Nysco Laboratories, Inc. (NDA 12-538).

17. Peritrate with Phenobarbital SA Tablets containing pentaerythritol tetranitrate and phenobarbital; Warner-Chilcott Laboratories (NDA 12-266).

18a. Pencard and Pencard No. 2 Tablets containing pentaerythritol tetranitrate;

b. Pencard with Phenobarbital and Pencard No. 2 with Phenobarbital Tablets containing pentaerythritol tetranitrate and phenobarbital; and

c. Pencard-A Capsules containing pentaerythritol tetranitrate and theophylline; Cole-Pharmaceutical Co., Inc., 3721 Laclede Avenue, St. Louis, Mo. 63108 (NDA 8-852).

19. Pentraline Tablets containing pentaerythritol tetranitrate, sodium buta-

barbital, and reserpine; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034 (NDA 10-972).

20. Maxitate Tablets containing mannitol hexanitrate; Strassenburgh Prescription Products Division, Pennwalt Corp., 755 Jefferson Road, Rochester, N.Y. 14623 (NDA 1-786).

21. Nitranitol Tablets containing mannitol hexanitrate; The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 3-193).

22. Mannitol Hexanitrate Tablets; S. F. Durst & Co., Inc., 5317 North Third Street, Philadelphia, Pa. 19120 (NDA 4-730).

23. Nitranitol with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital; the Wm. S. Merrell Co. (NDA 4-353).

24. Maxitrate with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital; Strassenburgh Prescription Products (NDA 2-779).

25. Nitroglyn Sustained Action Tablets containing nitroglycerin; Key Pharmaceuticals, Inc., 50 Northwest 176th Street, Post Office Box 3670, Norland Beach, Miami, Fla. 33169 (NDA 9-599).

26. Isordil Tablets containing isosorbide dinitrate; Ives Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017 (NDA 12-093).

27. Isordil Tembids containing isosorbide dinitrate; Ives Laboratories, Inc. (NDA 12-882).

28. Isordil Sublingual Tablets containing isosorbide dinitrate; Ives Laboratories, Inc. (NDA 12-940).

29. Isordil with Phenobarbital Tablets containing isosorbide dinitrate and phenobarbital; Ives Laboratories, Inc. (NDA 12-093).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

On April 19, 1966, a statement of policy (21 CFR 3.21) was published by the Food and Drug Administration concerning the status of these drugs and seven other drugs (amyl nitrite, erythryl tetranitrate, potassium nitrite, sodium nitrite, inositol hexanitrate, octyl nitrite, and nitroglycerine) offered for use as "coronary vasodilators." This DESI notice preempts that statement insofar as any inconsistency may exist between the two. The statement of policy, § 3.21, remains in effect otherwise. The effectiveness of the other drugs named therein is under review.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Sublingual tablets of isosorbide dinitrate are (a) probably effective for the treatment of an angina pectoris attack and for prophylaxis in situations likely to provoke such attacks when they are administered by the sublingual route; and (b) possibly effective for these same indications when administered orally, i.e., swallowed.

2. Conventional or extended action oral dosage forms of trolnitrate phosphate,

pentaerythritol tetranitrate, mannitol hexanitrate, and isosorbide dinitrate, alone or in combination, are possibly effective for their labeled indications relating to the management, prophylaxis, or treatment of anginal attacks.

3. Sustained action tablets of nitroglycerin are possibly effective for indications relating to the management, prophylaxis, or treatment of anginal attacks.

B. *Marketing status of drugs for which the highest classification is possibly effective.* Marketing of such drugs with labeling which recommends or suggests their use for indications for which they have been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

C. *Marketing status of the drug for which the highest classification is probably effective.* 1. Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as probably effective or possibly effective may be continued for 12 months, or 6 months, respectively, as described in paragraphs (c), (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

2. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug; is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74); and recommends use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

Isosorbide dinitrate (sublingual tablets).

When taken by the sublingual route, isosorbide dinitrate is indicated for the treatment of acute anginal attack and for prophylaxis in situations likely to provoke such attacks.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

3. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should

be identified with the reference number DESI 1786, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

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 the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 22, 1972.

JAMES D. GRANT,
Deputy Commissioner
of Food and Drugs.

[FR Doc.72-2798 Filed 2-24-72; 8:51 am]

[Docket No. FDC-D-274; NADA No. 9-664V]

ARMOUR PHARMACEUTICAL CO.

Dynafac; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Said notice gave the named holders of various NADA's (new animal drug applications) 30 days in which to request an opportunity for a hearing.

Armour Pharmaceutical Co., Box 3113, Omaha, Nebr. 68103 the holder of NADA No. 9-644V for the product Dynafac, filed a written appearance requesting an opportunity for a hearing. However, said written appearance was not supported by a well-organized and full-factual analysis of clinical and other investigational data to support their opposition to the grounds for said notice. Therefore, the firm's request for a hearing is denied.

The Commissioner of Food and Drugs, based on his evaluation of information before him with respect to said drug, finds that there is a lack of substantial evidence that the drug will have the effect it purports and is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner 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. 9-664V, including all amendments and supple-

ments thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: February 16, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-2787 Filed 2-24-72; 8:49 am]

[Docket No. FDC-D-433; NDA No. 10-891]

AYERST LABORATORIES

Captodiamine Hydrochloride; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 10891) published in the FEDERAL REGISTER of September 1, 1970 (35 F.R. 13853), 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 was 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 10-891; Suvren Tablets containing captodiamine hydrochloride; Ayerst Laboratories, 685 Third Avenue, New York, N.Y. 10017.

Therefore, notice is given to Ayerst Laboratories, 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.

If 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 17, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-2788 Filed 2-24-72; 8:49 am]

E. I. DU PONT DE NEMOURS & CO.
Notice of Amended Filing of Petition
for Food Additives

Notice was given in the FEDERAL REGISTER of August 20, 1970 (35 F.R. 13323), that a petition (FAP 1B2571) had been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing that § 121.2526 *Components of paper and paper-board in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended in paragraph (a) (5) in the table by revising the "Limitations" for the substance "Diethanolamine salts of mono- and bis (1H, 1H, 2H, 2H, -perfluoroalkyl) phosphates, * * * " as follows:

1. To expand the permitted conditions of food-contact use to include conditions of use C and D as described in table 2 of paragraph (c) of that section.

2. To reduce the upper level of use from 0.17 pound (0.09 pound of fluorine) per 1,000 square feet of treated paper or paperboard to 0.14 pound (0.075 pound of fluorine) when such paper or paperboard is used in contact with nonalcoholic foods under the conditions of use C, D, E, F, and G described in table 2 of paragraph (c) of that section.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)) notice is given that it has been further proposed that said petition be amended to permit conditions of food-contact use described in No. 1 above to include conditions of use B and H as described in table 2 of paragraph (c) of § 121.2526 and to delete the proposed reduction of use level described in No. 2 above.

Dated: February 16, 1972.

VIRGIL O. WODICKA,
 Director, Bureau of Foods.

[FR Doc. 72-2789 Filed 2-24-72; 8:49 am]

[Docket No. FDC-D-274; NADA No. 2-803V]

HAYER-LOCKHART LABORATORIES
Phenothiazine; Notice of Withdrawal
of Approval of New Animal Drug
Application

A notice of opportunity for a hearing proposing to withdraw approval of NADA (new animal drug application) No. 2-803V for the drug Phenothiazine was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Haver-Lockhart Laboratories, Box 390, Shawnee Mission, Kansas 66201, holder of said NADA, did not file a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food,

Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 2-803V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: February 16, 1972.

SAM D. FINE,
 Associate Commissioner
 for Compliance.

[FR Doc. 72-2790 Filed 2-24-72; 8:51 am]

PETROLITE CORP.

Notice of Filing of Petition for Food
Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 2B2754) has been filed by Petrolite Corp., Bareco Division, Post Office Drawer K, Tulsa, Okla. 74115 proposing that the food additive regulations be amended to provide for additional safe uses for synthetic petroleum wax as a component of articles intended to contact food.

Dated: February 17, 1972.

VIRGIL O. WODICKA,
 Director, Bureau of Foods.

[FR Doc. 72-2791 Filed 2-24-72; 8:51 am]

HUMAN DRUGS WHICH ARE
BIOLOGICAL PRODUCTS

Redelegation of Authority To Ad-
minister Certain Provisions of the
Federal Food, Drug, and Cosmetic
Act

CROSS REFERENCE: For a document issued jointly by the Food and Drug Administration, the National Institutes of Health, and the Public Health Service, regarding authority to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products, see F.R. Doc. 72-2759, Department of Health, Education, and Welfare, Office of the Secretary, *infra*.

National Institutes of Health

HUMAN DRUGS WHICH ARE
BIOLOGICAL PRODUCTS

Redelegation of Authority To Ad-
minister Certain Provisions of the
Federal Food, Drug, and Cosmetic
Act

CROSS REFERENCE: For a document issued jointly by the Food and Drug Administration, the National Institutes of Health, and the Public Health Service, regarding authority to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act with respect to human

drugs which are biological products, see F.R. Doc. 72-2759, Department of Health, Education, and Welfare, *infra*.

Office of the Secretary

HUMAN DRUGS WHICH ARE
BIOLOGICAL PRODUCTS

Redelegation of Authority To Ad-
minister Certain Provisions of the
Federal Food, Drug, and Cosmetic
Act

The following authority delegated to the Assistant Secretary for Health and Scientific Affairs by the Secretary of Health, Education, and Welfare under section 6 of Reorganization Plan No. 1 of 1953 and section 2 of Reorganization Plan No. 3 of 1966 is hereby redelegated to the Commissioner of Food and Drugs and the Director, National Institutes of Health, as follows:

1. Effective this date, each of you is hereby concurrently redelegated the authority vested in me to administer, enforce, and apply all applicable provisions of the Federal Food, Drug and Cosmetic Act, as amended, with respect to those human drugs that are biological products as defined in, and subject to licensing under, section 351 of the Public Health Service Act, as amended (42 U.S.C. 262) and the regulations thereunder, 42 CFR Part 73.

2. This authority shall be exercised in accordance with the attached Memorandum of Understanding between the Commissioner of Food and Drugs, and the Director, National Institutes of Health, which memorandum sets forth with particularity the functions to be undertaken by each agency.

3. Any prior delegation, statement of organization, functions and delegations of authority, or chapter of the Department of Health, Education, and Welfare Organization Manual inconsistent with this delegation or the attached Memorandum of Understanding is hereby superseded to the extent of such inconsistency.

4. The authority delegated in paragraph 1, other than the authority to promulgate regulations, may be redelegated as, in the judgment of the Commissioner of Food and Drugs or the Director, National Institutes of Health, may be necessary or advisable for the effective administration of such authority by them.

Effective date. This redelegation of authority shall be effective immediately.

Dated: February 18, 1972.

MERLIN K. DUVAL,
 Assistant Secretary for
 Health and Scientific Affairs.

Memorandum of understanding between the Food and Drug Administration and the National Institutes of Health concerning authority to enforce applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products.

Background. Every virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product,

or analogous product applicable to the prevention, treatment, or cure of diseases or injuries of man (henceforth referred to as biological products) is subject to the licensing provisions of section 351 of the Public Health Service Act enforced by the Division of Biologics Standards (henceforth referred to as DBS) of the National Institutes of Health. These biological products are also human "drugs" as that word is defined under the Federal Food, Drug, and Cosmetic Act enforced by the Food and Drug Administration (henceforth referred to as FDA). Section 351 of the Public Health Service Act contains a statement indicating that "nothing contained in this Act shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of the Federal Food, Drug, and Cosmetic Act." Section 902(c) of the Federal Food, Drug, and Cosmetic Act contains a comparable statement with respect to its effect on the Public Health Service Act. Biological products and the manufacturers of such products are therefore subject to both section 351 of the Public Health Service Act and the human drug provisions of the Federal Food, Drug, and Cosmetic Act.

Responsibility for the enforcement of these statutory provisions is vested by law in the Secretary of Health, Education, and Welfare. With respect to section 351 of the Public Health Service Act, this authority, except for the revocation of licenses, has been delegated to the Assistant Secretary for Health and Scientific Affairs, who in turn has made a delegation to the Director, National Institutes of Health. The Secretary's authority over biological products pursuant to the Federal Food, Drug, and Cosmetic Act has contemporaneously with this memorandum been delegated concurrently to the Commissioner of Food and Drugs and to the Director, National Institutes of Health.

Purpose. The purpose of this Memorandum of Understanding is to establish the Department's policy to be followed by FDA and DBS concerning authority to enforce provisions of the Federal Food, Drug, and Cosmetic Act with respect to biological products which will foster the utmost public protection.

Agreement. It is agreed by both agencies that:

1. DBS, in addition to establishing standards designed to insure the continued safety, purity and potency of biological products pursuant to section 351 of the Public Health Service Act, has primary responsibility for enforcing all applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to a biological product, except for sections 302 and 304 of that Act.

2. In emergency situations involving protection of the public against a biological product which may be dangerous to life or health that cannot adequately be handled through section 351, DBS will request FDA to take appropriate enforcement action to remove the product from the market.

3. FDA will not enforce any provisions of the Federal Food, Drug and Cosmetic Act with respect to a biological product unless requested to do so by DBS.

4. If either agency, through inspection or otherwise, becomes aware of any information which indicates that a drug subject to the jurisdiction of the other agency may be in violation of the law, it will report that information to the other agency.

5. Any complaints or reports received by either agency with respect to a drug subject to the jurisdiction of the other agency will be reported to that agency.

6. All regulations promulgated by FDA under the provisions of the Federal Food, Drug, and Cosmetic Act with respect to all human drugs will be applicable to biological products. Regulations issued under the authority of the Federal Food, Drug and Cosmetic Act pertaining only to human drugs

which are biological products will be promulgated by DBS after approval of FDA.

7. DBS and FDA will each appoint one liaison representative and one alternate to facilitate carrying out the above provisions.

Dated: February 18, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

Dated: February 18, 1972.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

[FR Doc.72-2759 Filed 2-24-72;8:49 am]

Public Health Service

HUMAN DRUGS WHICH ARE BIOLOGICAL PRODUCTS

Redelegation of Authority To Administer Certain Provisions of the Federal Food, Drug, and Cosmetic Act

CROSS REFERENCE: For a document issued jointly by the Food and Drug Administration, the National Institutes of Health, and the Public Health Service, regarding authority to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products, see F.R. Doc. 72-2759, Department of Health, Education, and Welfare, Office of the Secretary, *supra*.

ATOMIC ENERGY COMMISSION

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

ALABAMA POWER CO.

Determination Not To Suspend Construction Activities Pending Completion of Environmental Review

Alabama Power Co. (the applicant) is the holder of a construction exemption issued by the Atomic Energy Commission on April 12, 1971. The construction exemption authorizes the applicant to construct below-ground portions of the Unit 1 containment and the Unit 1 and 2 auxiliary building prior to issuance of construction permits for the Joseph M. Farley Nuclear Plant to be located at the applicant's site on the west side of the Chattahoochee River, 5 miles south of Columbia, Ala., in Houston County. Each facility is designed for initial operation at approximately 2,660 megawatts (thermal).

The applicant has furnished to the Commission a written statement, with supplementary letters, of reasons, with supporting factual submission, why the construction exemption should not be suspended, in whole or in part, pending completion of the NEPA environmental review.

The Director of Regulation has considered the applicant's submission in light of the criteria set out in proposed revisions to the Commission's regulations, § 50.12 of 10 CFR Part 50, and has determined, after considering and balancing the criteria in the proposed revisions to § 50.12, that construction ac-

tivities at the Joseph M. Farley Nuclear Plant authorized by the construction exemption and the Commission's regulations should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Activities for the Joseph M. Farley Nuclear Plant Units 1 and 2, AEC Dockets Nos. 50-348 and 50-364, February 7, 1972."

Pending completion of the full NEPA review, the applicant proceeds with construction at its own risk. The determination herein and the discussion and findings referred to above do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying or terminating the construction exemption to protect environmental values.

The applicant's statement of reasons, with supplementary letters, furnished pursuant to the order from the Atomic Safety and Licensing Board, as to why the construction exemption should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Activities for the Joseph M. Farley Nuclear Plant, Units 1 and 2, AEC Dockets Nos. 50-348 and 50-364, February 7, 1972," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the George S. Houston Memorial Library, 212 West Vurdeshaw Street, Dothan, AL 36301. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of February 1972.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72-2737 Filed 2-24-72;8:45 am]

DAMON TRACT SITE

Trespassing on Commission Property; Revocation of Notice

The notice with respect to the Damon Tract Site of the Atomic Energy Commission dated June 5, 1968, appearing at page 8611 of the FEDERAL REGISTER of June 12, 1968 (F.R. Doc. 68-6868), is hereby revoked.

Dated at Germantown, Md., this 18th day of February 1972.

R. E. HOLLINGSWORTH,
General Manager.

[FR Doc.72-2736 Filed 2-24-72;8:45 am]

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, as revised September 9, 1971, notice is hereby given that a report entitled "Environmental Report, Amendment 1" submitted by the Washington Public Power Supply System is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Richland Public Library, Swift and Northgate Streets, Richland, Wash. 99352. The report is also being made available at the Office of the Governor, State Planning and Community Assistance Division, 100 Insurance Building, Olympia, Wash. 98501. This report updates and provides supplemental information to the Environmental Report for the proposed Hanford Number 2 Nuclear Power Plant to be located in Benton County, Wash. Notice of availability of the applicant's report entitled "Applicant's Environmental Report—Construction Stage," dated August 19, 1971, was published in the FEDERAL REGISTER on December 7, 1971 (36 F.R. 23266).

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

Dated at Bethesda, Md., this 16th day of February 1972.

For the Atomic Energy Commission.

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

[FR Doc. 72-2738 Filed 2-24-72; 8:45 am]

RIO BLANCO GAS STIMULATION PROJECT, COLORADO

Public Hearings Concerning Draft Environmental Statement

On Friday, January 21, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 F.R. 942) a notice of the availability of a document entitled "Draft Environmental Statement—Rio Blanco Gas Stimulation Project, Colo.," issued pursuant to the Atomic Energy Commission's implementation of

section 102(2)(c) of the National Environmental Policy Act of 1969. Copies of such statement are available for public inspection at the following locations:

Mesa County Public Library, Grand Junction, Colo.
Meeker Public Library, Meeker, Colo.
U.S. Bureau of Mines, Office of Mineral Resource Evaluation Library, Building 20, Denver Federal Center, Denver, Colo. 80225.
USAEC Public Document Room, 1717 H Street NW., Washington, DC 20545.
Nevada Operations Office, U.S. Atomic Energy Commission, 2753 South Highland Drive, Las Vegas, NV 89114.
U.S. Bureau of Mines, Bartlesville Petroleum Research Center, Virginia and Cudahy, Bartlesville, Okla. 74003.

As soon as they become available to the Commission, copies of the draft Rio Blanco Project Definition Report and of Federal and State agency comments on the Draft Environmental Statement will also be made available at the above-specified locations.

Notice is hereby given that public hearings concerning the draft environmental statement will be held on March 24, 1972 at 10 a.m. in the Meeker Public High School Auditorium, Meeker, Colo., and on March 27, 1972 at 10 a.m. in the Denver Federal Center Auditorium, Denver, Colo., before a Presiding Board consisting of William Mitchell, Chairman, Dr. R. Lee Aamodt, and Dr. Max Romaine Zelle.

The purpose of the hearings is to afford further opportunity for public comment regarding the draft environmental statement and the Rio Blanco Gas Stimulation Project and for the furnishing of any additional information which will assist the Commission in determining whether to authorize the project. The Commission has decided as a matter of discretion to hold these hearings, there being no requirement for Commission hearings on the project under the National Environmental Policy Act of 1969 or other law.

Any person who wishes to become a participant in the proceeding must file with the Secretary of the Commission not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, an original and 5 conformed copies of a request to become a participant. The request must set forth: (1) His technical or other qualification to make a contribution to the hearing; (2) his position with regard to the draft environmental statement and to the Rio Blanco Gas Stimulation Project; and (3) a description of the matter he seeks to present or elicit at the hearing. Participants may, but need not be represented by counsel. The presiding board may, in its discretion, at the commencement of each session of the hearings, admit persons as participants on good cause shown as to why they did not seek advance qualification as participants.

Any person who wishes to make an oral or written statement at the hearings, but does not desire to become a participant as specified hereinabove, is encouraged to make a limited appearance. Such an appearance will be permitted in the discretion of the Chair-

man of the presiding board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission not later than 15 days from the date of publication of the notice in the FEDERAL REGISTER. A person permitted to make a limited appearance may state his position on the draft environmental statement and the Rio Blanco Gas Stimulation Project.

Participants and persons making limited appearances may submit written questions relevant to the purpose of the hearings to the presiding board, which will, in its discretion, make provision for the answering of such questions as appropriate.

Procedures that will be followed in the scheduled hearings are as follows:

1. Two members of the presiding board will constitute a quorum, if one of those members is the Chairman.
2. All persons admitted as participants will present their testimony under oath. Consistent with the full and true disclosure of the facts, duplicative, redundant or nonproductive testimony will not be permitted and the presiding board will impose suitable restrictions to that end.
3. The AEC will make available appropriate witnesses to explain the background and purpose of the Rio Blanco Gas Stimulation Project and the contents of the draft environmental statement. Participants may request specified witnesses, and if such a request is made, the presiding board, upon determining that the request is relevant, nonduplicating and meritorious, will encourage such witness to testify. No subpoenas requiring the testimony of witnesses will be issued by the presiding board.
4. Participants will reference and produce on request the documents on which they rely. Requests for interrogatories, depositions or formal discovery will not be entertained.
5. The presiding board will set appropriate, reasonable time limits on the statements and testimony.
6. The presiding board is authorized to take appropriate action to control the course of the hearing, including the authority to maintain order; to administer oaths and affirmations; rule on offers of, and receive, evidence; regulate the course of the hearing and the conduct of the participants; provide for consolidation of presentations as appropriate; dispose of procedural requests or similar matters; examine witnesses; and hold conferences before or during the hearing.

The hearings will be conducted as expeditiously as practicable, consistent with affording participants and those making limited appearances a reasonable opportunity to present their positions, as determined by the presiding board. A transcript of the hearings will be made, and a copy of the transcript, together with copies of all documents presented at the hearings, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the other locations specified in the first paragraph of this

notice, where they will be available for inspection by members of the public.

After the conclusion of the hearings, the presiding board, without rendering any decision or making any recommendation, will forward the transcript of the hearings to the Commission together with its identification of issues raised at the hearings.

Dated at Germantown, Md., this 23d day of February 1972.

F. T. HOBBS,
Acting Secretary of the Commission.
[FR Doc.72-2942 Filed 2-24-72;8:53 am]

ENVIRONMENTAL PROTECTION AGENCY

DIAMOND SHAMROCK CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 2F1230) has been filed by the Diamond Shamrock Chemical Co., 300 Union Commerce Building, Cleveland, Ohio 44115, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the fungicide chlorothalonil (2,4,5,6-tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodities lima and snap bean vines at 50 parts per million; peanut vine hay, sugarbeet tops, and sweet corn forage at 20 parts per million; lima beans at 15 parts per million; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, and milk and sugarbeets at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a microcoulometric gas chromatographic procedure.

Dated: February 16, 1972.

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

[FR Doc.72-2815 Filed 2-24-72;8:49 am]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2H5009) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of a food

additive tolerance (21 CFR Part 121) for residues of the fungicide benomyl (methyl 1-butylcarbamoyl)-2-benzimidazolecarbamate) in dried apple pomace at 70 parts per million from application of the fungicide to the raw agricultural commodity apples.

Dated: February 18, 1972.

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

[FR Doc.72-2742 Filed 2-24-72;8:45 am]

MERCK SHARP & DOHME

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2H5008) has been filed by Merck Sharp & Dohme, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) in dried apple pomace at 33 parts per million resulting from postharvest application of the fungicide to the raw agricultural commodity apples.

Dated: February 18, 1972.

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

[FR Doc.72-2743 Filed 2-24-72;8:46 am]

WELLGRO, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 2F1208) has been filed by Wellgro, Inc., Post Office Box 173, Greeley, CO 80631, proposing establishment of an exemption from the requirement of a tolerance (40 CFR Part 180) for paraformaldehyde when applied to the soil as an insecticide, in accordance with good agricultural practice, in the production of sugar beets.

The analytical method proposed in the petition for determining residues of paraformaldehyde is a modification of the colorimetric method 20.052-20.054, "Official Methods of Analysis of the Association of Official Analytical Chemists", 11th Edition, 1970.

Dated: February 18, 1972.

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

[FR Doc.72-2744 Filed 2-24-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19439-19444; FCC 72-159]

CORVALLIS BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In regard applications of Corvallis Broadcasting Corp., Corvallis, Oreg., Requests: 1240 kHz, 250 w., 1 kw.-LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19439, File No. BP-18942, Docket No. 19440, File No. BPH-7392; Ted A. Jackson, Corvallis, Oreg., Requests: 1240 kHz, 250 w., 1 kw.-LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19441, File No. BP-18966, Docket No. 19442, File No. BPH-7390; Western Radio Corp., Corvallis, Oreg., Requests: 1240 kHz, 250 w., 1 kw.-LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19443, File No. BP-18967, Docket No. 19444, File No. BPH-7391; for construction permits.

1. The Commission has before it the above mutually exclusive applications for construction permits to use the facilities formerly authorized to stations KFLY AM and FM.

2. In a decision released on May 26, 1970, the Commission revoked the license of station KFLY (AM) and denied the application for a license to cover the previously authorized construction permit of KFLY-FM, "Radio Broadcasters, Inc.", 23 FCC 2d 209, 19 RR 2d 213. On September 2, 1970, the Commission announced that it would entertain applications for interim and fulltime operation of the facilities to be vacated pursuant to the Commission's previous order, "Radio Broadcasters, Inc.", 25 FCC 2d 450, 20 RR 2d 164. On December 18, 1970, the Commission released a notice establishing January 29, 1971, as the cutoff date for applications for the KFLY (AM) frequency.

3. In response to the Commission's announcement and public notice, the above-captioned applicants filed for both the AM and FM facilities. Subsequently, on March 3, 1971, the three applicants were authorized to operate the facilities under a joint venture agreement on an interim basis pending the termination of the hearing which is required on the applications for regular authority.

4. According to its application, Western Radio Corp. (Western Radio) would require \$149,000 to modify, improve and lease equipment and to operate the proposed stations for 1 year without reliance on expected revenues. To meet this requirement, Western Radio relies on 11 stock subscriptions totaling \$50,000 and bank loans totaling \$150,000. The Commission requires all persons or entities,

except financial institutions, who have agreed to furnish funds or purchase stock from an applicant and who have not already done so, to submit balance sheets showing sufficient liquid assets to meet their current liabilities as well as to comply with the terms of their agreements. Western Radio has failed to submit balance sheets for any of the subscribers to its stock. In addition, when a bank loan is expressly conditioned upon the personal guarantee of a particular guarantor, the Commission requires that the guarantor of the bank loan submit a written statement showing his willingness to guarantee the loan. Western Radio relies on two bank loans of \$25,000 each and one bank loan of \$100,000. Each of these loans is expressly conditioned upon the personal guarantee of an individual who has not submitted a written agreement or promised to be a guarantor. Thus, Western Radio has failed to show the availability of either its stock subscriptions or its bank loans. Accordingly, a financial issue will be specified as to this applicant.

