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PART I

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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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PART 701—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

Correction

In F.R. Doc. 72-2709 appearing at page 3892 in the issue of Thursday, February 24, 1972, the following changes should be made:

1. In the fifth line of § 701.2(j), the word "unreasonably" should read "unreasonable".
2. In the third line of § 701.6(a)(1), the word "than" should read "that".
3. In the penultimate line of § 701.7, the parenthesis begun in the preceding line should close after the word "thereto".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Deputy Secretary of Defense is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (3-2-72), subparagraph (44) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 **Department of Defense.**

(a) *Office of the Secretary.* * * *

(44) One Confidential Assistant to the Deputy Secretary of Defense.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

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

[FR Doc.72-3171 Filed 3-1-72;8:52 am]

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Hearing Examiner

Part 930 is amended to show that the title of "hearing examiner" is the official class title and is to be used for personnel, budget, fiscal and all other purposes.

Effective on publication in the FEDERAL REGISTER (3-2-72), § 930.203a is added as set out below.

§ 930.203a **Title of Hearing Examiner.**

The title of "hearing examiner" is the official class title for a hearing examiner position and shall be used for personnel, budget, fiscal, and all other purposes, notwithstanding section 5105(c) of title 5, United States Code.

(5 U.S.C. 1305, 3105, 3344, 5362, 7521)

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

[FR Doc.72-3170 Filed 3-1-72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10492; Amdt. SFAR 26-1]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances

The purpose of this amendment is to continue in effect the provisions of currently effective Special Federal Aviation Regulation No. 26 (SFAR 26) until September 1, 1972.

On August 3, 1970, the FAA adopted SFAR 26, effective August 8, 1970 (35 F.R. 12748), to provide for the approval, on a selective basis, of aircraft engines, propellers, materials, parts, and appliances, manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. At the time SFAR 26 was adopted it was anticipated that the renegotiation of the bilateral agreements would be accomplished in approximately 18 months. Accordingly, a termination date of March 1, 1972, was established for SFAR 26.

The Department of State is presently in the process of negotiating amendments to the bilateral agreements with a number of foreign countries. However, the FAA is advised that those negotiations will not be concluded prior to the March 1, 1972, termination date of SFAR 26, and at least one foreign government has requested that SFAR 26 be extended pending completion of negotiations and execution of a new bilateral agreement. The reasons which justified the adoption of SFAR 26 still exist and in view of the pending negotiations the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from March 1, 1972, to September 1, 1972.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation, and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, effective March 1, 1972, the last paragraph of Special Federal Aviation Regulation No. 26, published in the FEDERAL REGISTER (35 F.R. 12748) on August 12, 1970, is amended by striking out the words "March 1, 1972", and inserting the words "September 1, 1972", in place thereof.

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

Issued in Washington, D.C., on February 28, 1972.

K. M. SMITH,
Acting Administrator.

[FR Doc.72-3234 Filed 3-1-72;8:55 am]

[Airspace Docket No. 71-EA-162]

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

Alteration of Transition Area

On page 145 of the FEDERAL REGISTER for January 6, 1972, the Federal Aviation Administration published a proposed rule which would alter the Wellsville, N.Y., transition area (36 F.R. 2292, 18193, 18575).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. April 27, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; and sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 17, 1972.

GEORGE M. GARY,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Wellsville, N.Y. 700-foot floor transition area by inserting after the words "Wellsville Municipal (Tarantine) Airport, Wellsville, N.Y.," the following: "; within 4 miles each side of the 090° bearing from the Hallsport RBN, 42°06'34" N., 77°54'33" W., extending from the 9-mile radius area to 11.5 miles east of the RBN".

[FR Doc.72-3131 Filed 3-1-72;8:47 am]

[Airspace Docket No. 71-EA-161]

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

Alteration of Control Zone and Transition Area

On page 144 of the FEDERAL REGISTER for January 6, 1972, the Federal Aviation Administration published proposed regulations which would alter the Charleston, W. Va., control zone (36 F.R. 2067) and transition area (36 F.R. 2164).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. April 27, 1972.

(Section 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 15, 1972.

GEORGE M. GARY,
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Charleston, W. Va., control zone and substitute the following in lieu thereof:

Within a 5.5-mile radius of the center, 38°-22'22" N., 81°35'35" W., of the Kanawha Airport, Charleston, W. Va., extending clockwise from a 229° bearing to a 319° bearing from the airport; within a 6-mile radius of the center of Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 1.5 miles each side of a 141° bearing from the center of Kanawha Airport, extending from the 6-mile radius to 6.5 miles southeast of the airport and within 2 miles each side of the Charleston VORTAC 061° radial extending from the 5.5-mile radius to 2 miles east of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Charleston, W. Va., 700-foot floor transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center 38°22'22" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within 6.5 miles southwest and 5 miles northeast of a line bearing 321° from a point 38°-26'25" N., 81°39'50" W., extending from said point to 11.5 miles northwest; within 6.5 miles northeast and 5 miles southwest of a line bearing 141° from a point 38°17'12" N., 81°30'30" W., extending from said point to 11.5 miles southeast; and within 8 miles northwest and 5 miles southeast of the Kanawha Airport ILS localizer northeast course, extending from the 14-mile radius area to 13 miles northeast of the OM.

[FR Doc.72-3132 Filed 3-1-72;8:47 am]

[Airspace Docket No. 71-WA-28]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

On February 8, 1972, F.R. Doc. No. 72-1795 was published in the FEDERAL REGISTER (37 F.R. 2837) which in part amended Part 73 of the Federal Aviation Regulations by altering the Camp Claiborne, La., Restricted Area R-3801. Subsequent to the publication of this document, the Department of the Air Force advised that as the result of construction difficulties a portion of the area to be released must now be retained for operational purposes. Action is being taken herein to retain that portion of the restricted area until June 1, 1972.

Since this amendment is needed immediately in the interest of safety, notice and public procedure thereon are impractical and good cause exists for making this amendment effective on less than 30 days.

In consideration of the foregoing, F.R. Doc. No. 72-1795 is amended, effective upon publication in the FEDERAL REGISTER by adding subparagraph (g) to amendment 1 (§ 73.38) as follows:

(g) "R-3801G Camp Claiborne, La." is added.

R-3801G Camp Claiborne, La.
Boundaries.
Beginning at lat. 31°06'00" N., long. 92°31'00" W.; to lat. 31°02'30" N., long. 92°34'45" W.; to lat. 31°04'45" N., long. 92°37'15" W.; to lat. 31°05'50" N., long. 92°36'00" W.; to lat. 31°05'15" N., long. 92°34'50" W.; to lat. 31°07'40" N., long. 92°33'15" W.; to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous. March 30, 1972, to June 1, 1972. R-3801G shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.
Controlling agency. FAA, Houston ARTC Center.
Using agency. Commander, England AFB La.

2. In § 71.151 (37 F.R. 2045) "R-3801G Camp Claiborne, La.," is added.

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

Issued in Washington, D.C., on February 25, 1972.

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

[FR Doc.72-3133 Filed 3-1-72;8:47 am]

[Airspace Docket No. 72-WA-6]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Area High Routes

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to realign area high routes J904R and J801R to coincide southwest of Gypsum, Colo., and to eliminate a slight bend in the present alignment of J904R northeast of Gypsum.

At the present time the alignment of J904R and J801R southwest of Gypsum are almost identical. Realignment of these routes to coincide will decrease chart clutter and simplify the route structure.

Since these alterations are minor in nature and make no substantive change in the regulation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

Section 75.400 (37 F.R. 2400) is amended as follows:

a. In J801R "Mesquite, Calif., 35°42'41"/115°36'17" Las Vegas, Nev." is deleted and "Mesquite, Calif., 35°42'41"/115°36'17" Boulder City, Nev.; Boulder City, Nev., 35°59'45"/114°51'46" Boulder City, Nev." is substituted therefor.

b. J904R is amended to read:

Waypoint name	North Lat./ West Long.	Reference facility
J904R LOS ANGELES, CALIF., TO DENVER, COLO.		
Mesquite, Calif.	35°42'41"/115°36'17"	Boulder City, Nev.
Boulder City, Nev.	35°59'45"/114°51'46"	Do.
Paria, Ariz.	36°53'51"/111°55'43"	Bryce Canyon, Utah.
Gypsum, Colo.	37°51'16"/108°33'32"	Farmington, N. Mex.
Almont, Colo.	38°35'18"/107°09'06"	Gunnison, Colo.
Shawnee, Colo.	39°25'38"/105°27'51"	Denver, Colo.