5. Except as indicated by the issues specified below, the applicants are qualified to operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine with respect to the application of Western Radio Corp.:

(a) Whether the stock subscribers have sufficient net liquid assets to meet their respective commitments to purchase stock;

(b) Whether Fred G. Meyer, John S. Brandis, Jr., and Charles S. Wilson are willing to guarantee the bank loans; and

(c) Whether, in light of the evidence adduced under the above issues, the applicant is financially qualified.

(2) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(3) To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permits should be granted.

7. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within

the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 16, 1972.

Released: February 22, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2803 Filed 2-24-72; 8:52 am]

[Dockets Nos. 19434-19436; FCC 72-136]

**SALEM BROADCASTING CO., INC.,
ET AL.**

**Memorandum Opinion and Order
Designating Applications for Con-
solidated Hearing on Stated Issues**

In regard applications of Salem Broadcasting Co., Inc., Salem, N.H., Requests: 1110 kc., 5 kw., DA, Day, Docket No. 19434, File No. BP-18325; New Hampshire Broadcasting Corp., Salem N.H., Requests: 1110 kc., 5 kw., DA, Day, Docket No. 19435, File No. BP-18479; Spacetown Broadcasting Corp., West Derry, N.H., Requests: 1110 kc., 1 kw., DA, Day, Docket No. 19436, File No. BP-18492; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications.

2. Examination of the applications of Salem Broadcasting Co., Inc., and New Hampshire Broadcasting Corp. indicates that the proposed 5 mv/m contour of each of the proposals penetrates the geographical limits of Lawrence, Mass. The population (1970 census) of Lawrence (66,919) is more than twice that of Salem, N.H. (20,142). Therefore, a presumption that these applicants realistically propose to serve the larger city is raised under the Commission's "Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," 2 FCC 2d 190, 6 RR 2d 1901.

3. According to the applicants' data, the area covered by the 5 mv/m contour in Lawrence is less than 0.25 square mile, and the population affected is less than 400 persons. It is also noted that the applicants' choice of transmitter sites, the shape and orientation of the proposed directional antenna system, and the power proposed have been selected to provide the required coverage for Salem and the necessary protection to other existing and proposed facilities. Neither of the applicants' proposed radiation patterns is directed toward Lawrence. Moreover, a Commission study indicates that an operation utilizing one kilowatt power would not provide adequate service to Salem. Thus, while the slight penetration noted as to both applicants is technically sufficient to bring the 307(b) suburban policy statement presumption into play, the Commission

¹ Commissioners Johnson and H. Rex Lee absent.

finds that the presumption has been effectively rebutted and that each of the applications should be considered proposing local transmission for Salem.

4. The applications of Salem Broadcasting Co., Inc., and New Hampshire Corporation further indicate that neither applicant complies with § 73.188(b)(2) of the Commission's rules requiring a minimum field intensity of 5 mv/m over the most distant residential area of Salem, N.H. As to both proposals, the area outside the 5 mv/m contour is less than 0.2 square mile of Salem and is unpopulated. The Commission finds that these factors are sufficient to demonstrate that both applicants are in substantial compliance with § 73.188(b)(2) of the rules. "Andy Valley Broadcasting System, Inc.," 12 FCC 2d 3, 12 RR 2d 691 (1968).

5. A principal of Salem Broadcasting Co., Inc., Edward F. Perry, Jr., is also a stockholder of Natick Broadcasting Associates, Inc., which is currently in hearing (Docket No. 18641) to determine, along with other matters, the character qualifications of Edward F. Perry, Jr., and the other principals of Natick. The proceeding seeks to determine whether Perry or any Natick principal misrepresented or concealed material facts, or lacked candor in their dealings with the Commission. The findings with respect to Perry in Docket No. 18641 shall be res judicata as to this proceeding. Accordingly, in the event Salem Broadcasting Co., Inc., is favored in the forthcoming comparative hearing, final action will be withheld pending resolution of the issues in Docket 18641 and a condition with respect to this matter will be included.

6. An examination of the financial section of the Salem Broadcasting Co.'s application reveals the applicant has failed to establish its financial qualifications. The bank commitment made by the Arlington Trust Co. is defective in that it fails to provide the terms of repayment, collateral or security required, rate of interest to be charged, or any special requirements imposed, and therefore cannot be accepted by the Commission. In light of this deficiency, a hearing issue as to Salem Broadcasting Co.'s financial qualifications is required.

7. A "Suburban"¹ issue is required with respect to Spacetown Broadcasting Corp. While the most current survey submitted by the applicant shows it has contacted additional community leaders and members of the general public, the community survey continues to fall short of the "Primer's"² requirements that the applicant provide a description of the programs it proposes to broadcast to meet the community's needs, and identify the anticipated time segment the programs will be aired. Thus, the applicant has not fulfilled the Primer's requirements, and a "Suburban" issue is included.

¹ "Suburban Broadcasters", 20 RR 951 (1961).

² "Primer on Ascertainment of Community Problems by Broadcast Applicants", 36 F.R. 4092, 27 FCC 2d 650 (1970).

8. The respective proposals would serve substantial areas in common. Consequently, in addition to the section 307(b) determination, a contingent comparative issue will also be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations, and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine the efforts made by Spacetown Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine, with respect to the application of Salem Broadcasting Co.:

(a) Whether the Arlington Trust Co., or any other banking institution, is willing to loan the applicant the amount it proposes to use for first-year construction and operation expense;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(4) To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(5) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

(6) To determine in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

11. It is further ordered, That, in the event that the application of Salem Broadcasting Co., Inc., is favored, final action will be withheld pending resolution of the issues with respect to the qualifications of Edward F. Perry, Jr., in Docket No. 18641:

12. It is further ordered, That, in the event of a grant of the application of Spacetown Broadcasting Corp., the permittee shall submit equipment performance measurements made in accordance with § 73.47 of the Commission's rules with the application for license:

13. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission rules, in

person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order:

14. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 9, 1972.

Released: February 15, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-2804 Filed 2-24-72; 8:52 am]

[FCC 72-139]

FCC BROADCAST FINANCIAL REPORTS

Reporting "Trade Outs"

FEBRUARY 17, 1972.

The Commission has received inquiries concerning the reporting of trade outs or barter transactions in the broadcast stations' Annual Financial Report (FCC Form 324). These are exchanges of a station's broadcast time for goods, programs, other media, or other services (in lieu of money).

These transactions may be made directly with the advertiser or with "third party agencies" acting in behalf of an advertiser. It often is the practice in the industry for stations to place considerably reduced values on the time which is to be provided the advertiser under a trade or barter agreement. This is true because the time may otherwise remain unsold.

Trade outs or barter transactions have value and should be reported in the Annual Financial Report (FCC Form 324). Spots exchanged for program material should be estimated at a fair value consistent with purchases of other program material of similar quality and quantity. Spots exchanged for fixed assets (such as furniture, automobiles, studio equipment etc.), to which the station takes title or ownership for use in conducting business should be estimated as the amount of cash which would have been paid for the asset, if the trade out was not available.

Spots exchanged for merchandise (such as radio sets, television sets, sporting equipment, theater tickets, novelty items, items to be used as prizes, gifts, or give-aways), for advertisements in other media (such as newspapers,

² Commissioners Bartley, H. Rex Lee and Wiley absent.

radio, television, transit ads, billboard, etc.), for services (such as hotels, travel, auto rentals, restaurants, etc.) are more difficult to value, but must be estimated for purposes of the financial report. Again, the amount of cash the station would have paid for the merchandise or service provides a reasonable basis for estimating the value.

In the Annual Financial Report, the value of traded time should be included as time sales when the spots are broadcast. The corresponding cost (estimated value) of the goods or services received should be treated in the report in the same manner as similar purchases for cash, i.e., amortized or expensed out.

Action by the Commission February 16, 1972. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Reid, and Wiley.

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

[FR Doc. 72-2802 Filed 2-24-72; 8:52 am]

FEDERAL MARITIME COMMISSION

CARNIVAL CRUISE LINES, LTD. AND CARNIVAL CRUISE LINES, INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Carnival Cruise Lines, Ltd., and Carnival Cruise Lines, Inc., c/o Carnival Cruise Lines, Inc., 820 Biscayne Boulevard, Miami, FL.

Dated: February 18, 1972.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc. 72-2806 Filed 2-24-72; 8:52 am]

CARNIVAL CRUISE LINES, LTD. AND CARNIVAL CRUISE LINES, INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Carnival Cruise Lines, Ltd., and Carnival Cruise Lines, Inc., c/o Carnival Cruise Lines, Inc., 820 Biscayne Boulevard, Miami, FL.

Dated: February 18, 1972.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2807 Filed 2-24-72;8:52 am]

SCANLAKE LINE RATE AGREEMENT

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. H. S. Heyerdahl, Scanlake Line, Post Office Box 1653, Oslo 1, Norway.

Agreement No. 9691-2 modifies the basic agreement to provide for the change in membership and update the rate agreement in accordance with the terms and conditions set forth therein.

Dated: February 17, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2805 Filed 2-24-72;8:51 am]

UNITED OVERSEAS EXPORT LINES, INC. AND/OR CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

United Overseas Export Lines, Inc., and/or Chinese Maritime Trust, Ltd. (Orient Overseas Line), c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, CA 94104.

Dated: February 17, 1972.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2808 Filed 2-24-72;8:52 am]

UNITED OVERSEAS EXPORT LINES, INC. AND/OR CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons, on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

United Overseas Export Lines, Inc., and/or Chinese Maritime Trust, Ltd. (Orient Overseas Line), c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, CA 94104.

Dated: February 17, 1972.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2809 Filed 2-24-72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-105]

COMMERCIAL PIPELINE CO., INC.

Notice of Application for Increase in Resale Rates

FEBRUARY 17, 1972.

Take notice that on February 1, 1972, Commercial Pipeline Co., Inc. filed in Docket No. RP72-105 an application for an increase in its resale rates. The company's letter of transmittal is as follows:

Pursuant to the requirements of Part 154 of the Commission's regulations under the Natural Gas Act, there are submitted herewith for filing ten (10) copies of Third Revised Sheet No. 4 to Commercial Pipeline Co., Inc. FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet incorporates a proposed tracking increase in the baseload and excess rates applicable to Commercial's Rate Schedule F-1 for firm service.

It is requested that the Commission waive the notice requirements of § 154.22 of its regulations to permit the foregoing tariff sheet to become effective on February 1, 1972.

Inasmuch as the rate increase incorporated in the revised tariff sheet filed herewith is designed solely to track the rate increase contained in the settlement filed by Cities Service Gas Co. in Dockets Nos. RP71-106 and RP71-129 on November 9, 1971 and presently pending before the Commission, it is further requested that the Commission waive the requirements of § 154.63 of the Commission with regard to additional cost supporting data. In support of this request, reference is made to the rate increase filing tendered by Commercial on March 22, 1971 in Docket No. RP71-96 which include full cost support. The rates proposed therein by Commercial were approved by the Commission and permitted to become effective on May 19, 1971 without suspension. The cost data supporting those rates included purchased gas cost adjusted to reflect the prices being charged by Cities Service Gas Co. as of December 31, 1970. Cities Service Gas Co. is Commercial's sole supplier of natural gas. On April 22, 1971, while Commercial's rate increase application in Docket No. RP71-96 was pending before the Commission, Cities Service filed increased rates in Docket No. RP71-106. Cities Service's rates were suspended and are now the subject of the settlement agreement filed by Cities Service with its letter of November 9, 1971.

Schedule N-5A of the data filed by Commercial in support of its rate increase at Docket No. RP71-96 sets out the purchased gas cost included in such data. That purchased gas cost, as adjusted, amounted to \$181,487. At the rates proposed by Cities Service in its settlement the test period cost of purchased gas for Commercial would be increased to \$194,469 as set out below:

Base 223,138 MCF × 30¢/MCF	-----	\$68,414
Excess 294,039 MCF × 42.87¢/MCF	-----	126,055

Total ----- 194,469

This is an increase of \$12,982 above the purchased gas cost included in the cost of service supporting the rates approved by the Commission in Docket No. RP71-96.

Based upon the data set forth on Schedule N-9 filed by Commercial in Docket No. RP71-96, 76.42 percent of the increased purchased gas cost is attributable to jurisdictional business. Thus the tracking adjustment attributable to jurisdictional business is \$9,921. This is equivalent to 3.45 cents per Mcf for jurisdictional sales. Accordingly the increased rates filed herewith reflect 3.45 cents per Mcf above those rates approved by the Commission in Docket No. RP71-96.

There is included herewith as Appendix A, a schedule setting forth a comparison of revenues under the present and proposed rates based upon sales during the 12 months ended December 31, 1971.

Inasmuch as the Cities Service settlement in Dockets Nos. RP71-106 and RP71-129 provides for Cities Service to file tracking rate changes from time to time, it is requested that the Commission, in accepting this rate increase filing, authorize Commercial to make concurrent tracking rate changes whenever Cities Service Gas Co. files a tracking change under the provisions of the Stipulation and Agreement dated November 5, 1971 in Dockets Nos. RP71-106 and RP71-129.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street

NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1972. Protests will be considered by the Commission 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 must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[Fr Doc.72-2754 Filed 2-24-72;8:47 am]

[Docket No. CS72-702, etc.]

RANSOM HORNE, JR., ET AL.

Notice of Applications for "Small Producer" Certificates¹

FEBRUARY 17, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-702...	2-7-72	Ransom Horne, Jr., Box 8110, Fort Worth, TX 76112.
CS72-703...	2-7-72	Joe Ballanfonte, Sr., 901 International Life Bldg., Austin, Tex. 78701.
CS72-704...	2-9-72	Bracken Oil Co., 111 East Elm St., Tyler, TX 75701.
CS72-705...	2-9-72	Harry C. Winslow, Post Office Box 1178, San Antonio, TX 78204.
CS72-706...	2-9-72	W. I. Spencer, 399 Park Ave., New York, NY 10022.
CS72-707...	2-9-72	G. J. Holloway, 530 South 55th West Ave., Tulsa, OK 74127.
CS72-708...	2-9-72	Paul E. Holloway, 1163 North Sandusky, Tulsa, OK 74115.
CS72-709...	2-9-72	Alvis S. Holloway, 423 South 59th West Ave., Tulsa, OK 74127.
CS72-710...	2-9-72	National Gas Gathering Co., 1 Elizabethtown Plaza, Elizabeth, NJ 07207.

[FR Doc.72-2753 Filed 2-24-72;8:47 am]

[Docket No. E-7695]

LOUISIANA POWER & LIGHT CO.

Notice of Rate Schedule Changes

FEBRUARY 17, 1972.

Take notice that on October 27, 1971, and December 6, 1971, Louisiana Power & Light Co. (Company) filed application to reinstate a portion of FPC Rate Schedule No. 44 (Emergency Assistance Agreement) which filing would amount to a rate schedule change.

Pursuant to the Emergency Assistance Agreement, effective June 15, 1971, Company is to provide emergency assistance service to the city of Plaquemine, La. (City). The agreement provided that City maintain generating capacity equal to its maximum demand plus a reserve equal to one-half its largest generating unit, and an \$18 per kilowatt per year charge for additional reserve generating capacity.

It was intended that the service and charge, if any, be placed into effect contemporaneous to bringing the City's new 20,000 kw. generating unit on the line. However, the facility was not completed and Company, by letter filed June 9, 1971, agreed to waive the \$18 deficiency charge until such time as the 20,000 kw. unit was on the line or November 1, 1971, whichever was earlier.

By Commission letter of July 7, 1971, FPC Rate Schedule 44, as supplemented, was accepted for filing with the proviso that any subsequent charge of the \$18 deficiency charge would constitute a change in the filed rate and should be preceded by a timely filing.

Company, by letters of October 27 and December 6, 1971, seeks to reinstate that charge within FPC Rate Schedule 44, as supplemented. Company has requested waiver of Commission's Notice require-

ment to provide an effective date of November 1, 1971.

Any person desiring to be heard or to make any protest with any reference to said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 6, 1972. 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 protestants parties to 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 Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2755 Filed 2-24-72;8:48 am]

[Docket No. E-7707]

MISSISSIPPI POWER & LIGHT CO.

Notice of Application

FEBRUARY 16, 1972.

Take notice that on January 28, 1972, Mississippi Power & Light Co. (applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire certain electric transmission facilities from South Mississippi Electric Power Association (Association).

Applicant is incorporated under the laws of the State of Mississippi with its principal business office at Jackson, Mississippi and is engaged in the electric utility business in parts of 45 of the 82 counties in the State.

The Association is an electric power association organized under the laws of Mississippi and owns and operates other facilities for the generation, transmission, and sale of electric energy.

Pursuant to an agreement for the construction and lease of a transmission line, dated April 22, 1971, applicant proposes to lease from the Association and operate and maintain approximately 13 miles of 115 kv. transmission line to be located in Franklin County, Miss. The purpose of acquiring the line is to effectuate an agreement for purchase of power, dated April 22, 1971, between applicant and Magnolia Electric Power Association (Magnolia) whereby applicant will deliver service to Magnolia over the line owned by Association.

Association will bear the cost of construction and applicant will pay a monthly lease rental equal to 0.6333 percent of the original cost of the line. The term of the lease is 35 years unless terminated earlier by Company's purchase of said line. Should Magnolia terminate purchase of power delivered over said line Company may terminate the lease without further liability.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2756 Filed 2-24-72; 8:48 am]

[Docket No. CP72-194]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 16, 1972.

Take notice that on January 31, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-194 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas facilities in Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon and remove for salvage its Lakeville TBS No. 1 metering station, to abandon and transfer to its Peoples Division approximately 19,062 feet of 2-inch Lakeville Branchline, and to abandon in place the remaining 2,480 feet of said branchline for use as yard piping, all located in Dakota County, Minn. Applicant states that since the construction of its new Lakeville TBS No. 1A metering station, its 2-inch Lakeville Branchline in Dakota County, Minn., is no longer utilized to deliver gas to the Lakeville area except for seven tap customers, who are now served by its Peoples Division by backflowing gas through the portion of the branchline proposed to be abandoned and transferred to Peoples. Applicant estimates the cost of removing the Lakeville TBS No. 1 to be \$450.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 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 section 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 permission and approval for the proposed abandonment are 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.72-2757 Filed 2-24-72; 8:48 am]

[Docket No. CP72-193]

SEA ROBIN PIPELINE CO. ET AL.

Notice of Joint Application

FEBRUARY 14, 1972.

Take notice that on January 28, 1972, Sea Robin Pipeline Co. (Sea Robin), Post Office Box 1407, Shreveport, LA 71158, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, Tex. 77002, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-193 a joint application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas among applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for a three-way exchange of natural gas whereby Southern will deliver to Texas Eastern Transmission Corp. for the account of Gulf Oil Corp. (Gulf) a daily quantity of gas at the tailgate of Gulf's Venice Gas Processing Plant in Plaquemines Parish equal to that which Sea Robin will transport for Gulf from Eugene Island Area, offshore Louisiana, which Sea Robin will deliver to United near Erath, La., and which United will deliver to Southern near Southern's Shadyside Compressor Station in St. Mary Parish, La. Sea Robin has filed in Docket No. CP72-120 an application seeking authorization to transport the subject gas for Gulf to a point onshore near Erath, Vermilion Parish, La.

Applicants state that the purpose of the proposed exchange is to fulfill the terms of an interrelated gas purchase

contract and a transportation agreement between Gulf and Sea Robin whereby Sea Robin will purchase 50 percent of the gas produced from Gulf's production in Blocks 237, 238, 252, and 253 in Eugene Island Area, which United and Southern ultimately acquire, and will transport for Gulf its 50 percent retained volume of gas to Gulf's Venice Processing Plant, onshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 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.72-2758 Filed 2-24-72; 8:48 am]

[Dockets Nos. RP72-100, RP72-71]

SOUTHWEST GAS CORP.

Order Permitting Tracking Increase To Become Effective, Granting Tracking Authority Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Consolidating Proceedings

FEBRUARY 17, 1972.

Southwest Gas Corp. (Southwest) on January 18, 1972, tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 1. Two of the revised tariff sheets¹ reflect an increase of 0.03 cent per therm in its jurisdictional

¹ Fifth Revised Sheets Nos. 4 and 10A.

rates. This proposed increase amounts to \$20,512 annually, and tracks an increase in Southwest's cost of purchased gas resulting from the increase of its supplier, El Paso Natural Gas Co. (El Paso), which became effective February 1, 1972. Southwest has requested an effective date of February 1, 1972, to coincide with the effective date of El Paso's filing. Two tariff sheets² reflect an increase of 0.054 cent per therm over and above the level of the rates proposed to become effective February 1, 1972. This additional increase would increase jurisdictional revenues in the amount of \$36,511 annually and has a proposed effective date of February 18, 1972.

Southwest states that the principal reasons for this proposed increase (footnote 2) are increases in virtually all items of cost such as capital, labor, material and supplies, and taxes and the need for an 8.8-percent rate of return on its jurisdictional operations. In addition to the changes in rate level, Southwest is proposing the following two changes in its Rate Schedule I-3: (1) Eliminate the minimum charge; and (2) eliminate from section 2, "Applicability and Character of Service" provision (ii) which requires utilization of at least 2,500 therms per month of interruptible gas.

In its filing Southwest requests that the Commission allow it the right to track future filings which El Paso may make from time to time through December 31, 1972. Southwest points out that the Commission's order of July 30, 1971, in Docket No. RP71-137, allows El Paso authority to track increases in gas costs on its Northwest Division through December 31, 1972.

In view of the fact that the purpose of Southwest's revised tariff sheets contained in Footnote 1 above is to track its supplier's rate increase we will accept those sheets for filing and allow them to become effective February 1, 1972, or such later date as may be authorized by the Price Commission, subject to refund and further orders of the Commission in Docket No. RP72-100. By order issued December 17, 1971, in Docket No. RP72-71 the Commission allowed Southwest to track the increased purchased gas costs incurred as a result of El Paso's rate increase filing in Docket No. RP71-137 and suspended the filing for 1 day to December 20, 1971, at which time it became effective subject to refund. The fact that the issues of law and fact are substantially the same in Dockets Nos. RP72-71 and RP72-100 makes it appropriate that RP72-71 be consolidated with the latter proceedings for purposes of hearing and decision.

It appears reasonable and appropriate to grant Southwest's request for permission to track rate increases of El Paso through December 31, 1972.

Review of the filing proposed to become effective on February 18, 1972, indicates that certain issues are raised which require development in evidentiary proceedings. The proposed rates and charges have not been shown to be justified and

may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(a) The proposed revised tariff sheets described in footnote 1 be accepted for filing and allowed to become effective February 1, 1972, or such later date as may be authorized by the Price Commission, as hereinafter ordered and conditioned and that the notice requirements be waived pursuant to § 154.51 of the Commission's regulations under the Natural Gas Act so that the tariff sheets can go into effect on such date.

(b) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Southwest's FPC gas tariff, as proposed to be amended by the tariff sheets contained in footnote 2 above, and these tariff sheets be suspended and the use thereof be deferred as herein provided.

(c) The disposition of this proceeding be expedited in accordance with the provisions set forth below.

The Commission orders:

(A) The tariff sheets described in footnote 1 above are hereby accepted effective February 1, 1972, or such later date as may be authorized by the Price Commission, subject to refund and further orders in this proceeding and the notice requirements are hereby waived pursuant to § 154.51 of the Commission's regulations under the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing commencing with a prehearing conference shall be held on April 25, 1972, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Southwest's FPC gas tariff, as proposed to be amended herein.

(C) Pending such hearing and decision thereon, Southwest's proposed revised tariff sheets in footnote 2 above are hereby suspended and the use thereof is deferred until July 18, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) At the hearing on April 25, 1972, Southwest's prepared testimony (Statement P), filed and served on February 2, 1972, together with its entire rate filing as submitted and served on January 18, 1972, be admitted to the record as Southwest's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any by parties to the proceedings.

(E) Following the admission of Southwest's complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's

rules of practice and procedure and of this order, as set forth above.

(F) On or before April 18, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before May 2, 1972. Any rebuttal evidence by Southwest shall be served on or before May 23, 1972. Cross-examination of the evidence shall commence on June 6, 1972.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) The proceedings in Dockets Nos. RP72-71 and RP72-100 are hereby consolidated.

(I) Southwest's proposed tracking through December 31, 1972, of El Paso's increases under its tracking authority in Docket No. RP71-137 is granted.

By the Commission,

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2795 Filed 2-24-72;8:49 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

FEBRUARY 16, 1972.

On January 17, 1972, Transcontinental Gas Pipe Line Corp. (Transco) submitted for filing revised tariff sheets¹ to its presently effective FPC Gas Tariff, Original Volume No. 1 constituting its permanent curtailment plan pursuant to the Commission's order of November 15, 1971, approving Transco's interim curtailment plan in Docket No. RP71-118. Transco requests its tendered sheets to become effective March 1, 1972; however, since its presently effective interim curtailment plan terminates on November 15, 1972, Transco requests the Commission to suspend the effectiveness of the tariff sheets for the full statutory period of 5 months. Further, Transco represents that it will not move to make such tariff sheets effective prior to November 16, 1972.

In summary Transco's proposed permanent curtailment plan provides:

(1) During the winter period, November 16, through April 15, a mandatory curtailment on a ratable basis will be effected on Transco's system. During this time, a customer may obtain partial or complete exemption if it curtails all of its interruptible service, except for certain minor exceptions;

¹ The tariff sheets submitted by Transco listed in Appendix A to this order are filed as part of the original document.

² Sixth Revised Sheets Nos. 4 and 10A.

(2) Any customer receiving an exemption during such winter period shall make up exempted volumes as soon as practicable by reducing its takes to a level below that to which it would otherwise be entitled;

(3) Any customer receiving an exemption during the winter period shall not, except in emergency situations make any deliveries to its interruptible customers until such exempted volumes are made up;

(4) Any customer that has not made up the exempted volumes by the end of the winter period will curtail its purchases during the succeeding summer period of April 16, through November 15, so that the weighted average curtailment percentage over the entire year, shall be the same for every customer affected by curtailment;

(5) In the event Transco is unable to meet the firm requirements of all its customers an end-use curtailment program will be instituted;

(6) A demand charge adjustment to customers under certain rate schedules will be made for curtailments due to system gas supply deficiency;

(7) At the end of the winter period, on April 15, Transco will determine the net curtailment volumes for each customer affected by curtailment, as well as a systemwide weighted average curtailment percentage. Any customer whose curtailment exceeds the systemwide weighted average curtailment during the winter period will receive a credit of 25 cents per Mcf for the volumes curtailed in excess of the systemwide weighted average curtailment;

(8) Transco will seek reimbursement for the credits to be granted by it in its billings to its customers for curtailments, in accordance with the provisions of section 20 of the general terms and conditions of its FPC gas tariff.

(9) ACQ customers will be exempt from all curtailments.