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

Issued in Washington, D.C., on February 25, 1972.

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

[FR Doc.72-3134 Filed 3-1-72;8:48 am]

[Docket No. 11557; Amdt. No. 91-97]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Altitude Alerting System or Device

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to increase the number of those

operations excepted from the altitude alerting system requirements of § 91.51 and to make an editorial change in § 91.49.

This amendment is based on a notice of proposed rule making (Notice 71-38) published in the FEDERAL REGISTER on November 20, 1971 (36 F.R. 22180).

Specifically, this amendment adds to paragraph (d) of § 91.51 exceptions for operations conducted with experimentally certificated airplanes; airworthiness flight tests of an airplane; ferrying an airplane to a place outside the United States for the purpose of registering it in a foreign country; sales demonstration of the operation of an airplane; and training flights for the purpose of training foreign flight crews in the operation of an airplane.

The FAA does not agree with comments which recommended that requirements for an altitude alerting system be made less stringent for aircraft requiring two pilots, since experience has indicated that detection of critical altitude deviations is not assured solely by the presence of more than one pilot.

With respect to § 91.51(d)(2), it is our opinion that safety considerations do not justify relaxing § 91.51(d)(2), as certain comments suggested, to permit aircraft to be flown from a place where repairs or replacements can be made to the operator's normal or usual maintenance facility. In this regard, it should be pointed out that the exception prescribed in paragraph (d)(2) is intended to cover the situation in which the altitude alerting system becomes inoperative after takeoff and, in such an event, to permit the flight to be continued as planned rather than rerouted to a place where repairs or replacements can be made. However, if during that flight a landing is made at any place where repairs or replacements can be made, it is intended that the flight not depart from that place until they have been made. The wording of current and proposed § 91.51(d)(2) has been changed to more clearly reflect this intent of the rule.

It is the intent of § 91.51(d)(7) to permit the training of foreign flight crews in the operation of an airplane only if that particular airplane is to be subsequently ferried to a place outside the United States for the purpose of registering it in a foreign country. This intent is clarified in the rule adopted herein.

Section 91.49, which requires a transport category airplane to be equipped with an aural speed warning device, contains and obsolete reference to "§ 25.1303(a)(11) and (b)." That reference is changed by this amendment to read "§ 25.1303(c)(1)."

With the exception of the editorial change included in this amendment, interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented.

This amendment is relaxatory with respect to operations excepted from the requirement for an altitude alerting system and makes an editorial change that imposes no additional burden on any person. Accordingly, I find that notice and public procedure on the editorial change are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective March 2, 1972, as follows:

1. By amending § 91.49 by striking out "§ 25.1303(a)(11) and (b)" and inserting "§ 25.1303(c)(1)" in place thereof.

2. By amending paragraphs (a) and (b) of § 91.51 to read as follows:

§ 91.51 Altitude alerting system or device; turbojet powered civil airplanes.

(a) Except as provided in paragraph (d) of this section, no person may operate a turbojet powered U.S. registered civil airplane after February 29, 1972, unless that airplane is equipped with an approved altitude alerting system or device that is in operable condition and meets the requirements of paragraph (b) of this section.

* * * * *

(d) Paragraph (a) of this section does not apply to any operation of an airplane that has an experimental certificate or to the operation of an airplane for the following purposes:

(1) Ferrying a newly acquired airplane from the place where possession of it was taken to a place where the altitude alerting system or device is to be installed.

(2) Continuing a flight as originally planned, if the altitude alerting system or device becomes inoperative after the airplane has taken off; however, the flight may not depart from a place where repair or replacement can be made.