Transco states that the above-described permanent curtailment plan was formulated for the purpose of protecting the firm requirements of Transco's customers.

Transco's permanent curtailment plan is on file with the Commission and is available for public inspection.

Transco states that copies of its filing have been mailed to its customers and interested State commissions. Additionally, Transco states that copies of this filing are available for public inspection during regular business hours in its office in Houston, Tex.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed tariff sheets listed in Appendix A and that such tariff sheets be suspended and the use thereof be deferred as herein provided.

The Commission orders:

(A) Pending hearing and decision on the issues raised by Transco's filing in Docket No. RP72-99, the proposed tariff sheets listed in Appendix A of this order are hereby suspended and the use thereof

is deferred until July 17, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Any person desiring to be heard or make any protest with respect to said filing should on or before March 17, 1972, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2752 Filed 2-24-72; 8:47 am]

[Projects 1889, 2485]

WESTERN MASSACHUSETTS ELECTRIC CO. ET AL.

Notice of Applications for Approval of Exhibits K

FEBRUARY 17, 1972.

Public notice is hereby given that applications have been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Connecticut Light and Power Co., The Hartford Electric Light Co. and Western Massachusetts Electric Co. (correspondence to: E. L. Johnson, Vice President, The Connecticut Light and Power Co., Post Office Box 2010, Hartford, CT 06101; A. G. Baer, Vice President, The Hartford Electric Light Co., Post Office Box 2370, Hartford, CT 06101; Leon E. Megathlin, Jr., Vice President, Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, MA 01089) for Commission approval of revised and supplemental Exhibits K showing lands to be included within the project boundaries of Project No. 1889, known as the Turners Falls Project on the Connecticut River, and of Project No. 2485, known as the Northfield Mountain Pumped Storage Project on the Connecticut River, Briggs Brook and Four Mile Brook in Franklin County, Mass., Cheshire County, N.H., and Windham County, Vt. The two applications are described separately below.

For Project No. 1889 the Exhibit K filed by the licensee, Western Massachusetts Electric Co., would include within the project boundary such lands (in fee or flowage rights) in the reservoir area as are expected to be affected by the operation of the Turners Falls reservoir of Project No. 1889 including its use as the lower pool for the Northfield Mountain Pumped Storage Project No. 2485. The application offers justification for acquisition of land or land rights in certain parcels beyond 200 feet horizontally from

the high water level of the Turners Falls reservoir.

The application also notes that the land here proposed to be included within the project boundary does not include all land which may be devoted to recreation. Inclusion of such land will be the subject of subsequent filings with the Commission.

For Project No. 2485 the Exhibit K filed by the joint licensees, The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., would include within the project boundary of Project No. 2485 flowage rights on all land affected by the operation of the Turners Falls reservoir of Project No. 1889 (including its use as the lower pool for Project No. 2485), except that this filing does not show in the project boundary of Project No. 2485, in the general tailrace area of the Northfield Mountain Project, approximately 12.55 acres of land owned in fee by the licensees for the two projects; inclusion of this land or rights thereon awaits Commission action on a previous request for permission by the licensees for the two projects to transfer certain of such lands between the licensees for the two projects. The application offers justification for acquisition of land or land rights in certain parcels beyond 200 feet horizontally from the high water level of the Turners Falls reservoir.

Inclusion within the project boundary of Northfield Mountain Pumped Storage Project No. 2485 of the proposed flowage rights on Turners Falls reservoir is indicated to be in accord with Article 44 of the project license, which authorizes the licensees for Project No. 2485 to utilize such reservoir as the lower pool for the operation of Project No. 2485.

The application also notes that the land here proposed to be included within the project boundary does not include all land which may be devoted to recreation. Inclusion of such land will be the subject of subsequent filings with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1972 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and available for public inspection. In addition, arrangements have been made to furnish to the following towns copies of the filed Exhibit K maps and of the supplements to the Exhibit K (presenting justification for inclusion of land extending more than

200 feet from high water level of the Turners Falls reservoir) and to request that copies of such filings be made available for public inspection at the following places: Each town hall for the towns of Erving, Montague, and Northfield in Franklin County, Mass., the town of Hinsdale in Cheshire County, N.H., the town of Vernon in Windham County, Vt.; the Public Library in the town of Gill in Franklin County, Mass.; and the Western Massachusetts Electric Co.'s Service Center, 215 Shelburne Road, Greenfield, MA.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2797 Filed 2-24-72; 8:49 am]

[Project 1759]

WISCONSIN MICHIGAN POWER CO.

Notice of Availability of Environmental Statement for Inspection

FEBRUARY 24, 1972.

Notice is hereby given that on August 24, 1970, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for a new license for the constructed Way Dam, Peavy Falls, and Twin Falls Project No. 1759, located on Michigan and Menominee Rivers, in Iron and Dickson Counties, Mich., and Florence County, Wis.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The major facilities of the Michigan Project No. 1759 consist of three hydroelectric developments, Way Dam and Reservoir, Peavy Falls and Twin Falls, constructed during the period 1913 to 1949. Each of the developments consists of a dam, reservoir, powerhouse and related facilities. The reservoirs of the three developments have a total surface area of 11,280 acres and 152 miles of shoreline and provide recreational features common to all including hunting, fishing, boating, canoe water trails, and wilderness camping. The power plants have an aggregate installed capacity of 19,944 kw.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors innumeration in § 2.80

of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from February 24, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2954 Filed 2-24-72; 10:13 am]

OFFICE OF EMERGENCY PREPAREDNESS WASHINGTON

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Washington dated February 3, 1972, and published February 8, 1972 (37 F.R. 2859), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 1, 1972:

The Counties of:
Pacific.
Wahkiakum.

Dated: February 18, 1972.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[FR Doc.72-2739 Filed 2-24-72; 8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and/or Supersedeas Decisions to Area Wage Determination Decisions for Certain Specified Localities

Modification and/or Supersedeas Decisions to area wage determination decisions for specified localities in Arkansas, Connecticut, Illinois, Maryland, New Mexico, New York, North Dakota, Pennsylvania, and Texas.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1589, AM-1590, AM-1591, AM-1592, AM-1593, AM-1594, AM-1595, AM-1596	Aug. 6, 1971
AM-1728, AM-1735	Aug. 11, 1971
AM-330, AM-331, AM-333, AM-341, AM-342, AM-345, AM-1845 (AM-9680), AM-1852, AM-1860 (AM-9681), AM-1862	Aug. 13, 1971
AM-3573, AM-3614	Aug. 20, 1971
AM-2510, AM-2511, AM-2512, AM-2513	Aug. 25, 1971
AM-7489	Aug. 27, 1971
AM-7715, AM-7717	Nov. 12, 1971
	Nov. 19, 1971

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modifications and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. sec. 553 is set forth in the document being modified.

The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 18th day of February 1972.

HORACE E. MENASCO,
Administrator, Employment
Standards Administration.

NOTICES

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-5,575-36 F.R. 16733, Pulaski County, Ark., Modification No. 4</i>						
CHANGE: Sheet metal workers	\$6.40	\$0.20	\$0.20		c	
Footnote: c. Apprenticeship fund shall be \$0.50 per month per journeyman and apprentice employed. <i>WD No. AM-1,589-36 F.R. 14543, Fairfield County, Conn., Modification No. 2</i>						
CHANGE: SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom, 150 ft., additional \$0.25 per hour.						
Crane with boom, 200 ft., additional \$0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes \$0.15 to supplemental unemployment fund. b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (scooper)	7.44	.20	.15+a		b	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional \$0.25 per hour.						
Crane with 200-ft. boom, additional \$0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes \$0.15 to supplemental unemployment fund. b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
<i>WD No. AM-1,590-36 F.R. 14548, Hartford County, Conn., Modification No. 1</i>						
CHANGE: SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom, 150 ft., additional \$0.25 per hour.						
Crane with boom, 200 ft., additional \$0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes \$0.15 to supplemental unemployment fund. b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

NOTICES

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a	b		
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skoooper)	7.44	.20	.15+a	b		
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over 1/4 yd.)	7.15	.20	.15+a	b		
Asphalt spreader	7.00	.20	.15+a	b		
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b		
Well point system, combination hoe and loader	6.88	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b		
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b		
Compressor, pump	6.52	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b		
Crane with 150-ft. boom, additional \$0.25 per hour						
Crane with 200-ft. boom, additional \$0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes \$0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
WD No. AM-1,551-30 F.R. 1,552, Litchfield County, Conn., Modification No. 1						
CHANGE:						
SW-CONN-1-F:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a	b		
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a	b		
Maintenance engineer	7.30	.20	.15+a	b		
Boiler (portable—high pressure), hammer (vibratory), front end loader (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 1/4 yd.)	7.15	.20	.15+a	b		
Asphalt spreader	7.15	.20	.15+a	b		
Bulldozer	7.05	.20	.15+a	b		
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b		
Combination hoe and loader	6.95	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a	b		
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a	b		
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b		
Roller operators	6.75	.20	.15+a	b		
Dinky machine operator, firemen (high pressure), power pavement breaker	6.60	.20	.15+a	b		
Oiler	6.30	.20	.15+a	b		
Crane with boom, 150 ft., additional \$0.25 per hour						
Crane with boom, 200 ft., additional \$0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes \$0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a	b		
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skoooper)	7.44	.20	.15+a	b		
Drill (Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over 1/4 yd.)	7.15	.20	.15+a	b		
Asphalt spreader	7.00	.20	.15+a	b		
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b		
Well point system, combination hoe and loader	6.88	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b		
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b		
Compressor, pump	6.52	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b		
Crane with 150-ft. boom, additional \$0.25 per hour						
Crane with 200-ft. boom, additional \$0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes \$0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
<i>WD No. AM-1,592—86 F.R. 14558, Middlesex County, Conn., Modification No. 1</i>					
CHANGE:					
SW-CONN-1-P:					
Power equipment operators, building construction:					
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg, and guy derrick	7.50	.20	.15+a	b	-----
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a	b	-----
Maintenance engineer	7.30	.20	.15+a	b	-----
Boiler (portable—high pressure), hammer (vibratory), front end loader (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----
Asphalt spreader	7.15	.20	.15+a	b	-----
Bulldozer	7.05	.20	.15+a	b	-----
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	-----
Combination hoe and loader	6.95	.20	.15+a	b	-----
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a	b	-----
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a	b	-----
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b	-----
Roller operators	6.75	.20	.15+a	b	-----
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a	b	-----
Oiler	6.30	.20	.15+a	b	-----
Crane with boom, 150 ft., additional \$0.25 per hour.					
Crane with boom, 200 ft., additional \$0.50 per hour.					
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.					
Footnotes:					
a. Employer contributes \$0.15 to supplemental unemployment fund.					
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.					
SW-CONN-2-3-T:					
Power equipment operators—heavy and highway construction:					
Erecting and handling structural steel	7.50	.20	.15+a	b	-----
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (scoop)	7.44	.20	.15+a	b	-----
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----
Asphalt spreader	7.00	.20	.15+a	b	-----
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b	-----
Well point system, combination hoe and loader	6.88	.20	.15+a	b	-----
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b	-----
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b	-----
Compressor, pump	6.52	.20	.15+a	b	-----
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b	-----
Crane with 150-ft. boom, additional \$0.25 per hour.					
Crane with 200-ft. boom, additional \$0.50 per hour.					
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.					
Footnotes:					
a. Employer contributes \$0.15 to supplemental unemployment fund.					
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.					
<i>WD No. AM-1,593—86 F.R. 14560, New Haven County, Conn., Modification No. 2</i>					
CHANGE:					
SW-CONN-1-P:					
Power equipment operators, building construction:					
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a	b	-----
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a	b	-----
Maintenance engineer	7.30	.20	.15+a	b	-----
Boiler (portable—high pressure), hammer (vibratory), front end loader (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----
Asphalt spreader	7.15	.20	.15+a	b	-----
Bulldozer	7.05	.20	.15+a	b	-----
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	-----
Combination hoe and loader	6.95	.20	.15+a	b	-----
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a	b	-----
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a	b	-----
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b	-----
Roller operators	6.75	.20	.15+a	b	-----
Dinky machine operator, firemen (high pressure), power pavement breaker	6.60	.20	.15+a	b	-----
Oiler	6.30	.20	.15+a	b	-----
Crane with boom, 150 ft., additional \$0.25 per hour.					
Crane with boom, 200 ft., additional \$0.50 per hour.					
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.					
Footnotes:					
a. Employer contributes \$0.15 to supplemental unemployment fund.					
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a	b	-----	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooter)	7.44	.20	.15+a	b	-----	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----	
Asphalt spreader	7.00	.20	.15+a	b	-----	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b	-----	
Well point system, combination hoe and loader	6.88	.20	.15+a	b	-----	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b	-----	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b	-----	
Compressor, pump	6.52	.20	.15+a	b	-----	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b	-----	
Crane with 150-ft. boom, additional \$0.25 per hour						
Crane with 200-ft. boom, additional \$0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes \$0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
WD No. AM-1,594—96 F.R. 1,554, New London County, Conn., Modification No. 1						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg, and guy derrick	7.50	.20	.15+a	b	-----	
Tower crane, dragline, Gradall, hoist, Kohering scoper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a	b	-----	
Maintenance engineer	7.30	.20	.15+a	b	-----	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----	
Asphalt spreader	7.15	.20	.15+a	b	-----	
Bulldozer	7.05	.20	.15+a	b	-----	
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	-----	
Combination hoe and loader	6.95	.20	.15+a	b	-----	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a	b	-----	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a	b	-----	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b	-----	
Roller operators	6.75	.20	.15+a	b	-----	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a	b	-----	
Oiler	6.30	.20	.15+a	b	-----	
Crane with boom, 150 ft., additional \$0.25 per hour						
Crane with boom, 200 ft., additional \$0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes \$0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a	b	-----	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooter)	7.44	.20	.15+a	b	-----	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----	
Asphalt spreader	7.00	.20	.15+a	b	-----	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b	-----	
Well point system, combination hoe and loader	6.88	.20	.15+a	b	-----	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b	-----	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b	-----	
Compressor, pump	6.52	.20	.15+a	b	-----	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b	-----	
Crane with 150-ft. boom, additional \$0.25 per hour						
Crane with 200-ft. boom, additional \$0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes \$0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,605-36 F.R. 1,4568, Tolland County Conn., Modification No. 1</i>						
CHANGE: SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a	b	-----	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a	b	-----	
Maintenance engineer	7.30	.20	.15+a	b	-----	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----	
Asphalt spreader	7.15	.20	.15+a	b	-----	
Bulldozer	7.05	.20	.15+a	b	-----	
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	-----	
Combination hoe and loader	6.95	.20	.15+a	b	-----	
Concrete mixer (6 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a	b	-----	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a	b	-----	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b	-----	
Roller operators	6.75	.20	.15+a	b	-----	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a	b	-----	
Oiler	6.30	.20	.15+a	b	-----	
Crane with boom, 150 ft., additional \$0.25 per hour.						
Crane with boom, 200 ft., additional \$0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes \$0.15 to supplemental unemployment fund. b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a	b	-----	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (scooper)	7.44	.20	.15+a	b	-----	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----	
Asphalt spreader	7.00	.20	.15+a	b	-----	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b	-----	
Well point system, combination hoe and loader	6.88	.20	.15+a	b	-----	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b	-----	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b	-----	
Compressor, pump	6.52	.20	.15+a	b	-----	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b	-----	
Crane with 150-ft. boom, additional \$0.25 per hour.						
Crane with 200-ft. boom, additional \$0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes \$0.15 to supplemental unemployment fund. b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
<i>WD No. AM-1,690-39 F.R. 1,4571, Windham County, Conn., Modification No. 1</i>						
CHANGE: SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a	b	-----	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a	b	-----	
Maintenance engineer	7.30	.20	.15+a	b	-----	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	-----	
Asphalt spreader	7.15	.20	.15+a	b	-----	
Bulldozer	7.05	.20	.15+a	b	-----	
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	-----	
Combination hoe and loader	6.95	.20	.15+a	b	-----	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), powerstone spreader	6.90	.20	.15+a	b	-----	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a	b	-----	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b	-----	
Roller operators	6.75	.20	.15+a	b	-----	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a	b	-----	
Oiler	6.30	.20	.15+a	b	-----	
Crane with boom, 150 ft., additional \$0.25 per hour.						
Crane with boom, 200 ft., additional \$0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes \$0.15 to supplemental unemployment fund. b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a	b		
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooter)	7.44	.20	.15+a	b		
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over 1/4 yd.)	7.15	.20	.15+a	b		
Asphalt spreader	7.00	.20	.15+a	b		
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b		
Well point system, combination hoe and loader	6.88	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b		
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b		
Compressor, pump	6.52	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b		
Crane with 150-ft. boom, additional \$0.25 per hour						
Crane with 200-ft. boom, additional \$0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes \$0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
<i>WD No. AM-330-86 F.R. 15155, Cook County, Ill., Modification No. 9</i>						
CHANGE: Pipefitters	8.55	.37	.30		\$0.02	
<i>WD No. AM-331-86 F.R. 15161, DuPage County, Ill., Modification No. 7</i>						
CHANGE: Pipefitters	8.55	.37	.30		.02	
<i>WD No. AM-333-86 F.R. 15170, Lake County, Ill., Modification No. 5</i>						
CHANGE: Pipefitters	8.55	.37	.30		.02	
<i>WD No. AM-341-86 F.R. 15213, Will County, Ill., Modification No. 7</i>						
CHANGE: Plumbers and pipefitters (within the city limits of Joliet)	8.55	.37	.30		.02	
Pipefitters (remainder of county)	8.55	.37	.30		.02	
<i>WD No. AM-342-86 F.R. 15218, Winnebago County, Ill., Modification No. 7</i>						
ADD: Bricklayers and stonemasons	7.00	.20	.40	\$0.45		
Marble, tile, and terrazzo workers	6.80	.15		.25		
Marble, tile, and terrazzo workers' helpers	5.15	.10				
<i>WD No. AM-345-86 F.R. 15243, Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell, and Warren Counties, Ill., Modification No. 1</i>						
CHANGE: Cement masons: Knox and Warren Counties	6.85	.15	.15			
<i>WD No. AM-3514-86 F.R. 16749, Los Alamos County, N. Mex., Modification No. 4</i>						
ADD: Line construction—New Mexico (B):						
Cable splicers	6.92	.25	1%		1.5%	
Linemen	6.44	.25	1%		1.5%	
Technicians	6.44	.25	1%		1.5%	
Equipment operators	6.12	.25	1%		1.5%	
Equipment mechanics	5.60	.25	1%		1.5%	
Powdermen	5.60	.25	1%		1.5%	
Groundmen and Jackhammer operators:						
1st 6 months	3.39	.25	1%		1.5%	
2d 6 months	3.86	.25	1%		1.5%	
Experienced	4.51	.25	1%		1.5%	
<i>WD No. AM-1732-86 F.R. 14945, Nassau County, N.Y., Modification No. 4</i>						
CHANGE: Laborers, building:						
Laborers, building	7.15	.50	\$0.70	.51		
Masons tenders	7.15	.50	.70	.51		
<i>WD No. AM-1735-86 F.R. 14980, Suffolk County, N.Y., Modification No. 2</i>						
CHANGE: Laborers, building:						
Laborers, building	7.15	.50	.70	.51		
Mason tenders	7.15	.50	.70	.51		
Mortar mixers	7.15	.50	.70	.51		
Plumbers	8.45	.42	.41+f	1.10	\$0.20	
Sheet metal workers, remainder of county	9.08	3%+0.10	4%+0.40	3%+0.55	1/2 of 1%	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
<i>WD No. AM-2,510-36 F.R. 17119, Burleigh and Morton Counties, N. Dak., Modification No. 2</i>					
CHANGE:					
Building construction:					
Power equipment operators:					
Group I:					
Hoist; greaser; concrete mixer operator; boom truck; fireman; tractor, 75 hp. and under; front end loader, 1½ cu. yd. and under; air compressor, 300 and under; forklift.....	4.40		.25		
Group II:					
Brakeman; any air compressed operations over 300; well points; front end loader over 1½ cu. yd.; power plant engineer; straddle carrier; oiler; mechanic and welder; batch plant drill rig; tractor over 75 hp.....	5.25		.25		
Group III:					
Cranes; tower and overhead derrick; cherry picker.....	5.85		.25		
Site preparation, excavation and incidental paving:					
Power equipment operators:					
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3½ cu. yd.....	5.60	.25	.25		
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yd.; scraper tandem; tandem pusher Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator.....	5.45	.25	.25		
Dope machine operator (pipeline); drill rigs, heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6" operator (pipeline); pump-crete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper—twin engine, 50 cu. yd. struck and over.....	5.30	.25	.25		
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use oiler rate); Turnapull operator (or similar type).....	5.25	.25	.25		
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, Ft. machine operator and spray operator; concrete mixer operator on job site 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 kw.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer.....	5.05	.25	.25		
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic.....	4.82	.25	.25		
Brakeman or switchman; concrete batch plant operator (cement, rock, and sand) electronic; concrete mixer operator on job site under 16S; crane truck oiler; distributor operator; grader operator (motor patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); Gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pick-up sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apsco or similar type) including self-propelled sand chip spreader Flaherty or similar.....	3.94	.25	.25		
Crawler type tractor pulling compaction or aereating equipment; farm type rubber tired tractor with backhoe attachment; self-propelled vibrating packer operator pad type (35 hp. and over); sheepsfoot roller or compactor (self-propelled); off road self-propelled watering equipment.....	3.79	.25	.25		
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock and sand) (manual); fireman or tank car heater operator; form trench digger (power); front end loader operator, up to 1 cu. yd.; Hyster carrier; leverman; loader operator (Barber Greene or similar type); Mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom.....	3.69	.25	.25		
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber tired tractor); stump chipper operator; tie tamper and ballast machine operator.....	3.35	.25	.25		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-2,511—86 F.R. 17122, Cass and Richland Counties, N. Dak., Modification No. 2</i>						
CHANGE:						
Building construction:						
Power equipment operator:						
Group I:						
Hoist; greaser; concrete mixer operator; boom truck; fireman; tractor, 75 hp and under; front end loader, 1½ cu. yd. and under; air compressor, 300 and under; forklift.....	4.40		.25			
Group II:						
Brakeman; any air compressed operations over 300; well points; front end loader over 1½ cu. yd.; power plant engineer; straddle carrier; oiler; mechanic and welder; batch plant drill rig; tractor over 75 hp.....	5.25		.25			
Group III:						
Cranes; tower and overhead; derrick; cherry picker.....	5.85		.25			
Site preparation, excavation, and incidental paving:						
Power equipment operators:						
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3½ cu. yd.	5.60	.25	.25			
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yd.; scraper tandem; tandem pusher Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator.....	5.45	.25	.25			
Dope machine operator (pipeline); drill rigs, heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6" operator (pipeline); pumperete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper-twin engine; 50 cu. yd. struck and over.....	5.30	.25	.25			
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use oiler rate); Turnapull operator (or similar type).....	5.25	.25	.25			
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, Ft. machine operator and spray operator; concrete mixer operator on job site 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 kw.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer.....	5.05	.25	.25			
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic.....	4.82	.25	.25			
Brakeman or switchman; concrete batch plant operator (cement, rock, and sand) electronic; concrete mixer operator on jobsite under 16S; crane truck oiler; distributor operator; grader operator (Motor Patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); Gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pickup sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apsco or similar type) including self-propelled sand chip spreader Flaherty or similar.....	3.94	.25	.25			
Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with backhoe attachment; self-propelled vibrating packer operator pad type (35 hp. and over); sheepfoot roller or compactor (self-propelled); off-road self-propelled watering equipment.....	3.79	.25	.25			
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock and sand) (manual); fireman or tankcar heater operator; form trench digger (power); front end loader operator, up to 1 cu. yd.; hyster carrier; leverman; loader operator (Barber Greene or similar type); mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom.....	3.69	.25	.25			
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber tired tractor); stump chipper operator; tie tamper and ballast machine operator.....	3.35	.25	.25			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-2,512-86 F.R. 17125, Grand Forks, Steele, and Walsh Counties, N. Dak., Modification No. 2</i>						
CHANGE:						
Building construction:						
Carpenters (Grand Forks, N $\frac{1}{2}$ Steele, and Walsh):						
Carpenters.....	6.05				.02	
Piledrivermen.....	6.28				.02	
Millwrights.....	6.06				.02	
Power equipment operators:						
Group I:						
Hoist; greaser; concrete mixer operator; boom truck; fireman; tractor, 75 hp. and under; front end loader, 1 $\frac{1}{2}$ cu. yd. and under; air compressor, 300 and under; forklift.....	4.40		.25			
Group II:						
Brakeman; any air compressed operations over 300; well points; front end loader over 1 $\frac{1}{2}$ cu. yd.; power plant engineer; straddle carrier; oiler; mechanic and welder; batch plant drill rig; tractor over 75 hp.....	5.25		.25			
Group III:						
Cranes; tower and overhead; derrick; cherry picker.....						
Site preparation, excavation, and incidental paving:						
Power equipment operators:						
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3 $\frac{1}{2}$ cu. yd.....	5.60	.25	.25			
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3 $\frac{1}{2}$ cu. yd.; scraper tandem; tandem pusher Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator.....	5.45	.25	.25			
Dope machine operator (pipeline); drill rigs, heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6' operator (pipeline); pumperete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper—twin engine, 50 cu. yd. struck and over.....	5.30	.25	.25			
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use other rate); Turnapull operator (or similar type).....	5.25	.25	.25			
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, ft. machine operator and spray operator; concrete mixer operator on job site 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 kw.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer.....	5.05	.25	.25			
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic.....	4.82	.25	.25			
Brakeman or switchman; concrete batch plant operator (cement, rock, and sand) electronic; concrete mixer operator on job site under 16S; crane truck oiler; distributor operator; grader operator (Motor Patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); Gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pick-up sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apseo or similar type) including self-propelled sand chip spreader Flaherty or similar.....	3.94	.25	.25			
Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with backhoe attachment; self-propelled vibrating packer operator pad type (35 hp. and over); sheepfoot roller or compactor (self-propelled); off road self-propelled watering equipment.....	3.79	.25	.25			
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock and sand) (manual); fireman or tank car heater operator; form trench digger (power); front end loader operator, up to 1 cu. yd.; Hyster carrier; leverman; loader operator (Barber Greene or similar type); mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom.....	3.69	.25	.25			
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber tired tractor); stump chipper operator; tie tamper and ballast machine operator.....	3.35	.25	.25			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
<i>WD No. AM-2,513—86 F.R. 17189, Ward County, N. Dak., Modification No. 2</i>					
CHANGE:					
Building construction:					
Laborers:					
Laborers.....	4.19				
Jackhammer; vibrator and air tool; mortar mixers; snaker; yarner.....	4.30				
Open ditch work.....	4.35				
Laying of main sewer pipes in streets and laying of nonmetallic pipe for drainage only; sandblaster.....	4.43				
Hod carriers.....	4.52				
Underpinning.....	4.57				
Plumbers; steamfitters.....	6.93		.25		.02
Power equipment operators:					
Group I:					
Hoist; greaser; concrete mixer operator; boom truck; fireman; tractor, 75 hp. and under; front end loader, 1½ cu. yd. and under; air compressor, 300 and under; forklift.....	4.40		.25		
Group II:					
Brakeman; any air compressed operations over 300; well points; front end loader over 1½ cu. yd.; power plant engineer; straddle carrier; oiler; mechanic and welder; batch plant drill rig; tractor over 75 hp.....	5.25		.25		
Group III:					
Cranes; tower and overhead; derrick; cherry picker.....	5.85		.25		
Site preparation, excavation, and incidental paving:					
Power equipment operators:					
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3½ cu. yd.....	5.60	.25	.25		
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yd.; scraper tandem; tandem scraper Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator.....	5.45	.25	.25		
Dope machine operator (pipeline); drill rigs; heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6" operator (pipeline); pumperete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper, twin engine, 50 cu. yd. struck and over.....	5.30	.25	.25		
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use oiler rate); Turnapull operator (or similar type).....	5.25	.25	.25		
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, Ft. machine operator and spray operator; concrete mixer operator on jobsite 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 k.w.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer.....	5.05	.25	.25		
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic.....	4.82	.25	.25		
Brakeman or switchman; concrete batch plant operator (cement, rock and sand) electronic; concrete mixer operator on jobsite under 16S; crane truck oiler; distributor operator; grader operator (Motor Patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pick-up sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apco or similar type) including self-propelled sand chip spreader Flaherty or similar.....	3.94	.25	.25		
Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with back hoe attachment; self-propelled vibrating packer operator, pad type (35 hp. and over); sheepfoot roller or compactor (self-propelled); off-road self-propelled watering equipment.....	3.79	.25	.25		
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock, and sand) (manual); fireman or tankcar heater operator; form trench digger (power); front end loader operator, up to 1 cu. yd.; Hyster carrier; leverman; loader operator (Barber Greene or similar type); mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom.....	3.69	.25	.25		
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber tired tractor); stump chipper operator; tie tamper and ballast machine operator.....	3.35	.25	.25		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,852-36 F.R. 16226, Delaware County, Pa., Modification No. 5</i>						
CHANGE:						
PA-51-PEO-1-2:						
Power equipment operators, building and heavy construction:						
Wage group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above	8.96	4.6%	5.2%	a	0.7%	
Wage group II:						
Engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes; cableways; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; Gradalls; front-end loaders over 3 cu. yd.; boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drillmaster type); forklift (20 ft. and over); Motor Patrols (fine grade); batch plant with mixer; machines similar to the above	8.72	4.6%	5.2%	a	.7%	
Wage group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and Tomrapulls, asphalt plant engineers, roller (high grade finishing); Caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd.						
Maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; Ditch Witch type trencher; Motor Patrol; machines similar to the above	7.93	4.6%	5.2%	a	.7%	
Wage group IV:						
Concrete breaking machines						
Rollers						
Machines similar to the above	7.73	4.6%	5.2%	a	.7%	
Wage group V:						
All bulldozers under D-7						
Tractors including rubber-tired type with front and overhead loaders under 2 cu. yd.						
Seaman pulverizing mixer						
Welders and maintenance engineers						
Tireman on power equipment						
Maintenance engineer (power boat)						
Machines similar to the above	7.46	4.6%	5.2%	a	.7%	
Wage group VI:						
Conveyors (building)						
Welding machines						
Heaters						
Wellpoints						
Compressors						
Farm tractors	7.29	4.6%	5.2%	a	.7%	
Form line graders						
Road finishing machines						
Pumps						
Power broom (self-contained)						
Seed spreader						
Machines similar to the above						
Wage group VII:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage group VIII:						
Officers and deck hand (personnel boats)	6.14	4.6%	5.2%	a	.7%	

Footnote: a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after holiday.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-1,868-56 F. R. 16314, Philadelphia County, Pa., Modification No. 5.</i>						
CHANGE:						
PA-51-PEO-1-2:						
Power equipment operators, building and heavy construction:						
Wage group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above.....	8.96	4.6%	5.2%	a	.7%	
Wage group II:						
Engineers working with dock builders and pile drivers.....						
All types of cranes.....						
All types of backhoes; cableways; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; Gradalls; front-end loaders over 3 cu. yd.; boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drillmaster type); forklift (20 ft. and over); Motor Patrols (fine grade), batch plant with mixer; machines similar to the above.....	8.72	4.6%	5.2%	a	.7%	
Wage group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and Tournapulls, asphalt plant engineers, roller (high grade finishing); Caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd.....						
Maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; Ditch Witch type trencher, Motor Patrol; machines similar to the above.....	7.93	4.6%	5.2%	a	.7%	
Wage group IV:						
Concrete breaking machines.....						
Rollers.....						
Machines similar to the above.....	7.73	4.6%	5.2%	a	.7%	
Wage group V:						
All bulldozers under D-7.....						
Tractors including rubber-tired type with front and overhead loaders under 2 cu. yd.....						
Seaman pulverizing mixer.....						
Welders and maintenance engineers.....						
Tireman on power equipment.....						
Maintenance engineer (power boat).....						
Machines similar to the above.....	7.46	4.6%	5.2%	a	.7%	
Wage group VI:						
Conveyors (building).....						
Welding machines.....						
Heaters.....						
Wellpoints.....						
Compressors.....						
Farm tractors.....	7.29	4.6%	5.2%	a	.7%	
Form line graders.....						
Road finishing machines.....						
Pumps.....						
Power broom (self-contained).....						
Seed spreader.....						
Machines similar to the above.....						
Wage group VII:						
Fireman.....	6.82	4.6%	5.2%	a	.7%	
Wage group VIII:						
Oilers and deck hand (personnel boats).....	6.14	4.6%	5.2%	a	.7%	
Footnote: a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
<i>WD No. AM-7,489-56 F. R. 21737, Harris County, Tex., Modification No. 7</i>						
CHANGE:						
Building construction:						
Carpenters:						
Millwrights.....	6.52	\$0.48	\$0.22		\$0.05	
OMIT:						
Incidental paving and utilities:						
Concrete finisher helper.....	2.75					
ADD:						
Incidental paving and utilities:						
Concrete finisher helper (paving).....	2.75					
<i>WD No. AM-7,715-56 F. R. 22121, Galveston County, Tex., Modification No. 5</i>						
CHANGE:						
Building construction:						
Carpenters:						
Millwrights.....	6.52	.48	.22		.05	
<i>WD No. AM-7,717-56 F. R. 22124, Jefferson and Orange Counties, Tex., Modification No. 4</i>						
CHANGE:						
Line construction:						
Linemen.....	7.62	.17	1%		1%	
Groundmen.....	73%JR	.17	1%		1%	

SUPERSEDEAS DECISIONS

State: Maryland; County: Baltimore City and County.

Decision No.: AM-9,680; Date of decision: Feb. 25, 1972.

Supersedes Decision No. AM-1,845 dated Aug. 20, 1971.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy construction (excluding sewer and water line construction), Highway construction, and dredging.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Building and heavy construction:						
Asbestos workers	\$7.25	\$0.50	\$0.30		\$0.02	
Boilermakers-blacksmiths	7.65	.30	.70	\$0.20	.01	
Bricklayers	8.15	.40	.40		.12	
Carpenters	7.49	.29	.35		.05	
Cement masons	7.795	.125	.30			
Electricians	7.65	.30	1%+0.10		3/2%	
Elevator constructors	7.92	.195	\$0.20	3/2%+a+b	\$0.005	
Elevator constructors' helpers	5.54	.195	.20	3/2%+a+b	.005	
Elevator constructors' helpers (prob.)	3.96					
Graziers:						
Glaziers	6.85	.15	.10			
Swinging scaffold or bosun's chair	7.05	.15	.10			
Ironworkers:						
Finishers, precast and prestress erectors	7.51	.45	.60		.01	
Sheeters	7.76	.45	.60		.01	
Rodmen	7.51	.45	.60		.01	
Laborers:						
Laborers	5.00	.20	.175		.025	
Hod carriers	5.40	.20	.175		.025	
Plasterers' laborers	5.15	.20	.175		.025	
Power tool operator	5.10	.20	.175		.025	
Pipelayers (concrete and clay)	5.20	.20	.175		.025	
Wagon drill operator	5.25	.20	.175		.025	
Lathers	7.29		.25		.01	
Lead burners	6.35	.25		e	.01	
Line construction:						
Linemen, cable splicer	7.40	.15	1%		3/2%	
Groundman (experienced)	4.90	.15	1%		3/2%	
Millwrights	7.49	.29	\$0.35		\$0.05	
Marble setters	8.15	.40	.40		.12	
Painters:						
Brush	5.62	.45	.20	\$0.20		
Structural steel, spray (steel), steam cleaning	6.12	.45	.20	.20		
Sandblasting	6.12	.45	.20	.20		
Spackling, taping and wall coverings	5.77	.45	.20	.20		
Spray (except steel)	5.87	.45	.20	.20		
Piledrivermen	7.49	.29	.35		.05	
Plasterers	7.35	.25	.30			
Plumbers	7.83	.35	.35		.04	
Roofers:						
Roofers, damp and water proof workers	5.55	.35	.15			
Mopmen, slate and tile, asbestos and asphalt	6.00	.35	.15			
Sheeter, precast and wood block	6.35	.35	.15			
Sheet metal workers	7.87	.55	.20		.05	
Marble, tile and terrazzo workers' helpers	5.675	.125	.20			
Soft floor layers—resilient floor layers	6.94	.24	.25		.05	
Sprinkler fitters:						
Baltimore City	8.00	.25	.40		.05	
Excluding Baltimore City	8.00	.25	.40		.05	
Steamfitters						
Stonemasons	7.46	.45	.60		.06	
Tile and Terrazzo workers	8.15	.40	.40		.12	
Tile and Terrazzo workers	6.49	.125	.40		.04	
Truck drivers:						
Goose-neck, drop frame trailers	6.75	d	e	f+g		
All A-frames, winch trucks, fork lift and trailers	6.55	d	e	f+g		
Flat-beds and pickups	6.10	d	e	f+g		
Helpers	5.80	d	e	f+g		
Mixer trucks with agitator of 12-yd. capacity	4.60	d	e	f+g		
Mixer trucks with agitator over 12-yd. capacity	5.00	d	e	f+g		
Euclid wagons and dumpsters	5.20	d	e	f+g		
Dump trucks	4.92	d	e	f+g		
Truck drivers:						
Excavation:						
Dump truck	4.92	d	e	f+g		
Euclid wagon and dumpster	5.20	d	e	f+g		
Drop-frame, goose-neck and trailer	5.10	d	e	f+g		
Pickup	4.75	d	e	f+g		
Helpers	4.80	d	e	f+g		

Welders—receive rates prescribed for craft performing operation to which welding is incidental.

Paid holidays:

A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

- Holidays: A through F.
- Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- Holidays: A through F; plus Washington's Birthday and Good Friday (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday).
- Employer contributes \$0.25 per hour not to exceed 40 hours per week.
- Employer contributes \$0.20 per hour not to exceed 40 hours per week.
- 1 week paid vacation after employee has worked 125 days in the contract year.
- Holidays: A through F; plus the employee's birthday; Day after Thanksgiving Day and Christmas Eve (provided the employee has worked 1 day and has been available for work during holiday week).

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
3-MD-PEO-1-C:						
Building and heavy construction power equipment operators:						
Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yd., and over), hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Eimco type overhead loader, Whirley rig, welder, concrete paver, double concrete pump, front end loader (1 1/4 yd., and over), multiple conveyor, Mighty Midget with compressor, repair mechanic, twin engine scraper, Gradall	6.57	\$0.25	\$0.30	a	.05	-----
Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system	6.47	.25	.30	a	.05	-----
Tractor with attachment (2 or more), autopatrol type grader	6.17	.25	.30	a	.05	-----
Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift fork lift	5.87	.25	.30	a	.05	-----
Front end tractor loader (under 1 1/4 yd.), bulldozer	5.92	.25	.30	a	.05	-----
Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor	5.77	.25	.30	a	.05	-----
Excavating scoop (under 25 yd.), Caterpillar type tractor	5.72	.25	.30	a	.05	-----
Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader	5.57	.25	.30	a	.05	-----
Fireman, truck crane oiler, grease truck, fuel truck	5.47	.25	.30	a	.05	-----
Wheel tractor	5.27	.25	.30	a	.05	-----
Oiler—deck hand, mechanic's helper	5.17	.25	.30	a	.05	-----
Holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F.						
3-MD-3-J:						
Highway construction:						
Bricklayers	6.15					-----
Carpenters	4.60					-----
Cement masons	4.78					-----
Electricians	7.15	.30	1%+0.10		1/2 of 1%	-----
Form setters	3.39					-----
Ironworkers, structural	6.91					-----
Ironworkers, reinforcing	3.90					-----
Linemen	7.40	.15	1%		1/4%	-----
Groundmen	4.90	.15	1%		1/4%	-----
Laborers:						
Mason tenders	3.25					-----
Air tool	2.91					-----
Asphalt raker spreader	3.08					-----
Concrete saw	3.70					-----
Fence erectors	3.24					-----
Mortar mixer	2.95					-----
Unskilled	2.91					-----
Painters, structural steel and bridge	5.50					-----
Piledrivermen	4.79					-----
Power equipment operators:						
Aggregate spreader operator	4.27					-----
Backhoes	4.845					-----
Bulldozers	4.50					-----
Concrete batching plant	4.00					-----
Concrete finishing machine	3.50					-----
Concrete paving machine	3.50					-----
Concrete spreader machine	4.32					-----
Cranes, derricks, draglines	5.17					-----
Gradalls	4.60					-----
Loaders	4.49					-----
Mechanics	5.495					-----
Mechanic's helpers	3.75					-----
Mixers	5.00					-----
Motor patrols	5.00					-----
Oilers—greasers	4.73					-----
Piledrivers	6.40					-----
Rollers, base	3.00					-----
Rollers, finish	4.05					-----
Scrapers, pans, scoops	4.50					-----
Shovels	4.37					-----
Subgraders	4.00					-----
Tractors, wheel with attachments	3.375					-----
Tractor, wheel	3.10					-----
Trenching machines	3.20					-----
Truck drivers	3.45					-----
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						
DREDGE 1-ATLANTIC-U:						
Dipper and clamshell dredges:						
Operators	6.02	.25	.15	a+5%		-----
Cranemen	5.78	.25	.15	a+5%		-----
Maintenance engineers	5.66	.25	.15	a+5%		-----
Welders	5.54	.25	.15	a+5%		-----
Mates	5.14	.25	.15	a+5%		-----
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		-----
Deckhands	4.35	.25	.15	a+5%		-----
Scowmen	4.28	.25	.15	a+5%		-----
Engineer	5.95	.25	.15	a+5%		-----
Hydraulic dredges:						
Levermen	5.86	.25	.15	a+5%		-----
Engineer and derrick operators	5.78	.25	.15	a+5%		-----
Maintenance engineer	5.66	.25	.15	a+5%		-----
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		-----
Mates	5.14	.25	.15	a+5%		-----
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		-----
Deckhands and shoremen	4.28	.25	.15	a+5%		-----
Tug engineer	5.20	.25	.15	a+5%		-----
Tug deckhand	4.35	.25	.15	a+5%		-----

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DREDGE 1-ATLANTIC-U—Continued						
Drill boats:						
Engineer	7.1575	.25	.15		b	
Blaster	7.2575	.25	.15		b	
Driller, welder, machinist	7.1587	.25	.15		b	
Firemen	6.88	.25	.15		b	
Oiler	6.7387	.25	.15		b	
Drill helper	6.7387	.25	.15		b	

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
 a. Holidays: A through F; Washington's Birthday and Veteran's Day.
 b. Holidays: A through F; Washington's Birthday and Veteran's Day (6 1/2 days of vacation with pay for 104 days of service; 1 additional day of vacation with pay for each additional 2 1/2 days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.

State: Pennsylvania; County: Montgomery.
 Decision No. AM-9681; Date of decision: Feb. 25, 1972.
 Supersedes Decision No. AM-1890, dated Aug. 20, 1971, in 36 F.R. 10305.
 Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
46-PA-1-M:						
Building, heavy and highway construction:						
Asbestos workers	\$7.45	\$0.30	\$0.30			
Boilermakers	7.80	.40	.70			\$0.01
Bricklayers:						
Lower Marion, Abington, Upper Moreland, and Cheltenham	7.85	.32	.25			
Remainder of county	8.60	.57	.35			1 1/2%
Carpenters, building	8.07	.105	.35			\$0.07
Carpenters, heavy and highway	8.52	.105	.35		a	.07
Cement masons:						
Pennsburg and Pottstown	7.55					
Remainder of county	5.50	.55	.27			
Electricians:						
Upper Hanover	8.025	.20	1%			
Pottsgrove, Upper Pottsgrove, Douglas, and Pottstown	7.60	.18	1%			.03
Springfield, Glenside, and Jenkintown Townships	8.325	2 1/2%	3 1/2%			1 1/2%
Remainder of county	8.375	2.4%		1% + 1.0%		1%
Elevator constructors	7.92	\$0.17	\$0.185	2% + b + e		\$0.005
Elevator constructors' helpers	5.54	.17	.185	2% + b + e		.005
Elevator constructors' helpers (prob.)	3.96					
Glaziers:						
Pottstown, Lower Pottsgrove, Upper Pottsgrove, Limrick, Lower Frederick, Upper Salford, Sounderton, Greenland, Upper Hanover, New Hanover, Douglas, and Marlboro Townships	6.82	.25	.10			.01
Remainder of county	8.13	.245	.15			
Ironworkers:						
Structural and ornamental	7.67	.235	.665			.04
Reinforcing	7.70	.235	.665			.01
Lathers	6.06	.275	.15			
Leadburners	6.00	.15			d	.01
Line construction:						
Linemen	9.73	.15	1%			1%
Cable spicer	9.73	.15	1%			1%
Groundmen	5.84	.15	1%			1%
Winch truck operator	6.81	.15	1%			1%
Marble setters	5.925	.25				
Marble setters' helpers	5.175	.20				
Millwrights, building	8.57	1.05	.35			\$0.07
Painters:						
Pottstown, Pottsgrove, New Hanover, and Douglas:						
Brush	5.50	.35	.20			
Steel and spray	6.55	.35	.20			
Roller	5.50	.35	.20			
Cheltenham, Abington, Upper and Lower Moreland, Springfield, Whitmarsh, Plymouth, Upper Dublin, Horsham, Whitpain, Upper and Lower Gwynedd, Lower Marion, Upper Southampton, Lower Southampton:						
Brush	5.215	.225	.15	\$0.10		.02
Roller	5.365	.225	.15	.10		.02
Spray, steel and swing	5.395	.225	.15	.10		.02
Remainder of county:						
Brush	7.10	.45	.20			
Steel, roller, sandblasting	7.10	.45	.20			
Piledrivers	8.62	1.05	.35			.07
Pointers, caulker and cleaners	5.75	.35				
Plasterers:						
Pennsburg	7.675					.01
Remainder of county	6.185	.35				
Plumbers:						
Lower Marion, Horsham, Upper Dublin, Moreland, Lower Moreland, Abington, Springfield, and Cheltenham	9.00	.35	.45			.04
Remainder of county	8.50	.485	.82			.035
Roofers:						
Composition	8.225	.65	.40		e	
Helpers	4.60	.65	.40		e	
Slate, tile asbestos roofers	6.875	.50	.50			
Slate, tile asbestos helpers	4.575	.50	.50			
Asphalt shingle	6.325	.50	.50			
Helpers	4.575	.50	.50			
Sheet metal workers	9.40	.30	.25			.01
Soft floor layers	6.73	.35	.35			
Sprinkler fitters	8.00	.25	.40			.05

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
46-PA-1-M—Continued						
Building, heavy and highway construction—Continued						
Steamfitters:						
Lower Marion, Springfield, Moreland, Horsham, Upper Dublin, and Abington Townships..	8.99	.35	.45		.05	
Remainder of county.....	8.50	.485	.82		.035	
Stone masons.....	7.85	.32	.25			
Terrazzo workers.....	6.25					
Terrazzo workers' helpers.....	5.31	.15				
Tile setters.....	6.825	.40	.20			
Tile setters' helpers.....	5.125	.20				
Truck building, heavy and highway:						
Truck drivers.....	4.12	.2375	.25	f+g		
Euclids.....	4.32	.2375	.25	f+g		
Helpers.....	4.02	.2375	.25	f+g		
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;						
E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Paid holiday "D".						
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as vacation pay credit.						
c. 6 paid holidays: A through F.						
d. Holidays: A through F, Washington's Birthday and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.						
e. Election Day—paid holiday.						
f. Employee who has been on the employer's seniority list for a period of 1 year from date of hire; and who shall have worked a minimum of 130 days in the year previous to his anniversary date, shall be eligible for 1 week's vacation.						
g. Paid holidays: Memorial Day; Independence Day and Labor Day for employee who has worked a minimum of 30 days, and is on the employer's seniority list, provided he works the scheduled work days before and after the said holidays.						
PA-51-LAB-1-T:						
Building construction:						
Laborers:						
Stripping and dismantling concrete form work, loading, unloading, carrying and handling of all reinforced steel and steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers and all other pneumatic tools, building scaffolds, raking, shoveling and tamping of asphalt, spading and concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying nonmetallic pipe and caulking, all other types of laborers.....						
	5.61	.44	.20			
Mason tender, power buggies, burners on demolition.....	5.71	.44	.20			
Wagon drill operator (single).....	5.72	.44	.20			
Powdermen, wagon drill operator (multiple).....	5.91	.44	.20			
Circular caissons excavation:						
Caisson groundmen.....	5.91	.44	.20			
Caisson bottom man.....	6.01	.44	.20			
Underpinning excavation:						
Laborers, working at depth of 8 ft. or under.....	5.91	.44	.20			
Yard workers.....	5.55	.44	.20			

NOTICES

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PA-51-PEO-1-2-C:						
Power equipment operators, building and heavy construction						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above	8.90	4.6%	5.2%	a	.7%	
Wage group II:						
Engineers working with dock builders and pile drivers	8.72	4.6%	5.2%	a	.7%	
All types of cranes						
All types of backhoes; cableways; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21 E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; Gradalls; front-end loaders over 3 cu. yd., boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drillmaster type); forklift (20-ft. and over), Motor Patrols (fine grade), batch plant with mixer; machines similar to the above						
Wage Group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and Turn-napills, asphalt plant engineers, roller (high grade finishing); Caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd.	7.93	4.6%	5.2%	a	.7%	
Maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; Ditch Witch type trencher, Motor Patrol; machines similar to the above						
Wage Group IV:						
Concrete breaking machines	7.73	4.6%	5.2%	a	.7%	
Rollers						
Machines similar to the above						
Wage Group V:						
All bulldozers under D-7	7.46	4.6%	5.2%	a	.7%	
Tractors including rubber-tired type with front and overhead loaders under 2 cu. yd.						
Seaman pulverizing mixer						
Welders and maintenance engineers						
Tireman on power equipment						
Maintenance engineer (power boat)						
Machines similar to the above						
Wage Group VI:						
Conveyors (building)	7.29	4.6%	5.2%	a	.7%	
Welding machines						
Heaters						
Wellpoints						
Compressors						
Farm tractors						
Form line graders						
Road finishing machines						
Pumps						
Power broom (self-contained)						
Seed spreader						
Machines similar to the above						
Wage Group VII:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VIII:						
Oilers and deck hand (personnel boats)	6.14	4.6%	5.2%	a	.7%	
Footnote: a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
PA-51-LAB-2-3-F:						
Heavy and highway construction laborers:						
Powdermen, multiple wagon drill operator	5.85	0.45	0.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduct and duct layers	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, tool room men, mortar mixers, concrete pitmen and spaders, grade men, asphalt shovellers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, scaffold builders	5.55	.45	.20			
Wagon drill operators	5.70	.45	.20			
Yard workers:						
Laborers, scale mixermen, burnermen, dustmen, feeders	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners	6.10	.45	.20			
Miners' helpers, form setters	6.95	.45	.20			
Trackmen, brakemen, grounmen, bottom shaft men, all others in free air tunnels	5.80	.45	.20			
Circular caisson excavation bottom men	5.95	.45	.20			
Underpinning excavation bottom men	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	5.55	.45	.20			

SUPERSEDED DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
51-PEO-3-B:						
Power equipment operators, highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above.....	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; keystones; all types of shovels; pavers 21E and over; trenching machines; Gradalls; front end loaders over 3 cu. yd.; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drill-master type); forklift (20 ft. and over); Motor Patrols (fine grade); batch plant with mixer; machines similar to the above.....	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls, scrapers, Tournapulls, asphalt plant engineers; roller (high grade finishing); Caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd.; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; Ditch Witch (small trencher); Motor Patrols; maintenance engineers with tools; machines similar to the above.....	7.95	4.6%	5.2%	a	.7%	
Wage Group IV:						
Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 cu. yd. overhead loaders; Seaman pulverizer; ten-ton roller (grade fill stone base) welders and maintenance engineers; concrete breaking machines; machines similar to the above.....	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; tireman, power equipment maintenance engineers (power boats); machines similar to the above.....	7.15	4.6%	5.2%	a	.7%	
Wage Group VI:						
Fireman.....	6.82	4.6%	5.2%	a	.7%	
Wage Group VII:						
Oilers and deck hands (personnel boats).....	6.14	4.6%	5.2%	a	.7%	

Footnote: a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

[FR Doc.72-2710 Filed 2-24-72; 8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ECONOMIC RESEARCH SERVICE AND FOREIGN ECONOMIC DEVELOPMENT SERVICE

Merger of Functions and Authorities

On January 26, 1972, 37 F.R. 1181, the Department gave notice of a proposal to merge the functions and authorities of the Foreign Economic Development Service with those of the Economic Research Service.

This public notice invited comments from interested persons and groups. No comments were received.

Therefore, in accordance with the proposal and pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the Director of Agricultural Economics, who continues to have the responsibility for such functions and authorities, is hereby authorized to delegate them to the Administrator of the Economic Research Service. The Foreign Economic Development Service is hereby abolished.

The above shall be effective as of February 6, 1972.

Done in Washington, D.C., this 18th day of February 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-2778 Filed 2-24-72; 8:48 am]

ADMINISTRATOR, ECONOMIC RESEARCH SERVICE

Delegation of Authority

On February 25, 1972, 37 F.R. 4033, The Secretary of Agriculture gave pub-

lic notice that the functions and authorities of the Foreign Economic Development Service were vested in me with the additional authority, effective February 6, 1972, to delegate them to the Administrator of the Economic Research Service.

Under that authority I now announce that, effective February 6, 1972, all functions and authorities of the Foreign Economic Development Service are delegated to the Administrator of the Economic Research Service.

Done in Washington, D.C., this 18th day of February 1972.

DON PAARLBERG,
Director of
Agricultural Economics.

[FR Doc.72-2777 Filed 2-24-72; 8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24112]

BRANIFF AIRWAYS, INC.

Notice of Prehearing Conference Regarding U.S. Mainland-Hawaii First-Class Excursion Fares

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will cir-

culate its material on or before March 6, 1972, and the other parties on or before March 13, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., February 18, 1972.