(3) Ferrying an airplane with an inoperative altitude alerting system or device from a place where repair or replacement cannot be made to a place where they can be made.

(4) Conducting an airworthiness flight test of the airplane.

(5) Ferrying an airplane to a place outside the United States for the purpose of registering it in a foreign country.

(6) Conducting a sales demonstration of the operation of the airplane.

(7) Training foreign flight crews in the operation of the airplane prior to ferrying it to a place outside the United States for the purpose of registering it in a foreign country.

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

Issued in Washington, D.C., on February 28, 1972.

K. M. SMITH,
Acting Administrator.

[FR Doc.72-3235 Filed 3-1-72;8:55 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Small Offering Exemption; Correction

In the January 14, 1972 issue of the FEDERAL REGISTER, volume 37 at pages 590-91, the Commission published its Release No. 33-5224 announcing the adoption of Rule 237 (17 CER 230.237) and Form 237 (17 CFR 239.145) under the Securities Act of 1933. As published in the FEDERAL REGISTER, Rule 237(b) contained various misstatements as a result of typographical errors.

Paragraph (b) of § 230.237 of Chapter II of Title 17 of the Code of Federal Regulations, as adopted by Commission on January 10, 1972, should read as follows:

§ 230.237 Exemption of certain securities owned for 5 years.

* * * * *

(b) *Amount of securities exempted.* The gross proceeds from all securities of the issuer, its predecessors, and all of its affiliates, sold under this section by any person during any period of 1 year shall not exceed the lesser of the gross proceeds from the sale of 1 percent of the securities of the class outstanding or $50,000 in aggregate gross proceeds. Such amounts shall be reduced by the amount of the gross proceeds from any securities sold during such year pursuant to any other exemption under section 3(b) of the Act and the amount of the gross proceeds from securities of the same class sold in reliance upon § 230.144 of this chapter.

* * * * *

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 25, 1972.

[FR Doc.72-3116 Filed 3-1-72;8:49 am]

[Release No. 33-5231]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Procedures Designed To Curtail Time in Registration

On November 21, 1968, the Commission issued Securities Act Release No. 4934 (33 F.R. 17900) in which it set forth certain procedures designed to reduce the backlog of registration statements processed by the Division of Corporation Finance which had as of that date reached an unprecedented high. The Division now

faces a situation similar to that which existed in the fall of 1968. For the first half of fiscal 1972, 1,632 registration statements were filed as compared to 1,193 for the like period in fiscal 1971. Of the fiscal 1972 filings, 632 represent first time filings by issuers which have never before been subjected to the registration process and generally require more time consuming review by the staff, as compared to 352 for the first half of fiscal 1971. The Division's workload also has been materially increased by the number of reports and other documents filed under the Securities Exchange Act. For example, annual reports on Form 10-K (17 CFR 249.310) in fiscal 1971 reached a level of 8,319 as compared to 6,064 in fiscal 1969. Notwithstanding this burdening workload, the Division's staff has not increased to any significant extent.

In view of the above circumstances, the Division has taken further steps as set forth below designed to curtail the time in registration. The Commission believes it appropriate to once again bring these existing procedures and the new ones to the attention of registrants, attorneys, accountants, underwriters, and others in the securities industry and to urge their cooperation in assuring that registration statements contain full and fair disclosure and are prepared in the public interest to present effective disclosure—to communicate—in order that public investors be protected.

Various Review Procedures

The Division employs four different review procedures in examining registration statements. It should be noted that the Division and not the registrant itself will determine which type of examination a registration statement will receive.

1. *Deferred review.* The first category of procedures will come into operation when a supervisory staff official decides after initial analysis that the registration statement is so poorly prepared or otherwise presents problems so serious that review will be deferred since no further staff time would be justified in view of other staff responsibilities. Detailed comments will not be prepared or issued for to do so would delay the review of other registration statements which do not appear to contain comparable disclosure problems. Registrants will be duly notified. It will then be the responsibility of the particular registrant to consider whether to go forward, withdraw, or amend. Should the registrant decide to go forward without corrective steps, the staff will then make recommendations to the Commission for appropriate action.