[SEAL]

RALPH L. WISER,
Chief Examiner.

[FR Doc.72-2820 Filed 2-24-72; 8:52 am]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Order Approving Acquisition of Bank

Charter New York Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank of Babylon, Babylon, N.Y. (Bank).

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

Applicant, the ninth largest banking organization in New York, controls nine banks with total domestic deposits of \$4.7 billion, representing approximately 4.9 percent of the State's total commercial deposits. (Unless otherwise noted, banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions through December 30, 1971.) Upon acquisition of

Bank (deposits of \$57.4 million), applicant would not increase its present ranking nor significantly enlarge its share of State deposits.

Bank operates seven offices in the Babylon-Islip banking market where it is the third largest of 13 banks, controlling 12.2 percent of market deposits.¹ Applicant's closest subsidiary bank is located 50 miles from Bank in New York City. None of applicant's subsidiary banks may branch into Bank's market until 1976 when statewide branching will become effective. Applicant's subsidiary banks derive only minimal banking business from Bank's market and, therefore, there is only nominal existing competition. Consummation of the proposal would not eliminate any significant existing competition and would not adversely affect any competing bank in any relevant area.

Some potential competition between applicant and Bank would be foreclosed upon consummation of the proposal since applicant could enter Bank's market de novo or through acquisition of a smaller bank. However, applicant does not seem to be a likely de novo entrant and only two banks smaller than Bank appear available for acquisition. Competitive considerations related to acquisition of those two banks do not differ materially from the acquisition of Bank. Further, approval of the proposal would remove home office protection from the village of Babylon and have the pro-competitive effect of enabling other banking institutions to branch into the area. Therefore, consummation of the proposal would have no significant adverse effect on potential competition and may have procompetitive impact.

The financial and managerial resources of applicant and Bank are generally satisfactory and consistent with approval. Applicant proposes to expand Bank's services, thereby providing another competitive alternative for specialized banking services. Accordingly, considerations relating to convenience and needs of the community lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,²
February 17, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-2745 Filed 2-24-72; 8:46 am]

¹ Banking data related to market position are as of June 30, 1970.

² Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

FIRST NATIONAL FINANCIAL CORP.

Order Approving Formation of Bank Holding Company

First National Financial Corp., Kalamazoo, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank and Trust Company of Michigan, Kalamazoo, Mich. (Kalamazoo Bank); The Merchants & Miners Bank, Calumet, Mich. (Calumet Bank); and The Deerfield State Bank, Deerfield, Mich. (Deerfield Bank).

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

Applicant, a newly organized corporation, was formed by the present management of the Kalamazoo Bank for the purpose of becoming a bank holding company. Upon consummation of the proposal herein, applicant would control three subsidiary banks with total deposits of approximately \$282 million, representing about 1.3 percent of the total commercial bank deposits in Michigan, and would be the eleventh largest banking organization in the State. (All banking data are as of June 30, 1971.)

Kalamazoo Bank (\$258.2 million deposits), located in southwestern Michigan, operates 26 offices in and around the city of Kalamazoo, and is the largest of 20 banks operating within its service area, which is approximated by all of Kalamazoo County and portions of the five counties adjacent thereto. Calumet Bank (\$17.3 million deposits), located in the Upper Peninsula of Michigan, operates three offices, and is the second largest of the five banks operating within its service area, which is approximated by all the Keeweenaw County and the greater portion of Houghton County. Deerfield Bank (\$6.5 million deposits), located in southeastern Michigan, operates one office, and is the smallest of the 18 banks operating within its service area, which is approximated by portions of Lenawee and Monroe Counties. The record discloses that there is no significant existing competition among the proposed subsidiary banks, primarily due to the distances separating the banks (520 miles and 90 miles separate Calumet Bank and Deerfield Bank, respectively, from the closest offices of the Kalamazoo Bank; and the Deerfield Bank is located about 600 miles from the closest office of Calumet Bank). Moreover, in light of the restrictive Michigan branching law, it does not appear that any significant potential competition would be foreclosed as a result of consummation of applicant's proposal. It appears that the overall effect of the proposal on competition would be favorable, since the Deerfield Bank and Calumet Bank should be able to compete more effectively in their respective markets as subsidiaries of applicant.

The financial and managerial resources of applicant appear to be satisfactory, and its prospects, which are dependent upon those of its subsidiary banks, appear to be favorable. The financial and managerial resources and prospects of Deerfield Bank and Calumet Bank are satisfactory and consistent with approval of the application. The Board notes that the capital position of the Kalamazoo Bank is somewhat lower than desirable and should be augmented. Although the maintenance of adequate capital positions at subsidiary banks of the holding company is a matter of serious concern to the Board, the circumstances of this case do not indicate that the situation warrants denial of the application. The holding company structure should offer better prospects for improving the capital position of the Kalamazoo Bank. Other considerations relating to the financial and managerial resources and prospects of Kalamazoo Bank are satisfactory and consistent with approval of the application.

The considerations relating to convenience and needs of the communities to be served lend weight toward approval of the application. As a subsidiary of a holding company, Kalamazoo Bank would be in a better position to serve the growing needs of its service area. Furthermore, applicant proposes to assist Deerfield Bank and Calumet Bank in expanding their services to include consumer loans, agricultural loans, economic development, and computer services. Applicant will also be able to assist its subsidiary banks by providing a source of qualified management personnel. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,¹
February 17, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-2746 Filed 2-24-72; 8:46 am]

MILTON HERSHEY SCHOOL AND SCHOOL TRUST

Order Approving Exemption of Non-banking Activities of Bank Holding Company

Milton Hershey School and School Trust, Hershey, Pa., a bank holding company by virtue of 56 percent ownership of The Hershey National Bank, Hershey, Pa. (Bank), has applied to the Board of

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

Governors, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the prohibitions of section 4 (relating to nonbanking activities and acquisitions).

Notice of receipt of the application has been given in accordance with section 4 of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 4(d) of the Act and finds that:

Milton Hershey School was established in 1909 by Milton and Catherine Hershey. In 1930, Milton Hershey transferred his controlling interest in The Hershey National Bank, founded in 1925, to the Milton Hershey School Trust, with the Hershey School as beneficiary. Upon Milton Hershey's death in 1945, Milton Hershey School and School Trust held a controlling interest in Hershey Foods Corp. and other nonbanking interests in and around the town of Hershey, Pa. Bank (\$40 million in deposits as of June 30, 1971) was established to provide banking facilities for the employees of the predecessor to the Hershey Foods Corp. Over the years, the majority of the bank's customers have been employees of Hershey Foods Corp. Furthermore, over 90 percent of Bank's loans are to individuals or small businesses in the Hershey community or its immediate area. The present ownership ties have existed for over 40 years, a period of affiliation within the terms of section 4(d) (1). Bank is well managed and in sound financial condition and applicant has not abused its relationship with the Bank. There is no reason to believe that permitting this relationship to continue indefinitely will adversely affect either the Bank or the community of Hershey.

At the present time, over 80 percent of Bank's stock is owned either by applicant or residents of the Hershey community and its environs. Forced sale would probably result in a loss of this kind of local control. Bank has historically maintained an investment in home, farm, and commercial mortgages of the maximum amount permitted by Federal law, and over 80 percent of these loans were conventional home mortgages. Approximately 37 percent of the Bank's loans are commercial loans to small businesses in Hershey or installment loans on automobiles. Bank also makes education loans to individual students. With higher rates of return available on other types of investments, a new owner of Bank would be quite likely to change its investment policy substantially. Because of the nature of the Hershey community and the nature of Bank under present ownership, it is the Board's view that forced sale of Bank would result in control by interests not similarly representative of the Hershey community.

Exemption under 4(d) (3) is contingent upon a finding of a bank's small size in relation to the holding company's total interests. The type of holding company for which such analysis was envisaged is an operating industrial company. Applicant's assets consist of a portfolio of

stock investments which are not subject to the type of analysis contemplated under this provision of the Act.

The legislative history of section 4(d) indicates that Congress clearly intended applicant to be one of the companies entitled to an exemption (House Report No. 91-1747, 91st Cong., second session, p. 24 and 116 Cong. Rec., H. 11790 and S. 20653). After a review of the entire record, the Board concludes that the granting of an exemption pursuant to section 4(d) of the Act would not be substantially at variance with the purposes of the Act.

On the basis of the record, the application is approved for the reasons summarized above; *Provided, however*, That this determination is subject to revocation by the Board if the facts upon which it is based change in any material respect.

By order of the Board of Governors,²
February 17, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2747 Filed 2-24-72; 8:46 am]

NEWPORT SAVINGS AND LOAN ASSOCIATION

Order Approving Formation of Bank Holding Company and Continuation of the Activities of a Thrift Insti- tution

Newport Savings and Loan Association, Newport, R.I., has applied for the Board's approval under section 3(a) (1) and section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1) and 1843(a) (8)) to become a bank holding company through acquisition of 100 percent of the voting shares of The Island Trust Co., Newport, R.I., a proposed new bank, and to continue thereafter to engage in the activities of a thrift institution.

Pursuant to section 3(b) of the Act, the Board gave written notice of receipt of the application to become a bank holding company to the Bank Commissioner for the State of Rhode Island and requested his views and recommendation. The Commissioner recommended that the application be favorably considered. Subsequently, the Director of the Department of Business Regulation for the State of Rhode Island (whose jurisdiction encompasses the office of the Bank Commissioner) recommended that the application be approved.

Notice of receipt of the application to become a bank holding company was published in the FEDERAL REGISTER on June 19, 1971 (36 F.R. 11832), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. Several letters of comment objected to Newport Savings and Loan Association becoming a bank holding company and continuing thereafter to engage in the activities of a thrift institution.

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

In view of the issues raised, the Board published notice of a hearing on the matter (36 F.R. 21708). The hearing was held before available members of the Board on November 29, 1971. All persons desiring to give testimony, present evidence or otherwise participate in the hearing were permitted to do so. Time for filing additional comments and views has expired; all those received and the entire record of the hearing have been considered by the Board.

On the basis of the record and other relevant material, the applications are approved for the reasons set forth in the Board's Statement of this date: *Provided*, That the proposed acquisition shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and that (c) The Island Trust Co. shall be opened for business not later than 6 months after the date of this order, unless the times specified in (b) and (c) are extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,²
February 17, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2748 Filed 2-24-72; 8:46 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-3]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Jet Propulsion Laboratory operated for the National Aeronautics and Space Administration under contract with the California Institute of Technology.

Comments on the draft Environmental Statement for the Jet Propulsion Laboratory were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of March 18, 1971.

Copies of the draft statement were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statement will be furnished to the Office of Management and Budget and the Council on Environmental Quality.

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

² Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

Copies of the final statement may be purchased (price \$1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 18th day of February 1972.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-2812 Filed 2-24-72;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5144]

APPALACHIAN POWER CO. AND SOUTHERN APPALACHIAN COAL CO.

Notice of Proposed Issue and Sale of Common Stock by a Newly Created Subsidiary Company and Acquisition Thereof by Parent Utility Company

FEBRUARY 18, 1972.

Notice is hereby given that Appalachian Power Co. (Appalachian), an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), 40 Franklin Road, Roanoke, VA 24009, a registered holding company, and Southern Appalachian Coal Company (Appalachian Coal), 301 Virginia Street, Charleston, WV 25327, a newly created corpora-

tion, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9, and 10 of the Act as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Appalachian Coal, a West Virginia corporation, was incorporated on January 31, 1972, to, among other things, develop, mine, transport, and sell coal. Appalachian Coal has 50,000 shares of common stock (par value \$1) authorized, none of which have been issued to date.

Appalachian has two new 800,000 kilowatt coal-fired steam electric generating units, which will require in aggregate over 4 million tons of coal per year. In order to assure a reliable supply of coal for these generating facilities, a financing program for Appalachian Coal is proposed to permit it to develop and mine various reserves of coal owned or controlled by Appalachian in West Virginia. Appalachian Coal proposes to issue and sell, on or before December 31, 1974, 10,000 shares of its common stock, and Appalachian proposes to acquire such stock for a consideration of \$2,000 per share (\$20 million).

It is stated that the most significant coal reserves to be developed and mined by Appalachian Coal are located south of Charleston, W. Va., and have an estimated 145 million tons of recoverable coal. All of these coal reserves must be "deep mined". None of the coal to be mined by Appalachian Coal will be sold to anyone other than public utility companies in the AEP system.

It is estimated that the development of such coal reserves will require capital expenditures of approximately \$20 million through 1974. Additional financing requirements will be the subject of future applications. The charges for coal by Appalachian Coal will be based on an amount equal to its actual cost to develop the reserve and mine such coal, including all appropriate overheads and interest charges and including a reasonable rate of return on Appalachian's equity investment in Appalachian Coal. Such rate of return will be no greater than the return then being earned by Appalachian on equity invested in electric plant as determined pursuant to the then effective Uniform System of Accounts prescribed by the Federal Power Commission for electric utility companies.

It is stated that no fees or commissions will be paid in connection with the proposed transactions with the exception of miscellaneous expenses estimated not to exceed \$2,500. It is further stated that the Virginia State Corporation Commission has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 15, 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 applicants at the above-stated addresses, 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.72-2764 Filed 2-24-72;8:46 am]

[811-1941]

AETNA LIFE VARIABLE ACCOUNT A AND AETNA LIFE INSURANCE CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 18, 1972.

Notice is hereby given that Aetna Life Variable Account A (Account A), a registered unit investment trust under the Investment Company Act of 1940 (Act), and Aetna Life Insurance Co. (Aetna), 151 Farmington Avenue, Hartford, CT 06115, have filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Account A has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Account A was established by Aetna on September 4, 1968, as a separate account for variable annuity contracts in accordance with section 38-154a of the Connecticut General Statutes. Aetna is a stock life insurance company incorporated under authority of a charter from the Connecticut legislature. On September 9, 1969, Account A was registered as a unit investment trust under the Act, and on that date a registration statement on Form S-6 was filed pursuant to the Securities Act of 1933 for registration of variable annuity contracts with a proposed maximum aggregate offering price of \$10 million.

Subsequent to the filing of said registration statement, Aetna determined not to proceed with the proposed offering of variable annuity contracts. On November 9, 1971, upon request of the registrant, the Commission issued an order consenting to withdrawal of the registration statement.

The application states that no variable annuity contracts participating in Account A have been issued, and no amounts have otherwise been allocated to it. Account A thus has neither any assets nor any liabilities. In addition, Aetna does not propose to have Account A engage in any business or other operations in the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 9, 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 Account A at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 72-2765 Filed 2-24-72; 8:46 am]

[811-1062]

A. M. CAPITAL CORP.

Notice of Filing of Application for Order of the Act Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 16, 1972.

Notice is hereby given that A. M. Capital Fund Corp. (Applicant), 22 East 40th

Street, New York, NY, a Delaware corporation registered as a closed-end, non-diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on May 24, 1961, by filing a notification of registration on Form N-8A. Applicant represents that it has authorized 500,000 shares of common stock of which 99,312 shares are outstanding. Applicant further represents that as of December 23, 1971, there were 95 beneficial owners of said common stock and that no company owns more than 10 percent of its outstanding shares. Applicant states that no public offering of its securities is presently being made nor is any such offering presently proposed for the future.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice

of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 72-2766 Filed 2-24-72; 8:47 am]

[70-5145]

GULF POWER CO.

Notice of Proposed Amendment of Charter and By-laws and Solicitation of Proxies

FEBRUARY 17, 1972.

Notice is hereby given that Gulf Power Co. (Gulf), 75 North Pace Boulevard, Pensacola, FL 32502, an electric-utility subsidiary company of The Southern Co. (Southern), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Gulf proposes to amend its charter to increase the authorized number of shares of its cumulative preferred stock, par value \$100 per share, from 251,626 shares to 401,626 shares and to transfer to the articles of incorporation provisions now in the bylaws which set forth the relative rights, preferences and limitations of the shares of Gulf's preferred and common stocks. Gulf states that the increase in the authorized number of shares of preferred stock is necessary to enable Gulf to finance a portion of its construction requirements through the issuance of the proposed additional shares of preferred stock.

It is further proposed that Gulf solicit proxies from holders of its outstanding preferred stock in connection with the special meeting of stockholders, which is to be held on April 27, 1972, to take action upon the foregoing proposals. Southern, the owner of all the outstanding 992,717 shares of Gulf common stock, proposes to vote all such shares for the adoption of the above proposal. In addition, the affirmative vote of a majority of the outstanding 251,626 shares of preferred stock is needed for the adoption of the proposal. Such solicitation may be made personally, or by telephone, telegraph or mail by employees of the company. Gulf may employ professional proxy solicitors.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated to be \$19,850, including legal fees of \$8,000 and fees for soliciting proxies of \$4,000.

Notice is further given that any interested person may, not later than March 13, 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 declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-2767 Filed 2-24-72; 8:47 am]

[811-1904]

INVESTMENT PARTNERSHIP FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Com- pany

FEBRUARY 18, 1972.

Notice is hereby given that Investment Partnership Fund, Inc. (Applicant), Suite 812, 110 Sutter Street, San Francisco, CA 94104, registered under the Investment Company Act of 1940 (Act) as a closed-end diversified investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on July 29, 1969. Subsequently its Board of Directors determined that Applicant should not commence doing business. The application states that Applicant has issued no shares of stock or any other securities, has no assets and has not engaged in any business transactions other than the act of incorporating. Its regis-

tration statement on Form S-4 under the Securities Act of 1933 has been withdrawn.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 9, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-2768 Filed 2-24-72; 8:47 am]

[812-3086]

PAN AMERICAN SULPHUR CO.

Notice of Filing of Application for Order Determining Certain Com- panies Not To Be Controlled

FEBRUARY 16, 1972.

Notice is hereby given that Pan American Sulphur Co. (Applicant), 2038 Bank of Southwest Building, Houston, Tex. 77002, a Delaware Corporation registered as a closed-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 2(a)(9) of the Act for an order of the Commission determining that Applicant does not control certain corporations in which it has direct or indirect equity interests. All interested persons are referred to the

application on file with the Commission for a statement of the representations therein, which are summarized below.

Azufrera Panamericana, S.A. (Azufrera), is incorporated in Mexico. Its principal business is the exploration for, and the development and production of, sulphur in Mexico. Applicant formerly owned all of the outstanding shares of Azufrera, but on June 30, 1967, Applicant sold 66 percent of the outstanding Azufrera shares to Mexican interests, including an instrumentality of the Mexican Government, National Financiera S.A., which acquired 43 percent of the outstanding Azufrera shares. The shares held by Mexican interests are now classified as Class A shares and cannot be acquired by non-Mexicans. The remaining shares are freely transferable and are classified as Class B shares.

The Class A shares and the Class B shares are empowered to elect, respectively, six and three Directors. Accordingly, of the nine Directors of Azufrera only three are associated with Applicant. The Executive Committee of Azufrera has six members, only one of whom is associated with Applicant. The Chairman of the Board of Applicant (who is not its chief executive officer) is Vice Chairman of the Board and Chief Executive Officer of Azufrera but none of the other six officers of Azufrera is associated with Applicant.

Azufrera and four of its subsidiaries entered into a Management Assistance agreement with Applicant in 1967 in connection with the above sale of 66 percent of the outstanding Azufrera shares to Mexican nationals. The Management Assistance Agreement was designed to protect the shareholders of Azufrera from a sudden change in operating personnel and policies. Over the years Applicant's activities under the Management Assistance Agreement have gradually decreased and are now minimal. This substantial disengagement from the operations of Azufrera and its subsidiaries is the principal reason for Applicant's decision to register as an investment company under the Act. Azufrera owns various subsidiaries which engage in transactions among themselves and with Azufrera.

Applicant also owns 33 percent of the outstanding shares of Minera Santa Leticia S.A. de C.V., an inactive Mexican corporation which was engaged in exploration for copper deposits in Mexico. It has seven directors only one of whom is associated with Applicant. None of its six officers is associated with Applicant.

Applicant asserts that the above corporations in which PASCO has direct and indirect equity interests are not in fact operated by Applicant, and Applicant could not, because of the stock ownership of controlling blocks by Mexican interests and because of the policy of the Mexican government elect a majority of the Board of Directors of any of such corporations.

By reason of Applicant's direct and indirect equity interests in such corporations, each of them is an "affiliated person" of Applicant within the definition of that term in section 2(a)(3) of the

Act. If they should also be considered to be controlled by Applicant within the definition of section 2(a) (9) of the Act because Applicant owns beneficially more than 25 percent of their voting securities, Applicant alleges they would be seriously hampered in their business relationships with each other by reason of section 17 of the Act. Sections 17 (a), (d), and (e) of the Act make unlawful certain transactions involving affiliated persons of a registered investment company on the one hand and registered investment companies and companies controlled by such registered investment companies on the other hand.

Applicant desires to prevent its registration under the Act from disrupting business relationships between the above corporations in which it has direct or indirect interests. Section 2(a) (9) of the Act provides that the presumption of control arising through beneficial ownership of more than 25 percent of a company's voting securities may be rebutted through a determination to the contrary by the Commission upon application by an interested party.

If the Commission determines that Applicant does not control Azufrera or any subsidiary of Azufrera, or Minera Santa Leticia, S.A. de C.V. the prohibitions set forth in sections 17 (a), (d), and (e) of the Act against certain transactions involving affiliated persons of a registered investment company on one hand and companies controlled by a registered investment company on the other hand would not apply to those transactions involving only Applicant's Mexican subsidiaries. The prohibitions set forth in sections 17 (a), (d), and (e) against certain transactions involving affiliated persons of a registered investment company on the one hand and such registered investment company on the other hand would, however, still apply. Applicant on January 31, 1972, filed an application for exemption from section 17 (a) and (d) for certain transactions involving Applicant and its above mentioned Mexican subsidiaries. (File No. 812-3118.)

In view of the foregoing, Applicant has requested that an order be entered by the Commission under section 2(a) (9) of the Act determining that Applicant does not control Azufrera or any subsidiary of Azufrera or Minera Santa Leticia, S.A. de C.V., in which it has direct or indirect equity interests.

Notice is further given that any interested person may, not later than March 8, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of

an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 72-2769 Filed 2-24-72; 8:47 am]

[812-2978]

**PAUL REVERE LIFE INSURANCE CO.
AND PAUL REVERE INVESTORS, INC.**

**Notice of Filing of Application for
Order**

FEBRUARY 18, 1972.

Notice is hereby given that the Paul Revere Life Insurance Co. (Paul Revere Life) and Paul Revere Investors, Inc. (the "Fund"), 18 Chestnut Street, Worcester, MA, a registered closed-end nondiversified management investment company (collectively "Applicants") have filed an application pursuant to sections 17(b) and 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d-1 thereunder for an order permitting Paul Revere Life to sell to the Fund approximately 50 percent of securities recently purchased in Goodman Equipment Corp. (Goodman). All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

The Fund is designed to acquire direct placement investments of the kind currently being acquired for the general account of Paul Revere Life. The Paul Revere Equity Management Co. (Equity Management), a wholly owned subsidiary of Paul Revere Life is employed as investment adviser to the Fund. The Fund's investment objective is to generate increasing dollar amounts of income "over the long term" for distribution to its shareholders. The principal investments of the Fund will be long-term obligations and, occasionally, preferred stocks, where possible with equity features, purchased directly from the issuers. The equity features associated with these investments will ordinarily be shares of common stock of the issuer or an affiliate of the issuer, warrants or rights which are exercisable for such shares or the right to convert the debt securities into such shares. On September 30, 1971, the Commission granted an order to Paul Revere Life and the Fund pursuant to section 17(d) of the Act and Rule 17d-1 thereunder (Investment Company Act Release No. 6753)

permitting Paul Revere Life to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement and to exercise warrants, conversion privileges and other rights at the same time and in the same amount subject to several conditions. The proposed purchase by the Fund of Goodman's securities does not fall within the previous order and is subject to section 17(a) as well as section 17(d) and Rule 17d-1.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, from selling any security to or purchasing any security from such registered investment company. The Commission, upon application pursuant to section 17 (b) of the Act, may grant an exemption from the provisions of 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The application states that Paul Revere Life purchased certain debt securities, common stock and a contingent right from Goodman on September 17, 1971, prior to the Commission order permitting joint transactions between the Fund and Paul Revere Life. Applicants represent that the transaction was consummated prior to the order since Goodman and another institutional investor (whose investment in Goodman equals that of Paul Revere Life) desired to complete the transaction as soon as possible. Paul Revere Life proposes to sell at its cost, plus accrued and unpaid interest on the bonds and subordinated note to be sold and transferred, the following securities to the Fund representing approximately 50 percent of its investment in Goodman:

(1) \$500,000 face amount of 10 percent first mortgage bonds of Goodman dated September 17, 1971, and due June 30,

1988 (cost to Paul Revere Life—\$500,000);

(2) \$250,000 face amount of 10 percent subordinated notes of Goodman dated September 17, 1971 and due June 30, 1983 (cost to Paul Revere Life \$250,000);

(3) 4,688 shares of Class B common stock of Goodman par value 1 cent per share (cost to Paul Revere \$46.88); and

(4) A contingent right to an option to purchase 938 shares of Class A common stock of Goodman at 1 cent per share, which option becomes effective only if Goodman's net pre tax income is less than projected earnings over certain specified periods.

The application states that the terms under which Paul Revere Life acquired the securities to be sold and transferred to the Fund were established in arms length bargaining between Goodman as issuer and Paul Revere Life and another institutional investor as investors and that prior to the investment no affiliations existed between Goodman and the investors. It further states that since such a short period of time has elapsed since Paul Revere Life's investment, its cost is the best evidence of the value of the securities to be transferred. It is also represented that in addition to an excellent interest rate on the subordinated notes and first mortgage bonds, the latter, representing approximately two-thirds of the investment, is secured by property, plant and equipment having an independent appraisal value of \$13,300,000 on a going business basis. Value on an auction basis was estimated to be more than twice the amount of the mortgage.

Applicants allege that the investment officers of Paul Revere Life and of Equity Management in their continuing review of the financial condition and prospects of Goodman have discovered nothing since Paul Revere Life's purchase which would change their opinion that the price then paid was reasonable and fair. They say that although indications are that Goodman will show a net loss before tax of \$135,000 (due to a coal miners strike) for the quarter ended December 31, 1971, as compared to a gain of \$177,000 for the previous quarter, the basic worth of the investment has not changed and the longer range prospects remain favorable.

Applicants state that the investment is consistent with the investment policies and objectives of the Fund. The application further states that the terms of the proposed transaction, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned, and that such transaction is consistent with the provisions, policies and purposes of the Act and will not be on a basis less advantageous to the Fund than that of Paul Revere Life.

Notice is further given that any interested person may, not later than March 9, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and

the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person of mailing served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-2771 Filed 2-24-72;8:47 am]

[70-5141]

PUBLIC SERVICE COMPANY OF OKLAHOMA AND CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding, and Issue and Sale and Acquisition of Shares of Common Stock

FEBRUARY 16, 1972.

Notice is hereby given that Central and South West Corp. (Central), 300 Delaware Avenue, Wilmington, DE 19899, a registered holding company, and its public-utility subsidiary company, Public Service Company of Oklahoma (Public Service), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 9, 10, and 12(f) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Public Service proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, \$30 million aggregate principal amount of first mortgage bonds, Series L, ----- percent, due March 1, 2002. The bonds will be issued under an indenture dated as of July 1, 1945, between Public Service

and The First National Bank and Trust Company of Tulsa, as trustee, as heretofore amended and as to be further amended by a supplemental indenture to be dated as of March 1, 1972, and which includes a prohibition until March 1, 1977, against refunding the issue with the proceeds of funds borrowed at a lower interest cost. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall not be less than 99 percent nor more than 102.75 percent of the principal amount thereof), will be determined by competitive bidding.

Public Service proposes to issue and sell 415,000 shares of its common stock, \$12 par value per share, to Central, and Central proposes to acquire such shares at the aggregate par value thereof, \$4,980,000.

The net proceeds to be derived from the issue and sale of the bonds and common stock will be used by Public Service to finance a part of its construction expenditures, including the payment or prepayment of its borrowings from Central for that purpose. Such loans from Central aggregated about \$8,027,000 at November 30, 1971. The proposed construction expenditures of Public Service for the calendar year 1972 are presently estimated at about \$59,560,000.

The fees and expenses to be paid by Public Service in connection with the issue and sale of the bonds are estimated at \$63,000, including counsel fees of \$15,000 and accountants' fees of \$5,000. The expenses in connection with the proposed issue and sale of common stock are estimated at \$400. The fees and expenses of counsel for the bond underwriters, estimated at \$9,500 and \$800, respectively, are to be paid by the successful bidders.

It is stated that no State commission other than the Corporation Commission of the State of Oklahoma has jurisdiction over the proposed transactions and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 6, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23

of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-2770 Filed 2-24-72;8:47 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

FEBRUARY 17, 1972.

The common stock, \$1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange 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 19(a)(4) and 15(c)(5) 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 for the period February 19, 1972, through February 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-2772 Filed 2-24-72;8:47 am]

[Release 34-9495]

NEW YORK STOCK EXCHANGE PLAN

Action Declaring Plan Effective

The Securities and Exchange Commission has announced that it has declared effective a plan filed by the New York Stock Exchange (NYSE) pursuant to the provisions of Rule 17a-10(b) (17 CFR 240.17a-10(b)) under the Securities Exchange Act of 1934 (the Act).

Rule 17a-10 presently requires every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act to file each year with the Commission a report of his income and expenses and related financial and other information on Form X-17A-10 (17 CFR 249.618). Paragraph (b) of the rule provides that a national securities exchange or a registered national securities association may submit

to the Commission a plan providing for reports from its members on forms consistent with Form X-17A-10, and for the transmission to the Commission of copies of such reports. Such a plan may also provide that, in transmitting copies of such records to the Commission, the names and addresses of members whose information is transmitted may be omitted. The Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act. Upon Commission approval of such a plan, the members of the exchange or association which submitted the plan are to file their reports directly with the association or exchange in accordance with the plan and not with the Commission.

The NYSE plan provides that each individual member not affiliated with any member organization of the exchange will be required to file a report with the exchange. In summary, the plan provides that the NYSE (1) will adopt and implement appropriate internal procedures for review of the reports submitted by members and member organizations, (2) will review all reports filed for reasonableness and accuracy, (3) will submit edited reports to the Commission (excluding the names and addresses of the respective firms), (4) will maintain and preserve a copy of all information furnished it by any member or member organization and of related correspondence, memoranda, etc., for a period of 6 years, and (5) will undertake certain other obligations. A copy of the NYSE plan is available for inspection at the Commission's main office in Washington, D.C.

The Commission wishes to point out that it today published for public comment a proposed amendment to paragraph (b) of Rule 17a-10. That amendment would delete the wording in paragraph (b) which permits a plan to provide that, in transmitting copies of the Form X-17A-10 reports to the Commission, the names and addresses of members whose information is transmitted may be omitted. (See Securities Exchange Act of 1934 Release No. 9496 also released February 15, 1972.) If the Commission adopts the proposal it will be necessary for the NYSE as well as the other self-regulatory organizations that have qualified Rule 17a-10 plans to amend their respective plans to delete those provisions which provide for the reporting of information to the Commission on an unidentified basis.

COMMISSION ACTION

The text of the Commission action declaring effective the NYSE plan filed pursuant to paragraph (b) of section 17a-10 is as follows:

The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof and §240.17a-10(b) thereun-

der, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, hereby declares effective February 9, 1972, the plan filed by the New York Stock Exchange (NYSE) with the Commission pursuant to paragraph (b) of §240.17a-10 on November 22, 1971, on the condition that if at any time it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of such plan by sending at least 60 days written notice to the NYSE. The Commission finds that notice and subsequent procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary with respect to this action.

(Sec. 17(a), 48 Stat. 897, as amended, 49 Stat. 1379, Sec. 4, 52 Stat. 1078, sec. 5, 15 U.S.C. 78q.; Sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8., 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
FEBRUARY 15, 1972.
[FR Doc.72-2763 Filed 2-24-72;8:49 am]

INTERSTATE COMMERCE COMMISSION ASSIGNMENT OF HEARINGS

FEBRUARY 22, 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-F-11122, Duff Truck Line, Inc.—Purchase—Vernon R. Doering, doing business as Michigan Ohio Motor Freight, assigned March 13, 1972, and MC 135524 Sub 2, G. F. Trucking, Inc., assigned March 6, 1972, at Columbus, Ohio, will be in Room 2 State Office Building, 65 Front Street.

MC 2900 Sub 215, Ryder Truck Lines, Inc., assigned March 7, 1972, and MC 124221 Sub 34, Howard Baer, assigned March 9, 1972, at Columbus, Ohio, will be held in Room 4 State Office Building, 65 Front Street.

FD 26615, City of Wheeling, W. Va., Abandonment Baltimore & Ohio Railroad Tracks, Wheeling, Ohio County, W. Va., FD 26674, city of Wheeling, W. Va., Abandonment of Operations Penn Central Transportation Co. tracks, Wheeling, W. Va., now being assigned for hearing on April 24, 1972, at Wheeling, W. Va., in a hearing room to be designated later.

FD 26983, The Baltimore & Ohio Railroad Co. Abandonment-Fairmont Branch Between Board Tree and Moundsville, In Marshall County, W. Va., now being assigned hearing on May 1, 1972, at Moundsville, W. Va., in a hearing room to be designated later.

[35475 (Sub 3)]

PORT OF NEW ORLEANS AND INTERIOR POINTS

Investigation Into Railroad Freight Rate Structure

FEBRUARY 7, 1972.

Notice is hereby given that on December 6, 1971, the New Orleans Traffic and Transportation Bureau filed a petition requesting this Commission, on its own motion, to institute an investigation into the railroad freight rates for trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) ramp-to-ramp (Plans II 1/2 and III) service, on traffic having a prior or subsequent movement by water, (1) between interior points within Southern Ports Foreign Freight Committee territory, on the one hand, and the Port of New Orleans and other Gulf ports, the South Atlantic ports, and the North Atlantic ports, on the other hand, and (2) between interior points within Southern and Southwestern territories and the Port of New Orleans, on the one hand, and between those interior points and other Gulf ports and South Atlantic ports, on the other hand.

A letter dated December 13, 1971, was submitted by the Greenville (Miss.) Port Commission on behalf of Greenville and inland river ports opposing the petition and requesting that it be held in abeyance until a determination has been made in Ex Parte No. 270 (Sub-No. 1), Investigation of Railroad Freight Rate Structure, Export-Import Rates and Charges.

In support of the request, the petitioner avers that the railroads generally apply their domestic rates for the inland movement of TOFC and COFC import and export traffic; that those rates are predicated on a distance formula to meet the competition of motor carriers; that this rate structure creates rate advantages to the ports nearest the inland points and disadvantages to the Port of New Orleans. The petitioner claims that for many years the railroads serving the Port of New Orleans participated in the export-import rate structure approved by the Interstate Commerce Commission in Export And Import Rates To And From Southern Ports, 205 ICC 511, whereby rates on conventional rail traffic applied generally on an equal basis to and from the Gulf Ports, with established differentials to and from the South Atlantic ports; and that generally the ocean steamship rates from and to New Orleans, the Gulf, and the Atlantic ports are equalized from and to foreign countries. Petitioner urges that the railroads are providing ramp-to-ramp service at rates which may be unlawful in violation of specified sections of the Interstate Commerce Act.

Petitioner prays that the Commission, after full investigation, find that the present domestic rail TOFC and COFC rates as applied to ramp-to-ramp movements of export-import traffic are unlawful as claimed.

General public notification of the filing of the petition and of the letter in opposi-

tion will be given by publication of this notice in the FEDERAL REGISTER.

Any persons interested in the matters involved may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file a statement indicating merely whether they support or oppose the determination sought. An original and 15 copies of such replies must be filed with the Commission, and must show service of two copies thereof upon petitioner's representative, Louis A. Schwartz, General Manager, New Orleans Traffic and Transportation Bureau, 2926 International Trade Mart, No. 2 Canal Street, New Orleans, LA 70130, and M. Barschdorf, Port Director, Greenville Port Commission, Post Office Box 446, Greenville, MS 38701.

Copies of this notice are being sent to the petitioner and to the Greenville Port Commission. Copies of all future releases herein will be served only on the petitioner, the Greenville Port Commission, and those responding to this notice. Thereafter, a determination will be made whether to institute an investigation, and if so, the nature of further proceedings will be fixed.

Written material submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C., during regular business hours.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2840 Filed 2-24-72; 8:52 am]

[Notice 27]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 18, 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 7832 (Sub-No. 15 TA), filed February 4, 1972. Applicant: Sam Lowenstein and Stanley Lowenstein, doing

MC 68390 Sub 16, Carl R. Bieber, Inc., assigned for hearing April 24, 1972, at Reading, Pa., in a hearing room to be later designated.

No. 35524, Little Audrey's Transportation Co., Inc., Armour & Co., Dubuque Packing Co., Inc., The Rath Packing Co., and Oscar Mayer & Co.—Investigation of Operations and Practices, now assigned March 15, 1972, at Chicago, Ill., will be held in Room 1430, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-C-7803, STEEL HAULER, Investigation & Revocation of Certificates now assigned March 6, 1972, at Kansas City, Mo., is postponed indefinitely.

MC 29886 Sub 272, Dallas & Mavis Forwarding, now assigned March 12, 1972, at Washington, D.C., is postponed indefinitely.

FF-359, Auto Trip-USA, Inc., Freight Forwarder Application, MC-C-7287, Aaacon Auto Transport, Inc.—Investigation & Revocation of Certificate, and MC-C-7287 Sub 1, Aaacon Auto Transport, Inc., Petition for Declaratory Order, assigned for continued hearing March 6, 1972, in Room E-2222, 26 Federal Plaza, New York, NY.

MC-C-7408, Klipsch Hauling—Investigation & Revocation of Certificates, now being assigned hearing May 4, 1972, at St. Louis, Mo., in a hearing room to be designated later.

MC-C-7209, Estacada-Mollala Stages, Inc., Revocation of Certificates MC-PC-73158, School Bus Services, Inc., Transferee, Estacada-Mollala Stages, Inc., Transferor, assigned for hearing May 1, 1972, at Salem, Oreg., in a hearing room to be later designated.

MC-C-7632, Hanson Transfer—Investigation & Revocation of Certificate, now being assigned hearing May 1, 1972, at Bismarck, N. Dak., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.72-2838 Filed 2-24-72; 8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 22, 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. 42357—Iron and steel articles to points in WTL Territory. Filed by Western Trunk Line Committee, agent (No. A-2657), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Fort Collins and Minnequa, Colo., to points in various states.

Grounds for relief—Market competition.

Tariff—Supplement 133 to Western Trunk Line Committee, agent, tariff ICC A-4663. Rates are published to become effective on March 19, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2839 Filed 2-24-72; 8:52 am]

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, under contract with J. L. Prescott Co., from Passaic, N.J., to Charlestown, Somerville, Norton, Weymouth, Readville, and Boston, Mass.; Cumberland and Providence, R.I.; Hartford, Conn.; Syracuse, Brentwood, and Central Islip, N.Y., for 180 days. Supporting shipper: J. L. Prescott Co., Household Products Division, 27 Eighth Street, Passaic, NJ 07055. Send protests to: Robert E. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 30844 (Sub-No. 389 TA), filed February 8, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, department store findings, and footwear display cabinets*, from the plantsite and facilities of Meldisco Shoe, Division of Melville Shoe Corp. at Brockton, Mass., to points in Arkansas, Illinois (except Chicago and commercial zone), Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper, Meldisco Shoe, Division of Melville Shoe Corp., 401 Hackensack Avenue, Hackensack, NJ 07601. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 61825 (Sub-No. 48 TA) (Correction), filed January 24, 1972, published FEDERAL REGISTER issue of February 10, 1972, corrected and republished in part as corrected this issue. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. NOTE: The purpose of this partial republication is to add the State of South Carolina as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published.

No. MC 61955 (Sub-No. 15 TA), filed February 7, 1972. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, MO 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Midwest Terminal Warehouse in Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 150 days. Supporting shippers: Willchemco, Inc., Tulsa, Okla.; and Olin

Corp., Little Rock, Ark. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City MO 64106.

No. MC 65802 (Sub-No. 51 TA), filed February 7, 1972. Applicant: LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, WA 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* (excluding bulk liquid commodities), from Issaquah and Seattle, Wash., to San Jose and Sacramento, Calif.; (2) *salt and salt products*, from Newark, Calif., to Chehalis and Issaquah, Wash.; (3) *paper cartons, lids, tops, and packaging materials*, from Modesto, Calif., to Seattle and Issaquah, Wash.; and (4) *empty containers or such other incidental facilities* used in transporting the commodities specified and returned and rejected shipments and dairy products returned for salvage on return, for 180 days. Supporting shipper: Consolidated Dairy Products, 635 Elliott Avenue West, Seattle, WA 98119. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 81814 (Sub-No. 4 TA), filed February 9, 1972. Applicant: LOMPOC TRUCK COMPANY, Post Office Box 565, Lompoc, CA 93436. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, from Los Angeles, Calif., to Lompoc and White Hills, Calif., Harbor Commercial Zone, for 180 days. Supporting shipper: Johns-Manville Products Corp., Celite Division, 2500 Miguelito Road, Lompoc, CA 93436. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 106603 (Sub-No. 117 TA), filed February 9, 1972. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain SW., Grand Rapids, MI 49508. Applicant's representative: Louis E. Cain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazed structural masonry products and materials and supplies* used in the installation thereof, from Lansing, Mich., to points in Iowa and Wisconsin, for 180 days. Supporting shipper: Kenneth E. Long, Vice President and General Manager, United Glazed Products (Michigan), Inc., 4500 Aurelius Road, Lansing, MI 48910.

No. MC 111170 (Sub-No. 184 TA), filed February 8, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl Bromide*, in bulk, from Bromet, Ark., to Charleston, S.C., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindberg Boulevard, St. Louis, MO 63166. Send protests to: District Supervisor, William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114533, filed December 27, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, isotopes, and related products*, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Missouri. Restricted, however, to shipments having a prior or subsequent movement by air, for 150 days. Supporting shipper: Mr. Harold T. Raven, Transportation Manager, E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.Y. 08903. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 115841 (Sub-No. 424 TA), filed February 7, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 10327, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), *animal and pet foods* (except in bulk), and *agricultural commodities* the transportation of which is exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities named above, from Wilkesboro, N.C., to points in the United States (except Alaska, Hawaii, Nebraska, Iowa, Illinois, Indiana, Kansas, Missouri, Michigan, Wisconsin, Ohio, and North Carolina), for 180 days. Supporting shipper: Holly Farms Poultry Industries, Inc., Transportation Division, Box 245, Wilkesboro, NC 28697. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 117686 (Sub-No. 130 TA), filed February 9, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from

Morehead City, N.C., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 118535 (Sub-No. 51 TA), filed February 8, 1972. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (dry), from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma, for 180 days. Supporting shipper: Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 123392 (Sub-No. 35 TA), filed February 7, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenically liquefied argon gas*, in bulk, from the United States-Canadian boundary located at Detroit, Mich., and Niagara Falls, N.Y., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Alabama, for 150 days. Supporting shipper: R. E. Bryant, Manager, Distribution, American Cryogenics Division of Liquid Air, Inc., 1 Embarcadero Center, San Francisco, CA 94111. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 128190 (Sub-No. 8 TA), filed February 9, 1972. Applicant: FREMONT CONTRACT CARRIERS, INC., 1520 East Railroad Street, Post Office Box 489, Fremont, NE 68025. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles or jars and honey* when in mixed shipments with glass bottles or jars, from the plantsite or storage facilities of Kerr Glass Co., at Plainfield, Ill., to the plantsite or storage facilities of Sioux Honey Association at or near Waycross, Ga., and Temple, Tex., for 180 days. Supporting shipper: Sioux Honey Association, Post Office Box 1107, Sioux City, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133095 (Sub-No. 23 TA), filed February 9, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Eussess Boulevard, Euless, TX 76039. Applicant's rep-

resentative: 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* having a prior movement in interstate or foreign commerce, from Roma, Houston, Brownsville, and Laredo, Tex., to Del Rio, El Paso, and Presidio, 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 133684 (Sub-No. 3 TA), filed February 8, 1972. Applicant: GORDON FAST FREIGHT, INC., 605 41st Avenue NE., Puyallup, WA 98372. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Vancouver, Wash., to Spokane, Wash., and points in the State of Oregon, for 180 days. Supporting shipper: Lucky Breweries, Inc., 2601 Newhall Street, San Francisco, Calif. 94124. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133755 (Sub-No. 13 TA), filed February 8, 1972. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River Falls, WI 54615. Applicant's representative: Eric F. Stutz, 104 Main Street, Black River Falls, WI 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul, Minn., to Merrill, Wis., for 180 days. Supporting shipper: Ament & Sons, Inc., 601 South Alexander, Merrill, WI 54452. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 134145 (Sub-No. 17 TA), filed February 9, 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: *Plastic sheet or slabs*, cellular or expanded, from Addison, Ill., to Moorhead, 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 134838 (Sub-No. 2 TA), filed February 4, 1972. Applicant: SOUTH-EASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road NW., Post Office Box 6 Bolton Station 30318, Atlanta, GA 30080. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses or building sections and component parts thereof*, including: appliances, furnishings, electrical and plumbing fixtures, heating and air conditioning, floor coverings and cabinets: Set up, from Arabi, Ga., to points in Tennessee, Florida, North Carolina, South Carolina, and Alabama, *the return to origin of damaged or unsuitable houses or components*, for 180 days. Supporting shipper: Boise Cascade Corp., Transportation and Distribution Department, Post Office Box 7747, Boise, ID 83707. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 134922 (Sub-No. 25 TA), filed February 8, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned chicken*, in vehicles equipped with mechanical refrigeration, from the storage facilities of Hope Food Corp. in Hope, Ark., and the plantsite of Hope Food Corp. located approximately 4 miles north of Hope, Ark., to points in Texas, Louisiana, Iowa, Illinois, Minnesota, and California; and (2) *metal containers and container ends*, from Elwood, Ind., to the origin points listed in (1) above, for 180 days. Supporting shipper: Hope Food Corp., Post Office Box 99, Hope, AR 71801. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135760 (Sub-No. 3 TA), filed February 10, 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, between Castle Haynes and Holly Ridge, N.C., on the one hand, and, on the other, points in Michigan, Ohio, West Virginia, Maryland, Virginia, Tennessee, and Kentucky, for 180 days. Supporting shipper: Carolina Meat Processors, Inc., Post Office Box 294, Wilmington, NC 28401. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136263 (Sub-No. 1 TA), filed February 8, 1972. Applicant: DEL TRANSPORT LIMITED, 385 Richelieu Avenue, McMasterville, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives classes A and B, blasting supplies and materials and component parts thereof, and material and supplies incidental thereto*, from the international boundary line between

Canada and the United States, located at or near Champlain, Trout River, and Herdman, N.Y., to Kenvil, N.J., Ellenburg, N.Y., and Plattsburg, N.Y., for 180 days. Supporting shipper: Canadian Industries Ltd., Quebec Sales Office, Box 10, Montreal 101, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 136276 TA (Correction), filed December 27, 1971, published in the FEDERAL REGISTER issue of January 11, 1972, corrected and republished as corrected, this issue. Applicant: TRIPLE T TRANSPORTATION, INC., Route No. 1, Vincennes, IN 47591. Applicant's representative: Thomas F. Quinn, Suite 715-716 First Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, liquid, nitrogen fertilizer solutions, liquid, and fertilizer materials* dry, in bulk, in tank vehicles, (a) From West Henderson, Ky., to points in Illinois and Indiana, (b) from U.S. Industrial Chemical Co., plant near Tuscola, Ill., to points in Indiana and Kentucky, and (c) from the Agrico Chemical Co. plant near Mount Vernon, Ind., to points in Illinois and Kentucky; and (2) *anhydrous ammonia, liquid, in bulk, in tank vehicles*, from the Central Nitrogen plant in Vigo County, Ind., to points in Illinois and Kentucky, for 180 days. Supporting shippers: Willchemco, Ind., The National Bank of Tulsa Building, Tulsa, Okla., Cominco American, Inc., 818 West Riverside Avenue, Spokane, WA. NOTE: The purpose of this republication is to include part (a) above, which was inadvertently omitted from previous publication. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, 36 South Pennsylvania Street, Room 802 Century Building, Indianapolis, IN 46204.

No. MC 136367 (Sub-No. 1 TA), filed February 9, 1972. Applicant: GOESON MOVING & STORAGE, INC., 2004 Sixth Avenue South, Post Office Box 1592, Grand Forks, ND 58201. Applicant's representative: Robert O. Wefald, Post Office Box 1, Bismarck, ND 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crate and pack household goods, unaccompanied baggage and personal effects* and to provide drayage service for the same prior to and subsequent to movement in interstate and foreign commerce, between points in the North Dakota counties of Pembina, Cavalier, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Foster, Steele, Traill, and Griggs and in the Minnesota counties of Kittson, Roseau, Marshall, Pennington, Polk, Red Lake, and Clearwater, for 180 days. Supporting shipper: Military Traffic Management and Terminal Service, Department of Defense, Washington, D.C. 20315. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 136368 (Sub-No. 1 TA), filed February 9, 1972. Applicant: BOB'S TRANSFER, INC., 1421 23d Street South, Moorhead, MN 56560. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Barnes, Stutsman, Cass, LaMoure, Ransom, Richland, Sargent, and Dickey Counties, N. Dak., Norman, Mahnomon, Clay, Becker, Wilkin, and Otter Tail Counties, Minn. Restriction: Restricted to traffic having a prior or subsequent movement in containers and further restricted to the performance of pickup and delivery services in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Military Traffic Management and Terminal Service, Department of Defense, Washington, D.C. 20315. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 136400 TA, filed February 8, 1972. Applicant: GRAIN TRANSPORT, INC., Post Office Box 4131, Port Wentworth, GA 31407. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, feedstuffs and feed ingredients, and pet food and supplies*, from Birmingham, Ala., to points in Georgia, South Carolina, Louisiana, Missouri, Illinois, Indiana, Oklahoma, Tennessee, Virginia, Mississippi, Kentucky, Texas, Iowa, North Carolina, Florida, and Arkansas, under continuing contract with The Jim Dandy Co., for 180 days. Supporting shipper: The Jim Dandy Co., Birmingham, Ala. 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 136401 TA, filed February 9, 1972. Applicant: ROBIN EXPRESS, INC., 20-02 Steinway Street, Long Island City, NY 11105. Applicant's representative: John P. Tynan, 69-20 Fresh Pond Road, Ridgewood, NY 11227. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tires, tubes, patches, flaps, gaskets, valves, road maps, calendars and materials, equipment and supplies* incidental to the business of a tire manufacturer, wholesaler, or distributor in cargo containers or trailers, from points in the New York, N.Y., commercial zone, Hoboken, Port Elizabeth, and Port Newark, N.J., to Lake Success, New Hyde Park, N.Y., for 180 days. Supporting shipper: Michelin Tire Corp., 2500 Marcus Avenue, Lake Success, New Hyde Park, NY 11040. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136402 TA, filed February 10, 1972. Applicant: TOMMY A. McCARTY, doing business as McCARTY TRUCKING, 2A-Bob-O-Link Drive, Mount Sterling, KY 40353. Applicant's representative: James S. Wilson, Post Office Box 151, Paris, KY 40361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* in truck-away service, from Cincinnati, Franklin, Middletown, Miamisburg, Xenia, Fairborn, Springfield, Wilmington, Columbus, and Peebles, Ohio; from Gary and Indianapolis, Ind., and from Ann Arbor and Brighton, Mich., to Mount Sterling, Ky., for 180 days. Supported by: There are approximately 11 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: R. W. Schneider, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, KY 40505.

No. MC 136403 TA, filed February 10, 1972. Applicant: B C & W TRUCKING CO., INC., 416 West Lamar Street, Americus, GA 31709. Applicant's representative: John R. Parks, 206 North Prince Street, Americus, GA 31709. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground rock phosphate, granular mixed fertilizer, mixed liquid fertilizer and direct application nitrogen solution*, between points in Georgia and Cleburne, Randolph, Clay, Tallapoosa, Chambers, Clarke, and Geneva Counties, Ga., and Hamilton County, Fla., under continuing contract or contracts with International Minerals & Chemical Corp., for 180 days. Supporting shipper: International Mineral & Chemical Corp., Post Office Box 607, Americus, GA 31709. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-2842 Filed 2-24-72; 8:53 am]

[Notice 20]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 22, 1972.

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

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce

Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73423. By order of February 18, 1972, the Motor Carrier Board approved the transfer to Ira Holliday Logging, Inc., Eagar, Ariz., of that portion of the operating rights in certificate No. MC-116457 (Sub-No. 2), issued April 21, 1970, to General Transportation, Inc., Springerville, Ariz., authorizing the transportation of wood chips, from points in New Mexico to points in Navajo County, Ariz. Donald E. Fernaays, 4114A North 20th Street, Phoenix, AZ 85016, registered practitioner for applicants.

No. MC-FC-73439. By order of February 17, 1972, the Motor Carrier Board approved the transfer to Cornell Motor Lines, Inc., Paterson, N.J., of the operating rights in certificate No. MC-27964 issued July 11, 1957, to Anthony Randazise, Max Dresner, and Reuben Cohen, a partnership, doing business as Cornell Motor Lines, Paterson, N.J., authorizing the transportation of piece goods, and dry goods, salts, and dyestuffs used in the manufacture of piece goods, between Little Ferry, N.J., and points in Bergen, Passaic, and Hudson Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Putnam, Dutchess, Orange, and Rockland Counties, N.Y., and brewers yeast and yeast products, from Passaic, N.J., to New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, registered practitioner for applicants.