2. *Cursory review.* The second type of review involves advice to registrants that the staff has made only a cursory review of the registration statement and that no written or oral comments will be provided. In such cases, particularly with respect to companies which have never before been subject to the registration process, registrants will be requested to furnish as supplemental information letters from the chief executive officer of the issuer, the accountants, and the managing underwriter on behalf of all underwriters. These letters shall include representations that the respective persons are aware that the staff has made only a cursory rather than a detailed review of the registration statement and that such persons are also aware of their statutory responsibilities under the Securities Act. Registrants will be advised that, upon receipt of such assurances, the staff will recommend that the registration statement be declared effective. Generally with respect to a first time filing, the effective date will not be earlier than 20 days after the date of original filing.

3. *Summary review.* The third category—summary review—involving a variation of the cursory treatment described in the preceding paragraph, will entail notification to the registrant that only a limited review of the registration material has been made and only such comments as may arise from such review will be furnished. Registrants will be requested to provide letter from the same individuals mentioned in the preceding paragraph containing similar representations. Registration statements reviewed in a summary fashion will be declared effective as described in the preceding paragraph upon receipt of both the above-mentioned assurances and upon satisfactory compliance with the limited comments of the staff.

4. *Customary review.* In the final category of review, registration statements will receive a more complete accounting, financial and legal review.

Notwithstanding the type of review applied to a registration statement, the Commission hereby again advises registrants that the statutory burden of disclosure is on the issuer, its affiliates, the underwriter, accountants and other experts; that as a matter of law this burden cannot be shifted to the staff; and that the current workload is such that the staff cannot undertake additional review and comments. Attention is directed to the case of "Escott v. BarChris Construction Corporation," et al., 283 F. Supp. 643 (DC, S.D.N.Y., 1968).

The Division recognizes that due to the utilization of gradations of review, certain disclosures may appear in particular prospectuses which do not appear in others. Such differences in disclosure will not, however, preclude the staff from commenting upon the presence or absence of specific disclosures in the review of other filings.

Need for Renewed Cooperation of the Bar, Accounting and Financial Communities

In addition to the measures to be adopted by the staff in its effort to reduce the time in registration, several steps can and should be taken by the issuers, counsels, underwriters, and accountants which will contribute significantly towards meeting that objective in a manner consistent with the protection of investors and the traditions of high standards of disclosure. Specifically, the Commission requests that such persons proceed as follows:

1. *Readability.* Prepare prospectuses with an emphasis on "readability" and "understandability." The function of a prospectus is to communicate through effective disclosure to the investor. Disclosure contained in a registration statement falls far short of its statutory purpose if organized and expressed in such a way as not to convey the required information to the investor in an understandable fashion. The following are some but by no means an inclusive list of suggestions to achieve this.

a. Write short and simple sentences rather than complex ones.

b. Do not clutter up the cover page.

c. Use visual aids, such as tables and charts (also see Securities Act Release No. 5171 (36 F.R. 13915) relating to pictorial and graphic representations).

d. Where appropriate, include an introductory statement in the forepart of the prospectus which would enumerate in a clear, concise manner the specific factors which make the purchase of the securities one of high risk. The different risk factors should be broken out into separate paragraphs with a caption in bold face type which concisely identifies the risk described therein.

e. In the case of lengthy or complex prospectuses, include a relatively short, readable summary in the forepart of the prospectus.

2. *"Getting in line".* Do not file a registration statement with the Commission which fails to meet the statutory standards in order to "get in line", in the expectation that the staff's comments will provide the requisite compliance with these standards.

3. *Transmittal letters.* Submit a letter of transmittal with the registration statement, covering among other matters, the following:

a. Particular disclosure and accounting problems;

b. A realistic desired time schedule for effectiveness of the registration statement. While the staff will endeavor to meet such time schedules, there is no assurance that this will occur; accordingly issuers should initially recognize this in terms of their planning;

c. A representation by registrants using particular forms such as S-7 (17 CFR 239.26), S-8 (17 CFR 239.16b), S-9 (17 CFR 239.22), and S-16 (17 CFR 239.27), that they have reviewed the various criteria for eligibility for a particular form and that such criteria have been satisfied;

d. A statement that the registrant has reviewed and responded to all applicable paragraphs in Securities Act Release No. 4936 (33 F.R. 18617). Reference should be made to the location in the prospectus of those responses. Where responses to certain apparently relevant paragraphs have not been made, a brief statement as to the reasons therefor should be provided. Registrants should be particularly conscious of the possible need to update financial statements and related data in accordance with the guidelines set forth in paragraph 23 of Release No. 4936;

e. A statement, where applicable, that a repeat filing is modeled after a recent effective filing of the same issuer, together with an indication of the prior registration statement number and how the present filing differs from the previous one;

f. A statement, where applicable, that the registrant is awaiting a legal opinion from counsel or a ruling from a Federal or local agency at the time of filing, which is relevant to the contents of the registration statement. In this connection, reference should be made to the status of that opinion or ruling and the time of its anticipated receipt; and

g. A statement, if applicable, pursuant to Securities Act Release No. 5196 (36 F.R. 19362) as to whether all 1934 Act reports required to be filed have been filed and are complete.

4. *Covering letter accompanying amendments.* Submit a letter with each amendment including among other matters the following:

a. A response to each staff comment. Should a particular comment not be dealt with either in part or whole, the registrant should indicate the reasons therefor;

b. A reproduced copy of the staff's letter of comment with the appropriate indication in the margin of that letter as to the page and paragraph in the registration statement on which the response to the comment is reflected;

c. A description of what steps have been taken to comply with the provisions of Rule 15c2-8 § 240.15c2-8 under the Securities Exchange Act and Securities Act Release No. 4968 (34 F.R. 7235) concerning distribution and redistribution of prospectuses;

d. A statement as to the status of any review of the underwriting arrangements by the NASD.

5. *Redlining amendments.* The redlining of the amendment should be specific so as to highlight only the particular change made, as opposed to running a red mark down the margin of the entire page or lengthy paragraph in which a more narrow revision is contained.

6. *Communications with the staff.* Exercise restraint in considering whether to communicate with members of the staff, in person or by telephone. While the communication of a material development which might have an impact on the filing is encouraged, inquiries as to the status of a filing tend to contribute to the delay of the processing of all filings. Persons calling should also identify immediately the registrant involved.

INVITATION FOR COMMENTS

Interested persons are invited to write directly to Alan B. Levenson, Director, Division of Corporation Finance, with any suggestions or comments designed to improve administration of the review process or to achieve greater uniformity of treatment.

By the Commission.

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

FEBRUARY 3, 1972.

[FR Doc.72-3118 Filed 3-1-72;8:49 am]

PART 239—FORMS PRESCRIBED UNDER SECURITIES ACT OF 1933

Definition of Terms "Underwriter" and "Brokers' Transactions"; Correction

In the January 14, 1972 issue of the FEDERAL REGISTER, volume 37 at pages 591–99, the Commission published its Release No. 33–5223 announcing the adoption of Rule 144 (17 CFR 230.144) and of Form 144 (17 CFR 239.144) under the Securities Act of 1933. Although correct copies of Form 144 were filed with the Office of the Federal Register as part of the Commission's official document, the description of this form was incorrect, as published, due to a clerical error.

Section 239.144 of Chapter II of Title 17 of the Code of Federal Regulations, as adopted by the Commission on January 11, 1972 should read as follows:

§ 239.144 Form 144, for notice of proposed sale of restricted securities pursuant to § 239.144 of this chapter.

(a) This form shall be filed in triplicate with the Commission at its principal office in Washington, D.C., by each person intending to make an offering of restricted securities in reliance upon § 230.144 of this chapter at the time that person places with a broker an order to execute a sale. This form shall also be completed and filed by such person concurrent with the commencement of any further sales if all such securities are not sold within 90 days after the filing of the initial notice on this form.

(b) This form need not be filed if the amount of securities to be sold during any period of 6 months does not exceed 500 shares or other units and the aggregate sale price thereof does not exceed $10,000.

By the Commission.

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

FEBRUARY 25, 1972.