No. MC-FC-73461. By order of February 17, 1972, the Motor Carrier Board approved the transfer to S T X, Inc., doing business as Spotswood Trail Express, Redbone Road, Chester Springs, Pa. 19425, of certificate No. MC-111402 and subs thereunder, issued February 2, 1950, to Fawley Motor Lines, Inc., Broadway, Va. 22815, authorizing the transportation of: General commodities, and various commodities of a general commodity nature, but, with certain exceptions, between specified points in Virginia, Florida, West Virginia, Pennsylvania, Ohio, New York, North Carolina, Tennessee, Kentucky, Delaware, New Jersey, Maryland, and the District of Columbia.

No. MC-FC-73469. By order of February 18, 1972, the Motor Carrier Board approved the transfer to Motor Cargo Transport Corp., Vineland, N.J., of that portion of the operating rights set forth in certificate No. MC-95540 (Sub-No. 663), issued August 6, 1970, to Watkins Motor Lines, Inc., Lakeland, Fla., authorizing the transportation of glassware, glass containers, rejected or returned shipments of glassware and glass containers, used pallets, used platforms, used skids, and damaged glassware and glass containers, from and to specified points in New Jersey, Connecticut, Del-

aware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, Maine, New Hampshire, and the District of Columbia. John F. Watkins, 1120 West Griffin Road, Lakeland, FL 33801, representative for transferor and Alexander Markowitz, 1180 Karin Street, Post Office Box 793, Vineland, NJ 08360, representative for transferee.

No. MC-FC-73475. By order of February 18, 1972, the Motor Carrier Board approved the transfer to Palmer Moving & Storage, Inc., Bedford Heights, Ohio, of certificate No. MC-47861 issued December 8, 1969, to Stephen's Moving Co., Inc., Berea, Ohio, authorizing the transportation of: Household goods, as defined by the Commission, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia. Robert E. Fleck, Attorney, 731 Leader Building, Cleveland, Ohio 44114.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-2841 Filed 2-24-72; 8:52 am]

[Notice 14]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 18, 1972.

The following applications are governed by § 1100.247¹ 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

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

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 531 (Sub-No. 276), filed January 12, 1972. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze preparations, glycols, glycol ethers, jet fuel anti-icing agents and motor fuel antiknock compound*, in bulk, in tank vehicles, from the plantsite of Houston Chemical Co. near Beaumont, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at Houston Chemical Co.'s plantsite and destined to the States involved. 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 Houston, Tex.

No. MC 732 (Sub-No. 6), filed January 17, 1972. Applicant: ALBINA TRANSFER COMPANY, INC., 714 North Fremont Street, Portland, OR 97227. Applicant's representative: Thomas G. Karter, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and building trusses*, between points in Tillamook, Washington, Multnomah, Clackamas, Linn, Lane, Douglas, and Deschutes

Counties, Oreg., on the one hand, and, on the other, points in Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, Cowlitz, Clark, and Klickitat Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 868 (Sub-No. 9), filed January 24, 1972. Applicant: SIGNAL TRUCKING SERVICE, LTD., 3770 East 26th Street, Post Office Box 93483, Vernon, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles*, including, but not confined to, those which are described in appendix V to the Commission's report in *Descriptions in Motor Certificates*, Ex Parte No. MC 45, 61 M.C.C. 209, at pages 277-279; (2) *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; (3) *self-propelled articles and related equipment, machinery, tools, parts, and supplies* when moving in connection therewith; (4) *pipe*, other than iron or steel, together with fittings; and (5) *construction materials, supplies, and equipment*, between points in Arizona, California, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it proposes to join the authority described herein (a) with each and every portion of that proposed authority, (b) with each and every portion of applicant's present authority which is disclosed in MC 868, and with any authority which may be issued to applicant in MC 868 (Sub-No. 8). Such joinder to be at all common points and will enable applicant to conduct operations from, to, and between substantially all of the points included in applicant's present and proposed scopes of operations. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 19227 (Sub-No. 169), filed January 28, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, particle board, plywood, lumber, and lumber products*, from points in Angelina and Sabine Counties Tex., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, 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 42487 (Sub-No. 783), filed January 31, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Lippfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 the terminal site of Consolidated Freightways Corp. of Delaware in Stroud Township, Monroe County, Pa., on the one hand, and, on the other, Ackermanville, Bangor, Bath, Bartonsville, Belfast, Cresco, Delaware Water Gap, East Stroudsburg, Mountainhome, Mount Bethel, Mount Pocono, Nazareth, Pen Argyl, Portland, Roseto, Saylorsburg, Sciota, Slateford, Snydersville, Stockertown, Stroudsburg, Swiftwater, Tatamy, and Wind Gap, Pa.; and (2) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the terminal site of Consolidated Freightways Corp. of Delaware in Stroud Township, Monroe County, Pa., on the one hand, and, on the other, points in New Jersey and Pennsylvania within 25 miles of Allentown. NOTE: Applicant states it presently has irregular route authority under its Docket No. MC 42487 Sub 578 between Allentown, Pa., on the one hand, and, on the other, the points and mileage radius specified above. Applicant presently serves the involved area through its Allentown, Pa., terminal. The purpose of this application is to obtain authority to permit applicant to serve the involved area through its new terminal in Stroud Township, Monroe County, Pa. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 42487 (Sub-No. 784), filed January 31, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. 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, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Bradford, McKean County, Pa., as an off-route point in connection with applicant's presently authorized regular routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it

be held at Buffalo, N.Y., Harrisburg, Pa., or Washington, D.C.

No. MC 59264 (Sub-No. 53), filed January 28, 1972. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. 08903. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic bottles*, in containers from the plantsite of Graham Engineering at York, Pa., to the plantsite of the Clorox Co. at Jersey City, N.J. 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 New York, N.Y.

No. MC 63417 (Sub-No. 40), filed January 26, 1972. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 814 Hollins Road NE, Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., to points in Georgia, North Carolina, South Carolina, Virginia, and points in Tennessee on and east of U.S. Highway 231. 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 74321 (Sub-No. 54), filed January 28, 1972. Applicant: B. F. WALKER, INC., 650, 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, charcoal, fireplace logs, and accessory items associated with the charcoal industry*, from the plantsites of Husky Industries, Dickinson, N. Dak., Ocala, Jacksonville, and Romeo, Fla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 82841 (Sub-No. 91), filed January 29, 1972. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard, particleboard, and hardboard*, from points in Oregon to points in Iowa and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is

deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 834), filed January 13, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs group*, such as, fruit, fresh, cold-pack (frozen fresh fruit, either sweetened or not sweetened), vegetables, fresh or green, cold-pack (frozen fresh or green vegetable either sweetened or not sweetened), potatoes, fresh frozen or cooked frozen, with or without meat ingredients, from the warehouse facilities of Stokely-Van Camp, Inc., at Indianapolis, Ind., to points in Alabama, Florida, Kentucky, North Carolina, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 95920 (Sub-No. 25), filed January 24, 1972. Applicant: SANTRY TRUCKING COMPANY, a corporation, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformer tanks*, from Salem, Oreg., to Waukesha, Wis., under contract with RTE Corp. NOTE: Applicant now holds common carrier authority under its No. MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 97394 (Sub-No. 11), filed January 24, 1972. Applicant: BOWLING GREEN EXPRESS, INC., Post Office Box 1111, Plum Springs Road, Bowling Green, KY 42101. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 Bowling Green and Munfordville, Ky., from Bowling Green over U.S. Highway 31W to Munfordville and return over the same route, serving all intermediate points; (2) between junction U.S. Highway 31W with U.S. Highway 68 and Smiths Grove, Ky., from junction of U.S. Highway 31W with U.S. Highway 68, approximately 7 miles northeast of Bowling Green, Ky., over U.S. Highway 68 to its junction with Kentucky Highway 101, thence over Kentucky Highway 101 to Smiths Grove, Ky. and return over the same route, serving all intermediate points; (3) between Cave City, Ky., and Mammoth Cave National Park; (a) from Cave City, Ky., over Kentucky Highway

70 to the entrance to Mammoth Cave National Park, thence over park roads to facilities of Mammoth Cave National Park and return over the same route, serving all intermediate points; and (b) from Park City, Ky., over Kentucky Highway 255 to Mammoth Cave National Park 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 Bowling Green, Ky.

No. MC 100623 (Sub-No. 32), filed January 24, 1972. Applicant: HOURLY MESSENGERS, INC., a corporation, doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, PA 19132. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers and distributors of *greeting cards, party supplies, and related commodities*, from Philadelphia, Pa., to points in Maryland; Virginia; the counties of Berks, Bucks, Carbon, Chester, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Schuylkill, and York, Pa.; the counties of Atlantic, Ocean, Cape May, Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, and Warren, N.J.; the county of New Castle, Del.; and points in the District of Columbia. Restriction: The service sought herein is subject to the following conditions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (b) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignee at one location to one consignee at one location on any one day; and (c) service is limited to shipments which have a prior movement from out of State by motor common carrier. NOTE: Applicant now holds contract carrier authority in its No. MC 102799, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 106398 (Sub-No. 585), filed January 28, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements and *buildings*, in sections, mounted on wheeled undercarriages, from Noble County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the re-

quested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 106398 (Sub-No. 586), filed January 28, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Christian County, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 106920 (Sub-No. 42) (Correction), filed January 4, 1972, published in the FEDERAL REGISTER issue of February 3, 1972, and republished in part, as corrected this issue. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 48569. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, OH 45365. NOTE: The sole purpose of this partial republication is to reflect applicant's correct name as Riggs Food Express, Inc., in lieu of Riggs Road Express, Inc., shown in error in previous publication. The rest of the application remains the same.

No. MC 107496 (Sub-No. 837), filed January 31, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, in tank vehicles, from Winona, Minn., to points in Minnesota, Wisconsin, and Iowa; (2) *flour*, from Hastings and Minneapolis, Minn., to Fargo, Grand Forks, and Bismark, N. Dak.; (3) *anhydrous ammonia*, in bulk, in tank vehicles, from facilities of Gulf Pipeline Co., at or near Algona and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming; (4) *feed and feed ingredients*, in bulk, between points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming; (5) *cotton seed oil*, in bulk, from Denver, Colo., to Gallup, N. Mex.; (6) *silica sand and silica flour*, from points in Washington County, Minn., to points in Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan; (7) *tallow*, in bulk, from Minneapolis-St. Paul, Minn., to points in North Dakota; and (8) *liquid*

synthetic resin, in bulk, in tank vehicles, from Minneapolis, Minn., to Lenoir, N.C. 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108382 (Sub-No. 14), filed January 3, 1972. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Post Office Box 357, Bay City, MI 48706. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant holds authority in No. MC 108382 (Sub-No. 6), containing the following restriction: "Restriction: The authority granted herein is restricted against the transportation of shipments of steel or steel products moving between the United States-Canada boundary line at Sault Ste. Marie, Mich., on the one hand, and, on the other, points in Michigan." By the instant application it seeks to remove the said restriction so as to enable transportation of shipments of steel or steel products moving between the United States-Canada boundary line at Sault Ste. Marie, Mich., on the one hand, and, on the other, points in Michigan it is authorized to serve. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108676 (Sub-No. 39) (Amendment), filed April 6, 1971, published in the FEDERAL REGISTER issue of April 29, 1971, and republished as amended this issue. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and materials, parts and accessories*, used in air, water, and sewage systems and installations; (2) *asphalt making machinery, storage systems, storage silos, surge systems, control centers, heaters and equipment, parts, materials, and supplies* used in the construction and installation thereof; and (3) *fabricated steel tanks, dye machines, steamers, incinerators, furnaces, and parts and accessories* used in the installation thereof, from points in Anderson, Knox, Bradley, and Hamilton Counties, Tenn., to points in the United States (except Hawaii). Restriction: Restricted against the handling of commodities in bulk and restricted to traffic originating at and destined to the named origins and destinations. The purpose of this republication is to redescribe the scope of authority sought. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 109136 (Sub-No. 39), filed January 31, 1972. Applicant: ORIOLE CHEMICAL CARRIERS, INC., Heaver

Plaza, 1301 York Road, Lutherville, MD 21083. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 G Street NW., Washington, DC. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicates and soda ash*, from Edgewater, Jersey City, and Kearny, N.J., to points in Connecticut, Delaware, New Jersey, those in that part of New York on, east, south, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 34 to Waverly, N.Y., thence along New York Highway 17 to Binghamton, N.Y., thence along New York Highway 7 to and including Troy, N.Y., thence along U.S. Highway 4 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 6, thence along U.S. Highway 6 to New York-Connecticut State line, and those in that part of Pennsylvania on and east of U.S. Highway 220. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Diamond Shamrock Chemical Co., a division of Diamond Shamrock Corp. Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109891 (Sub-No. 21), filed January 21, 1972. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, Post Office Box 7398, Charleston Heights, SC 29405. Applicant's representative: Frank B. Hand, Jr., 740 15th Street NW., Union Trust, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk (except asphalt in bulk), from Birmingham, Ala., to points in Georgia and South Carolina. 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 Atlanta, Ga., or Washington, D.C.

No. MC 111045 (Sub-No. 89), filed January 28, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representative: J. Douglas Harris, Jr., 1110 Union Bank Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., and Escambia County, Ala., to points in Alabama and Florida. 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 Montgomery, Ala., or Washington, D.C.

No. MC 111729 (Sub-No. 336), filed January 20, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M.

Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material* moving therewith, and *cardiac pacemakers and related accessories, instruction booklets, specification sheets, and identification charts*; (a) between New Orleans, La., on the one hand, and, on the other, points in Florida on and west of U.S. Highway 231, and points in Alabama and Mississippi; (b) between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, having an immediately prior or subsequent movement by air; (c) between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Tennessee, and Mississippi, having an immediately prior or subsequent movement by air; (d) between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, having an immediately prior or subsequent movement by air; (e) between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, having an immediately prior or subsequent movement by air; (f) between Jackson, Miss., on the one hand, and, on the other, points in Mississippi, having an immediately prior or subsequent movement by air; (g) between Mobile, Ala., on the one hand, and, on the other, points in Florida on and west of U.S. Highway 231, and points in Alabama and Mississippi, having an immediately prior or subsequent movement by air; and (2) *radiopharmaceuticals, radioactive drugs, chemicals, sources, isotopes, related supplies and accessories and chemicals*, between Arlington Heights, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that a portion of the requested authority could be tacked with certain existing authorities, however, applicant does not at present have any intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant now holds contract carrier authority under its No. MC 112750 and subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111812 (Sub-No. 467), filed February 3, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth 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: *Frozen bakery products*, from the plantsite of Pewter Pot Restaurants, Burlington, Mass., to points in New York, Pennsylvania, New Jersey, Delaware, West Virginia, Maryland, Ohio, Indiana, Kentucky, Tennessee, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois,

Kansas, and Nebraska. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked under Sub 276 at Fairmont, Minn.; Sub 368 at Chicago, Ill.; Sub 391 at Elk Grove Village, Ill., to States west of the Continental Divide. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 112713 (Sub-No. 140), filed January 20, 1972. Applicant: YELLOW FREIGHT SYSTEM, INC., 92d at State Line, Post Office Box 8462, Kansas City, MO 64114. Applicant's representative: John M. Records (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, automobiles, cotton, lumber, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the junction of Interstate Highway 40 and Texas Highway 70 near Boydston, Tex., and Lubbock, Tex., from the junction of Interstate Highway 40 and Texas Highway 70 over Texas Highway 70 to junction with Texas Highway 256, thence over Texas Highway 256 to junction Texas Highway 207, thence over Texas Highway 207 to junction U.S. Highway 62, thence over U.S. Highway 62 to Lubbock, Tex., and return over the same route, serving no intermediate points, and serving the junction of Interstate Highway 40 and Texas Highway 70 for the purpose of joinder only, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 112796 (Sub-No. 8), filed January 13, 1972. Applicant: ELMER G. BRAKE, INC., 220 Wholesale Street, Clarksburg, WV 26301. Applicant's representative: John M. Friedman, Post Office Box 426, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, flat, not bent, under 220 united inches, in boxes or crates, from the plantsite of Guardian Industries Corp., Ash Township at or near Carleton, Mich., to Clarksburg, W. 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 Charleston, W. Va.; Pittsburgh, Pa., or Washington, D.C.

No. MC 113388 (Sub-No. 97), filed January 25, 1972. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 618, Seaford, DE 19973. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), *drugs*, *rubber*, and *plastic arti-*

cles, from Altavista, Va., to points in Maryland, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 230), filed January 31, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed urea*, *fertilizer*, and *fertilizer materials*, dry in bags, from Omaha and Nebraska City, Nebr., to points in South Dakota, Minnesota, Wisconsin, 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 Tulsa or Oklahoma City, Okla.

No. MC 113410 (Sub-No. 73), filed January 21, 1972. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. 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: (1) *Road oil and asphalts*, in bulk, in tank vehicles, from Minneapolis, St. Paul, Minn., and 10 miles thereof, to points in North Dakota, South Dakota, on and east of U.S. Highway 83; points in Iowa on and north of U.S. Highway 30; points in Wisconsin; (2) *sulfuric acid*, in bulk, in tank vehicles, from Charles City, Iowa, to points in Minnesota; (3) *propane and mixtures thereof*, in bulk, in tank vehicles, from Junction City, Wis., to points in Minnesota; and (4) *lubricating oil*, in bulk, in tank vehicles, from Minneapolis, and St. Paul, Minn., and 10 miles thereof, to points in North Dakota, South Dakota, on and east of U.S. Highway 83; points in Iowa on and north of U.S. Highway 30, and points in Wisconsin. NOTE: Applicant states tacking possibilities exist, but it does not contemplate tacking at the present and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 113434 (Sub-No. 50), filed January 27, 1972. Applicant: GRA-BELL

TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment*, *materials*, and *supplies* used in the manufacture, distribution, production, and sales of foodstuffs (except commodities in bulk), from points in Pennsylvania, Indiana, and Illinois, to Lawton, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 113434 (Sub-No. 51), filed January 27, 1972. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and cider stock*, in bulk, in tank vehicles, between Muscatine, Iowa, on the one hand, and, on the other, Bowling Green and Fremont, Ohio, and Pittsburgh, Pa. NOTE: Applicant states it is presently authorized to provide service between Muscatine, Iowa, and Pittsburgh, Pa., and Bowling Green and Fremont, Ohio, by using the gateway of Holland, Mich., and that this application is being filed to eliminate such gateway. 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 Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 115841 (Sub-No. 423), filed January 25, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 10327, Zip 35202, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), (2) *animal feeds and pet foods* (except in bulk), and (3) *agricultural commodities* the transportation of which is exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities in (1) and (2) above, from the plantsite and/or warehouse facilities utilized by Holly Farms Poultry Industries, Inc., located at or near Wilkesboro, N.C., to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Nebraska, Kansas, Missouri, Michigan, Wisconsin, and Ohio), restricted to traffic originating at the above-named plantsite(s) and warehouse facilities, and destined to the named-destination territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 116073 (Sub-No. 217), filed January 26, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings, complete or in sections, mounted on wheeled undercarriages*, from points in Park County, Mont., to points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Helena, Mont.

No. MC 116073 (Sub-No. 219), filed January 28, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements and from points in Manatee, Dade, and Pinellas Counties, Fla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116073 (Sub-No. 220), filed January 31, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from New Plymouth, Idaho, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 116164 (Sub-No. 6), filed January 28, 1972. Applicant: ARROW TRANSPORTATION, a corporation, 1911 Northeast 58th Avenue, Des Moines, IA 50313. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, (1) from Adel, Des Moines, Fort Dodge, Kalo, Otumwa, and Redfield, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from Mason City, Iowa, to points in Indiana, Michigan, and North Dakota, all under continuing contracts with Can-Tex Division of Harsco Corp.; Kalo

Brick & Tile Co.; and United Brick & Tile Co. NOTE: Applicant states that the requested authority duplicates authority in MC 116164 (Sub-No. 2) and that intent is to supersede the Sub-No. 2 permit to the extent it is duplicated. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 116273 (Sub-No. 151), filed January 21, 1972. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: Arnold Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from Chicago, Ill., to points in Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117147 (Sub-No. 6), filed January 31, 1972. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, VT 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Material, equipment, and supplies* (except commodities in bulk), used or useful in the manufacture or distribution of lumber, forest products, and manufactured wood products, from points in New Hampshire, Maine, Massachusetts, Vermont, Connecticut, Pennsylvania, Michigan, Ohio, North Carolina, New Jersey, Maryland, Virginia, South Carolina, Kentucky, Rhode Island, New York, Delaware, West Virginia, Indiana, Illinois, Wisconsin, and the District of Columbia, to Hancock, Vt., under contract with Weyerhaeuser Co. of Chicago, Ill. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117439 (Sub-No. 41), filed January 31, 1972. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, LA 70767. Applicant's representative: John Schwab, Post Office Box 3036, Baton Rouge, LA 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield drilling mud*, in bulk, from New Orleans, La., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 117815 (Sub-No. 186), filed January 27, 1972. Applicant: PULLEY

FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Kalona, Iowa, to points in Minnesota, Wisconsin, Illinois, Indiana, Michigan, Kansas, Nebraska, 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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 117991 (Sub-No. 4), filed January 31, 1972. Applicant: ZAVITZ BROS. LIMITED, Rural Route No. 1, Wainfleet, ON, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* when mixed therewith, from Albany, N.Y., to the United States-Canada international boundary at the Niagara and St. Lawrence River Crossings in New York State. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 118159 (Sub-No. 119), filed January 27, 1972. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: Jack R. Anderson, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lubbock, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee (except Memphis), restricted to traffic originating at the plantsite and warehouse facilities of Texas Meat Packers, Inc. 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 Dallas, Tex.; Fort Worth, Tex., or New Orleans, La.

No. MC 118159 (Sub-No. 120), filed January 27, 1972. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: Jack R. Anderson, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food and related pet items*, from the plantsite and warehouse facilities of Lipton Pet Foods, Inc., at or near Golden Meadow, Lockport, or New Orleans, La., to points in Alabama, Florida, Georgia, Michigan, North Carolina, Ohio, South Carolina, and Virginia, restricted to traffic originating at the plantsite and warehouse facilities of Lipton Pet Foods, Inc., at the above-named

origins. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Dallas, Tex., or Tulsa, Okla.

No. MC 118831 (Sub-No. 87), filed January 31, 1972. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, NC 27262. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl Terephthalate*, in bulk, from Gibbstown, N.J., to points in Lenoir County, N.C. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 119226 (Sub-No. 81), filed January 12, 1972. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Loser & Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils*, in bulk, in tank vehicles, from Bellevue, Ohio, to Louisville, Ky., and (2) *Dry sugar*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Kentucky, and Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119654 (Sub-No. 19), filed January 27, 1972. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 in packages; and, (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Alexandria, Ind., and points in Ohio, Indiana, Illinois, Michigan, Missouri, Kentucky, Tennessee, Wisconsin, Minnesota, North Dakota, South Dakota, Florida, Arkansas, Delaware, Georgia, Kansas, Louisiana, Maryland, Mississippi, New Jersey, New York, Iowa, South Carolina, North Carolina, Pennsylvania, 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 Chicago, Ill., or Indianapolis, Ind.

No. MC 123048 (Sub-No. 206), filed January 25, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *agricultural implements and farm machinery*, (3) *attachments for the commodities described in (1) and (2) above*, (4) *parts of the commodities described in (1), (2), and (3) above*, (5) *cabs for tractors and agricultural implements and farm machinery* and (6) *castings*, from Charles City, Iowa, to ports of entry on the United States-Canada boundary line in Montana, North Dakota, Minnesota, New York, Michigan, Vermont, and Maine. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123048 (Sub-No. 207), filed January 31, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *agricultural implements and farm machinery*, (3) *parts, attachments and accessories for tractors, farm machinery and agricultural implements* and (4) *equipment designed for use with tractors*, from Winneconne and Oshkosh, Wis., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123392 (Sub-No. 34), filed January 28, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride* in bulk, from Deer Park, Tex., to San Diego and Los Angeles, 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 Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123615 (Sub-No. 5), filed January 28, 1972. Applicant: TRANSPET, INC., 600 Fourth Street, Harrison, NJ 07029. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, animal bone, spent*, from Columbus, Ohio, to points in Essex and Hudson Counties, N.J.; (2) *soap, insecticides, and grooming aids for pets*, from Danville, Ill., to points in Essex and Hudson Counties, N.J.; and (3) *pet supplies, pet foods, pet tonics, pet insecticides, and pet accessories*, from Harrison and Bloomfield, N.J., to Monroe, Mich., under contract with Sterno Industries, Inc.; Hartz Mountain Products Corp.; Pet Need, Inc.; Allied-American Bird Co.; and Aquarium Supply Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J., or Washington, D.C.

No. MC 124111 (Sub-No. 40), filed January 27, 1972. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b) (6) of the Act when transported in mixed loads with bananas, from Charleston, S.C., and its commercial zone, to points in New York, New Jersey, Illinois, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Maryland, Wisconsin, Louisville, Ky., and St. Louis, Mo. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 124775 (Sub-No. 7), filed January 28, 1972. Applicant: HRIBAR TRUCKING, INC., Route 1, Box 82, Caledonia, WI 53108. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk; (1) from La Crosse, Wis., to points in Minnesota; and (2) from Minneapolis and St. Paul, Minn., to points in 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 Madison, Wis.

No. MC 126305 (Sub-No. 39), filed January 25, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. 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: *Farm and industrial equipment, materials, and*

supplies used in connection therewith, from points in Virginia east of U.S. Highway 258 and the Chesapeake Bay, points in North Carolina east of U.S. Highway 301 and north of U.S. Highway 264, to points in Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 126780 (Sub-No. 7), filed January 31, 1972. Applicant: MACK E. BURGESS, doing business as BUILDERS' TRANSPORT, 409 14th Street SW., Post Office Box 2805, Great Falls, MT 59403. Applicant's representative: Howard C. Burton, 502 Strain Building, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum wall-board, and gypsum products and materials and supplies* used in the manufacture, distribution, and installation thereof, from the plantsite of Georgia-Pacific Corp. located at or near Lovell, Wyo., to points in South Dakota and North Dakota, under contract with Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR 97204. NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls or Billings, Mont.

No. MC 127505 (Sub-No. 50), filed January 26, 1972. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route No. 2, Mendota, Ill. 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic foam articles, liquid plastic, and wallboard* (restricted against the transportation of commodities in bulk and those which because of size or weight require special equipment or handling), from Bloomington, Ill., to points in Alabama, Colorado, Florida, Georgia, Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Carolina, South Dakota, Utah, Washington, Wyoming, and the Kansas City, Mo., commercial zone; and (2) *household appliances*, in containers, from Louisville, Ky., to points in Madison and St. Clair Counties, Ill., Iowa, and St. Louis County, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Toledo, Ohio.

No. MC 129282 (Sub-No. 12) (Correction), filed November 18, 1971, published in the FEDERAL REGISTER, issue of February 10, 1972, and republished as corrected this issue. Applicant: BERRY TRANSPORTATION, INC., Post Office Box 1824, Longview, TX 75601. Applicant's representative: Fred S. Berry (same address as applicant). NOTE: The purpose of this republication is to show

the correct docket number assigned thereto as shown above, in lieu of 129236 (Sub-No. 1) which was in error. The rest of the notice remains as previously published.

No. MC 129459 (Sub-No. 9), filed January 26, 1972. Applicant: KEARNEY'S TRUCKING SERVICE, INC., U.S. Alternate Route 611, Portland, Pa. 18331. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk from Elizabeth, N.J., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Connecticut, Massachusetts, and Rhode Island, under contract with Diamond Crystal Salt Co. NOTE: Applicant also holds common carrier authority under MC 134616, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129531 (Sub-No. 2), filed January 24, 1972. Applicant: CROWN PRINCE TRANSPORTATION COMPANY, INC., 2800 East Eighth Street, Post Office Box 550, North Platte, NE 69101. Applicant's representative: Earl H. Scudder, Jr., 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: *Feed and feed ingredients* (except commodities in bulk), between the plantsites or facilities utilized by Allied Mills, Inc., at or near Decatur, Guntersville, and Troy, Ala.; Danville, Ark.; Gainesville, Ga.; Bartonville, Bushnell, East St. Louis, Mendota, and Taylorville, Ill.; Castleton and Fort Wayne, Ind.; Iowa City, Mason City, and Postville, Iowa; Elwood and Junction City, Kans.; Franklinton, La.; Laurel, Miss.; Worthington, Minn.; Cozad, Darr, North Platte, and Omaha, Nebr.; Arcanum and Sebring, Ohio; Everson and Lancaster, Pa.; Alexander, Buffalo, and Sangerfield, N.Y.; Asheville and Selma, N.C.; Memphis, Tenn.; Cuero, Fort Worth, and Sherman, Tex.; Portsmouth, Va.; and Janesville, Wis. Restriction: Restricted to performance of service under a continuing contract or contracts with Allied Mills, Inc., and its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134414 (Sub-No. 4), filed January 19, 1972. Applicant: FRANCIS MOONEY TRUCKING, INC., Post Office Box 441, Dillon, MT 59725. Applicant's representative: J. F. Meglen, Post Office Box 1518, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and such commodities* as are otherwise exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipment with bananas, from points in Los Angeles County, Calif., and King County, Wash., to Billings, Butte, Great Falls, Havre, and Miles City, Mont.; and Casper, Wyo. NOTE: Appli-

cant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and, therefore, does not identify the points and territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 134922 (Sub-No. 23), filed January 26, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: George Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and toilet articles* in vehicles equipped with mechanical refrigeration, from Elizabethton, Tenn., to Dallas, Fort Worth, Houston, San Antonio, and El Paso, Tex.; Tulsa and Oklahoma City, Okla.; Kansas City, Mo.; Denver, Colo.; Salt Lake City, Utah; Reno and Las Vegas, Nev.; Phoenix and Tucson, Ariz.; Los Angeles and San Francisco, Calif.; Pocatello and Boise, Idaho; Billings, Great Falls, and Butte, Mont.; Spokane, Seattle, and Yakima, Wash.; Portland, Oreg.; and points in the commercial zones of the above-named points as defined by the Commission, restricted to traffic originating at Elizabethton, Tenn., and destined to the above-named points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Detroit, Mich.

No. MC 135007 (Sub-No. 13), filed January 27, 1972. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. 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: *Carpet padding and materials and supplies* used in the installation thereof, from Derby and Shelton, Conn., to points in Iowa, Missouri, Arkansas, Louisiana, Nebraska, Kansas, Oklahoma, Texas, Wyoming, Colorado, New Mexico, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Utah, and South Dakota, under contract with William Volker & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Burlingame, Calif.

No. MC 135153 (Sub-No. 14), filed January 31, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat-packinghouses* 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 plantsites and storage facilities of Iowa Beef Processors, Inc., at or near Emporia, Kans., to points in New Jersey and New York. 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 Carson City, Nev.

No. MC 135153 (Sub-No. 15), filed February 1, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as defined by the Commission (except commodities in bulk and hides), from points in Dawson County, Nebr., to points in Illinois, Connecticut, Massachusetts, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Missouri, Pennsylvania, Ohio, 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 Carson City, Nev.

No. MC 135153 (Sub-No. 16), filed February 1, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. 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 defined by the Commission, from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Massachusetts, Connecticut, Vermont, New Hampshire, Maine, New York, Rhode Island, Pennsylvania, New Jersey, and Maryland. 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 Carson City, Nev.

No. MC 135684 (Sub-No. 3), filed January 31, 1972. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, 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, restricted against the transportation of commodities in bulk, in tank vehicles; limited to a transportation service to be performed with Needham Packing Co., Inc., Sioux City, Iowa, from the plant and warehouse facilities of Needham Packing Co., Inc., located at West

Fargo, N. Dak.; Fargo, N. Dak.; Sioux City, Iowa; and Omaha, Nebr., to points in Georgia and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 87720 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135759 (Sub-No. 1) (Clarification) filed September 8, 1971, published FEDERAL REGISTER, issues of October 15, 1971, and January 20, 1972 and republished as Clarified this issue. Applicant: K & C TRANSPORTATION, INC., Ninth Floor, Loyalty Building, Portland, Ore. 97204. Applicant's representative: Carol Hewitt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Books and periodicals, and library carts*, between Blackwood, N.J., on the one hand, and on the other, points in Kings, Nassau, New York, Bronx, Queens, Richmond, Rockland, and Suffolk Counties, N.Y.; Luzerne, Delaware, Philadelphia, and Lehigh Counties, Pa.; Suffolk and Middlesex Counties, Mass.; Burlington, Mercer, Middlesex, Somerset, Hudson, Essex, Passaic, Bergen, and Morris Counties, N.J.; Baltimore, Carroll, Anne Arundel, and Clarke Counties, Md.; New Haven County, Conn.; and in Delaware; and (2) *books, periodicals, and library carts*, between Blackwood, N.J.; Marion, Ohio; Zion, Ill.; Denver, Colo.; and Beaverton, Ore.; under contract with Richard Abel & Co., Inc. NOTE: The purpose of this republication is to correctly set forth the authority requested in this application. The publication of January 20, 1972, was in error. The authority requested is as shown above. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 136119 (Sub-No. 1), filed January 20, 1972. Applicant: D H S, INC., Citizen's State Bank Building, Parsons, Tenn. 38363. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and freezer equipment, and parts components, attachments, and accessories therefor*, from the plant and warehouse sites of Kolpak Industries, Inc., at or near Decaturville and Flat Woods, Tenn., to points in the United States (except Alaska and Hawaii); and (2) *urethane modular panels, and apparatus, accessories, moldings, trim, and other materials* used in installation, erection, or other application therefor, from the plant and warehouse sites of the Dalton Co. located in Perry and Decatur Counties, Tenn., to points in the United States (except Alaska and Hawaii); and (3) *materials, components, supplies, parts, attachments, and accessories*, used in the manufacture, erection, installation, shipments and testing of refrigeration and freezer equipment and of urethane modular panels and parts, com-

ponents, attachments and accessories therefor, from points in the United States (except Alaska and Hawaii) to the named plantsites in (1) and (2) above. The proposed service would be performed pursuant to continuing contracts between applicant and (1) Kolpak Industries, Inc.; and (2) Dalton Co. If a hearing is deemed necessary, applicant did not specify.

No. MC 136196 (Sub-No. 1), filed January 21, 1972. Applicant: T. E. QUINN TRUCK LINES LIMITED, Post Office Box 401, Niagara Falls, ON Canada. 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*, from Albany N.Y., to ports of entry on the international boundary line between the United States and Canada located in New York. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136221 (Sub-No. 2), filed January 10, 1972. Applicant: H. L. STANSELL, INC., 1015 Illinois Avenue, Palm Harbor, FL 33563. Applicant's representative: David C. Venable, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Composition floor covering and adhesives*, from Brooklyn, N.Y., and South Plainfield, N.J., to points in Charlotte, Citrus, Collier, De Soto, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Lake, Lee, Manatee, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., restricted to service provided under a continuing contract with Crest Flooring Distributor, Inc., of Tampa, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 136234 (Sub-No. 1), filed January 28, 1972. Applicant: BURKHART ENTERPRISES, INC., Post Office Box 6131, Route 8, Asbury Road, Knoxville, TN 37914. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates and agricultural lime and limestone* having subsequent movement by river barge or vessel, from New Market, Mascot, and Jefferson City, Tenn., to barge loading dock on French Broad River, Knoxville, Tenn. 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 Knoxville or Nashville, Tenn.

No. MC 136293 (Sub-No. 2), filed January 20, 1972. Applicant: LOUIE SENSKE AND JIM SENSKE, a partnership, doing business as SENSKE & SON TRANSFER, 117 Fourth Avenue North, Crookston, MN 56716. 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: *Malt beverages and malt beverage containers and cartons, bottle and can openers, advertising matter and brewery products*, when moving therewith, from St. Louis, Mo., to Crookston, Minn., and *empty containers and cartons, advertising matter, spoiled malt beverages, and pallets*, 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 St. Paul, Minn.

No. MC 136357, filed January 11, 1972. Applicant: BEST TRANSPORTATION CORPORATION, South Washington Avenue at River Street, Scranton, PA 18505. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter*, from the facilities of the Haddon Craftsmen, Inc., in Lackawanna County, Pa., to Bayonne, Belleville, Bloomfield, Cherry Hill, Clifton, Cranbury, Old Tappan, Paramus, Pine Brook, Rahway, Somerville, Totowa, Wayne, Weehawken, West Caldwell, and Westwood, N.J.; New York, N.Y.; and Westminster, Md.; and (2) *materials and supplies used or useful in the manufacture or distribution of printed matter*, from points in New York, New Jersey, and Maryland, to the facilities of the Haddon Craftsmen, Inc., in Lackawanna County, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136360, filed January 10, 1972. Applicant: HIGHWAY MESSENGER & DELIVERY SERVICE, INC., 4 San Road, Warren, NJ 07060. Applicant's representative: Edwin D. Kunzman, 9 Watching Avenue, Union Building, Plainfield, NJ 07060. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General merchandise, small appliances and housewares*, between East Brunswick, N.J., and Hicksville, Long Island, N.Y., under contract with Supermarkets General Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC. 136372 (Sub-No. 2) filed January 28, 1972. Applicant: WILLIAM WALSH AND WILLIAM ANSON, a partnership, doing business as B & B TRUCK LEASING & STORAGE CO., 190 16th Avenue, Paterson, NJ 07501. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, from Paterson, N.J., to New York, N.Y., under contract with Coral Dyeing & Finishing, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136377, filed January 27, 1972. Applicant: DYNE & LENIHAN TRUCKING, INC., Route 17, Ramsey, N.J. 07446.

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: (1) *Brake shoes and rough iron castings*, in dump vehicles, from Baltimore, Md., to New York, N.Y.; and (2) *scrap brake shoes*, in dump vehicles, from New York, N.Y., to Baltimore, Md., under contract with Abex Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136378, filed January 24, 1972. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36801. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt liquors, beer and advertising materials* shipped therewith, from St. Louis, Mo.; Miami, Jacksonville, and Tampa, Fla.; to points in Barbour, Lee, and Russell Counties, Ala.; and (2) *returned bottles and returned pallets*, from points in Barbour, Lee, and Russell Counties, Ala., to St. Louis, Mo.; Miami, Jacksonville, and Tampa, Fla.; under contract with R & L Budweiser Distributing Co., Inc.; R & L Budweiser Distributing Co., Eufaula, Inc., and R & L Budweiser—Phenix City, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 136379, filed January 26, 1972. Applicant: JAY WATERS, 1529 North Broadway, Everett, WA 98201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shake and shingles*, from points in Snohomish, Whatcom, and Skagit Counties, Wash., to points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Everett or Seattle, Wash.

No. MC 136380, filed January 19, 1972. Applicant: SOUTHERN CARTAGE, INC., Post Office Box 3117, 401 Jackson Avenue West, Knoxville, TN 37917. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Hawkins, Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn., restricted to the transportation of traffic having a prior or subsequent movement by air, freight forwarder, or rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Kingsport, Tenn.

No. MC 136384, filed January 31, 1972. Applicant: PALMER MOTOR EXPRESS, INC., Post Office Box 103, Savannah, GA 31402. 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 regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods) as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment; (1) from Metter, Ga., to Statesboro, Ga., over Georgia State Highway 46 via Register, Ga., thence to the junction of Georgia Highway 46 with U.S. Highway Nos. 25 and 301, approximately 1 mile southeast of Register, Ga., thence north-eastward over U.S. Highways 25 and 301 to Statesboro, Ga., and return over the same route, serving all intermediate points; (2) from Statesboro, Ga., to Savannah, Ga., over U.S. Highway No. 80 (Georgia State Highway No. 26), and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 136385, filed February 1, 1972. Applicant: HALL TRUCK LINES, INC., 517 West Ordinance Road, Ankeny, IA 50021. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products 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 Tama, Iowa, to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin), restricted to traffic originating at Tama, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 136386, filed January 26, 1972. Applicant: GO LINES, INC., 13920 Mount McClellan Street, Reno, NV 89506. Applicant's representative: LeRoy H. Batson, 13920 Mount McClellan Street, Reno, NV 89506. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by wholesale and retail import business houses*; (1) from Glassboro, N.J.; Houston, Tex.; Fort Worth, Tex.; Anaheim, Calif.; and Rochelle Park, N.J.; to points in the United States (except Hawaii); and (2) from points in Nevada to points in the United States (except Hawaii). NOTE: Applicant intends to tack paragraphs (1) and (2) for purposes of providing a storage in transit service at points in Nevada. If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 136386 (Sub-No. 1), filed January 31, 1972. Applicant: GO LINES INC., 13920 Mount McClellan Street, Reno, NV 89506. Applicant's representative: LeRoy H. Batson (same address as applicant). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, accessories, attachments, and parts therefor*, from points in Washoe County, Nev., to points in the United States including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Sub-No. 44), filed February 4, 1972. Applicant: AMERICAN BUSLINES, INC., 315 Continental Avenue, Dallas, TX 75207. Applicant's representative: D. Paul Stafford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sight-seeing or pleasure tours, beginning and ending at points in Columbiana, Franklin, Muskingham, Guernsey, Harrison, Jefferson, Licking, Portage, and Summit Counties, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and Pittsburgh, Pa.

No. MC 108531 (Sub-No. 14), filed January 31, 1972. Applicant: BLUE BIRD COACH LINES, INC., 502-504 North Barry Street, Olean, NY 14760. Applicant's representative: Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sight-seeing and pleasure tours, beginning and ending at points in Erie County, Pa., and extending to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Erie, Pa.

No. MC 134243 (Sub-No. 2), filed January 27, 1972. Applicant: MOORE BROS. TRANSPORTATION CO., INC., 740 West Broad Street, High Point, NC 27260. Applicant's representative: D. P. Whitley, Jr., Post Office Box 569, High Point, NC 27261. 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 round trip charter operations beginning in points in Rowan, Davidson, Guilford, and Alamance Counties, N.C., and extending to points in Florida, Alabama, Louisiana, Mississippi, Tennessee, Kentucky, Arkansas, Texas, New Mexico, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, Vermont, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro or High Point, N.C.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12830 (Sub-No. 2), filed January 28, 1972. Applicant: CANTON AUTOMOBILE CLUB, INC., doing business as CANTON AUTOMOBILE CLUB, 2722 Fulton Drive NW., Canton, OH 44711. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, OH 43215. For a license (BMC-5) to engage in operations as a *broker*, at Canton and Wooster, Ohio, in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Summit and Wayne Counties, Ohio, and extending to points in the United States, including Alaska but excluding Hawaii.

APPLICATIONS FOR POSTAL CERTIFICATES

Interstate Commerce Commission, No. MC-137000 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed June 21, 1971. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Post Office Box 212, Billings, MT 59103. Applicant's representative: Dale Berry, Post Office Box 212, Billings, MT 59103. By application filed June 21, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Billings and Butte, Mont.; (1) over Interstate Highway 90 (also over U.S. Highway 10), serving the intermediate points of Livingston and Bozeman, Mont.; and (2) from Billings over U.S. Highway 87 to Great Falls, Mont., thence over Interstate Highway 15 (also over U.S. Highway 91) to Butte, and return over the same route, serving the intermediate points of Livingston, Great Falls, and Helena, Mont. Appended to the application are copies of two postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Routes Nos. 59013 and 59093 relating to service between Billings and Butte. Applicant holds motor carrier authority in Nos. MC-129264 and MC-129350. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. MC-137001 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed June 23, 1971. Applicant: MAIL SERVICE, INC., 6801 South 13th Street, Milwaukee, WI 53221. Applicant's representative: Leonard J. Lewensohn (same address as applicant). By application filed June 23, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Cook County, Ill., over irregular routes. Appended to the

application is a document referring a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 53025 relating to service from Milwaukee, Wis., to Chicago, Ill. Applicant is a wholly owned affiliate of Checker Express Co., No. MC-68960. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137002 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed July 6, 1971. Applicant: WILLIAM DORRIS JOHNSTON, doing business as W. D. Johnston, 1512 Baurline, Post Office Box 2145, Fort Worth, TX 76101. Applicant's representative: G. A. Braswell, 512 Candlewood Road, Fort Worth, TX 76103. By application filed July 6, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Fort Worth and Amarillo, Tex., from Fort Worth over the Dallas-Fort Worth Turnpike (also over Texas Highway 183) to Dallas, thence over Texas Highway 114 through Roanoke, Tex., to junction U.S. Highway 287, thence over U.S. Highway 287 to Amarillo, Tex., and return over the same route, serving the intermediate points of Irving, Dallas, Wichita Falls, Vernon, Quanah, Childress, and Memphis, Tex. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 75212 (formerly Route No. 48790) relating to service between (a) Dallas Truck Facility—Amarillo/Childress, and (b) Fort Worth Truck Facility—Amarillo/Wichita Falls. Any interested person desiring to participate may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137003 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed July 26, 1971. Applicant: TRANSPORT SALES, INC., a Connecticut corporation, Post Office Box 256, 59 Pepperidge Road, Watertown, CT 06795. By application filed July 26, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between points in Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Appended to the application is a copy of a postal contract entity subcontracted to applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 02011 relating to service between the termini of Boston, Mass., and

North Jersey T.T. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. 137004 (notice of filing an application for a postal certificate of public convenience and necessity), filed August 5, 1971. Applicant: MR. MESSENGER, INC., a Rhode Island corporation, 10 Messenger Drive, Warwick, R.I. 02888. Applicant's representative: Frank E. Lanza, 15 North Pearson Drive, Warwick, RI 02888. By application filed August 5, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Providence and Foster, R.I., over U.S. Highway 6. Appended to the application is a copy of a postal contract issued to Plantations Enterprises, Inc., having the same address as applicant, which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 02832 relating to service in or between Providence and Foster, R.I. The relationship of Plantations Enterprises, Inc., to applicant is not shown. Applicant holds motor carrier authority in No. MC-117243. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137005 (notice of filing an application for a postal certificate of public convenience and necessity), filed August 9, 1971. Applicant: JOHN J. BARRY, 62 Pleasant Street, Paxton, MA 01612. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. By application filed August 9, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Worcester, Mass., and Willimantic, Conn., from Worcester over Massachusetts Highway 12 to junction Connecticut Highway 52, thence over Connecticut Highway 52 to junction U.S. Highway 6, thence over U.S. Highway 6 to Willimantic, and return over the same routes; (a) serving the intermediate and off-route points of Auburn and Webster, Mass., in connection with service from Worcester to Willimantic; and (b) serving the intermediate and off-route points of Brooklyn, Danielson, Putnam, North Grosvenordale, Conn., and Webster, Oxford, and North Oxford, Mass., in connection with service from Willimantic to Worcester. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date, covering Star Route No. 01537 relating to service in or between Worcester, Mass., and Willimantic, Conn. Any interested person desiring to oppose the application may file with the Commission an original

and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137006 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed August 12, 1971. Applicant: JOHN E. COWLES, 385 Bledon Road, Hamden, CT 06514. By application filed August 12, 1971, applicant seeks a Postal Certificate of public convenience and necessity to transport *Mail* in the following territory: (1) Between New Haven, Conn., and New York, N.Y., from New Haven over Interstate Highway 95 (also over U.S. Highway 1) to New York, N.Y., serving all intermediate points; and (2) serving points in New Haven, Hartford, and Fairfield Counties, Conn. Appended to the application are copies of four postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 6419 relating to service in or between New Haven, Conn., terminal, and A.M.F. Kennedy, N.Y.; Route No. 06446 relating to service in or between New Haven, Conn., and North Branford, Conn.; Route No. 06448 relating to service in or between New Haven, Conn. (Terminal), and Marion, Conn.; and Route No. 06596 relating to service in or between New Haven, Conn., Terminal, and Westport, Conn. Although the application states that applicant is doing business as J&B Leasing, the indicated postal contracts apparently are issued only in the name of applicant as an individual. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. MC-137008 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 7, 1971. Applicant: LAKE ERIE TRANSPORTATION CO., INC., 1751 Fuhrmann Boulevard, Post Office Box 1945, Buffalo, NY 14219. Applicant's representative: John A. Bauer, Post Office Box 83, Hamburg, NY 14075. By application filed September 7, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Buffalo, N.Y., and Boston, Mass., over Interstate Highway 90, serving the intermediate and off-route points of Rochester, Syracuse, Utica, and Albany, N.Y., and Lee and Springfield, Mass. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route 02029 relating to service between Boston and Buffalo. Applicant also seeks authority covering unspecified experimental and

temporary routes serving Washington, D.C., and Cincinnati, Ohio, as well as unspecified experimental routes in case of rail strikes or work stoppages. Applicant is affiliated with Letco Bulk Carriers, Inc. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137007 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 1, 1971. Applicant: JENNINGS O. KNOTTS, 502 Sumner Street, Fostoria, OH 44830. By application filed September 1, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: (1) Between Marion and Mansfield, Ohio, from Marion over U.S. Highway 30S to junction U.S. Highway 30, thence over U.S. Highway 30 to Mansfield, and return over the same routes; (2) between Fostoria and Mansfield, Ohio, from Fostoria over Ohio Highway 18 to junction Ohio Highway 100, thence over Ohio Highway 100 to Bucyrus, Ohio, thence over U.S. Highway 30N to Mansfield, and return over the same routes, serving the intermediate points of Tiffin, Bucyrus, and Crestline, Ohio, and the off-route points of North Robinson and Galion, Ohio; (3) from Mansfield, Ohio, in a circular route, to Mansfield, Ohio; From Mansfield over U.S. Highway 30N to Crestline, Ohio, thence over Ohio Highway 61 to Shelby, Ohio, and thence over Ohio Highway 39 to Mansfield. Appended to the application are copies of three postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 43391 relating to service from Marion, Ohio, WTS, to Mansfield, Ohio, Annex.; Route No. 44833 relating to service between Mansfield and Fostoria, Ohio; and Route No. 44837 relating to service from Shelby to Mansfield, Ohio. Although applicant indicates that his trade name is J & E Trucking Co., the three contracts are issued in his individual name only. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. MC-137009 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 15, 1971. Applicant: JOHN HEYWOOD THOMPSON, JR., AND JOHN HEYWOOD THOMPSON III, a partnership, 108 Clearview Drive, Atlanta, TX 75551. Applicant's representative: Gerald A. Braswell, 512 Candlewood Road, Fort Worth, TX 76103. By application filed September 15, 1971, applicant

seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Dallas and El Paso, Tex., from Dallas over the Fort Worth-Dallas Turnpike to Fort Worth, thence over U.S. Highway 80 to junction Interstate Highway 20, thence over Interstate Highway 20 (also over U.S. Highway 80 or Interstate Highway 10) to El Paso, and return over the same routes, serving the intermediate points of Fort Worth, Abilene, Midland, Odessa, Pecos, and Van Horn, Tex. Appended to the application is a copy of a postal contract held by applicants which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 75218 relating to service in or between Dallas and El Paso, Tex. Applicants state that each partner operates or has an interest in other postal contracts as to which additional applications are being prepared.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137010 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 28, 1971. Applicant: LOUIS CLAIBOURNE HUNT, 1616 Kent Street, Durham, NC 27707. By application filed September 28, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Durham, N.C., and the Raleigh-Durham Airport, also serving the Research Triangle Post Office at Durham. Appended to the application is a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 277BD relating to service from Durham, N.C., to the Raleigh-Durham Airport. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the applica-

tion within 30 days from the date of the publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. MC-137011 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed December 6, 1971. Applicant: NORTH STAR LINE, INC., a Michigan corporation, 341 Ellsworth Avenue SW., Grand Rapids, MI 49502. Applicant's representative: William W. Post (same address as applicant). By application filed December 6, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: (1) Between Fort Wayne, Ind., and Sault Ste. Marie, Mich., from Fort Wayne over Interstate Highway 69 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Highway 194, thence over Interstate Highway 194 to Battle Creek, Mich., thence over Michigan Highway 37 to Grand Rapids, Mich., thence over U.S. Highway 131 to Petoskey, Mich., thence over U.S. Highway 31 to Mackinaw City, Mich., thence over Interstate Highway 75 to Sault Ste. Marie, Mich., and return over the same route, serving all intermediate points; (2) between Lansing, Mich., and Petoskey, Mich., from Lansing over U.S. Highway 27 to Clare, Mich., thence over Michigan Highway 115 to junction Michigan Highway 37, thence over Michigan Highway 37 to Traverse City, Mich., thence over U.S. Highway 31 to Petoskey, Mich., and return over the same route, serving all intermediate points;

(3) Between Holland, Mich., and Traverse City, Mich., over U.S. Highway 31, serving all intermediate points and the off-route points of Ludington and Frankfort, Mich.; (4) between Grand Rapids, Mich., and Lansing, Mich., from Grand Rapids over Michigan Highway 21 to Ionia, Mich., thence over Michigan Highway 66 to junction Interstate Highway 96, thence over Interstate Highway 96 to Lansing, Mich., and return over the same route, serving all intermediate points; (5) between Flint, Mich., and

Ann Arbor, Mich., from Flint over U.S. Highway 23 to junction Michigan Highway 78, thence over Michigan Highway 78 to Flint, Mich., and return over the same routes, serving all intermediate points and the off-route points of Brighton and Fenton, Mich.; (6) between Lansing, Mich., and Toledo, Ohio, from Lansing over U.S. Highway 127 to Jackson, Mich., thence over Michigan Highways 50 and 52 to Adrian, Mich., thence over U.S. Highway 223 to Toledo, Ohio, and return over the same route, serving all intermediate points;

(7) Between Jackson, Mich., and Detroit, Mich., from Jackson over Interstate Highway 94 to Ann Arbor, thence over Michigan Highway 17 to junction Willow Run Expressway, thence over Willow Run Expressway to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., and return over the same routes, serving all intermediate points and the offroute point of Metropolitan Wayne County Airport. NOTE: Routes Nos. 5, 6, and 7 are being transferred to North Star Line, Inc., from Short Way Lines, Inc., in Docket No. MC-F-11261.

Appended to the application are copies of two postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 49303 relating to service between Detroit, Lansing, Grand Rapids, Cadillac, and Traverse City, Mich., and Sault Ste. Marie, Muskegan, and Holland, Mich.; Route No. 49314 relating to service between Traverse City and Grand Rapids/Lansing, Mich. Applicant holds motor carrier authority in No. MC-41257.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2719 Filed 2-24-72; 8:45 am]

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