[FR Doc.72-3115 Filed 3-1-72;8:49 am]

[Releases Nos. 34-9499, 35-17457, IC-7000]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Insider Trading Rule

The Securities and Exchange Commission has adopted amendments to Rule 16a–6 (17 CFR 240.16a–6) under the Securities Exchange Act of 1934. Section 16(a) of that Act requires directors, officers, and principal equity security holders to report their beneficial ownership of, and changes in their beneficial ownership of, all equity securities of issuers which have any class of equity securities registered pursuant to section 12 of the Act. The Rule also applies, by reference, to similar reports required to be filed by certain persons pursuant to section 17 (a) of the Public Utility Holding Company Act of 1935 and section 30(f) of the Investment Company Act of 1940. Notice of the proposed amendments was published for comment November 24, 1971 in Securities Exchange Act Release No. 9398. (36 F.R. 22994).

The amended rule applies to statements filed on Form 3 on or after April 1, 1972, and to statements on Form 4 filed for the month of April 1972, or for any period thereafter.

The amended rule specifically provides that the granting, acquisition, disposition, expiration or cancellation of any presently exercisable put, call, option or other right or obligation to buy securities from, or sell securities to, another person, whether or not it is transferable, shall be deemed a change in the beneficial ownership of the securities to which the right or obligation relates. Under the amended rule, both the grantor and the holder of a put, call, option or other right or obligation to buy or sell securities are deemed to be beneficial owners of the securities subject to such right or obligation.

As an illustration of the foregoing, assume that A acquires an option to purchase 15 percent of the outstanding equity securities of X Company from B. A would be required to report under section 16(a) the acquisition of beneficial ownership of the 15 percent, and B would be required to report the granting of the option as a change in his beneficial ownership. Both A and B would have a sufficient interest in the securities to be considered "beneficial owners" under section 16(a). In the event the option expires or is canceled without A exercising his right to buy, both A and B would be required to report under section 16(a) the expiration or cancellation of the option as a change in their beneficial ownership and A would no longer be deemed a beneficial owner of the securities subject to the option. If the option were exercised, A would be required to report under section 16(a) the purchase of the shares and B would be required to report their sale. B would no longer be deemed to be a beneficial owner of the securities.

The reporting of transactions in nontransferable options received from a person's employer or from an affiliate of his employer under a plan which meets the conditions specified in Rule 16b–3 would not be required, even though the acquisition of the options may not be exempted from section 16(b) of the Act by that rule. This provision does not, however, exempt any person from filing reports with respect to the acquisition of securities through the exercise of such options.

The amended rule deals only with the reporting of changes in the beneficial ownership of securities pursuant to section 16(a) of the Act. Reporting changes in the beneficial ownership of securities pursuant to that section does not necessarily mean that liability will result therefrom under section 16(b) of the Act. Whether liability under section 16(b) will arise from such transactions is to be determined on the basis of the facts in each particular case in an appropriate action brought by the issuer or its securities holders.

Commission action. Section 240.16a–6 of Chapter II of Title 17 of Code of Federal Regulations is hereby amended as follows:

§ 240.16a–6 Certain transactions subject to section 16(a).

(a) The granting, acquisition or disposition of any presently exercisable put, call, option, or other right or obligation to buy securities from, or sell securities to, another person, or any expiration or cancellation thereof, shall be deemed to effect such a change in the beneficial ownership of the securities to which the right or obligation relates as to require the filing of a statement pursuant to section 16(a) of the Act reflecting such change in beneficial ownership.

NOTES: 1. If any such right or obligation is not initially exercisable, the granting and acquisition thereof shall be reported in a statement filed for the month in which it became exercisable, unless the filing of such statement is otherwise not required.

2. The right of a pledgee or borrower of securities to sell the pledged or borrowed securities is not an option or right to sell securities within the meaning of this section. However, the sale of the pledged or borrowed securities by the pledgee or borrower shall be reported by the pledgor or lender.

3. The right to acquire securities, or the obligation to dispose of securities, in connection with a merger or consolidation involving the issuer of the securities is not a right or obligation to buy or sell securities within the meaning of this section.

(b) For the purpose of section 16(a) of the Act both the grantor and the holder of any presently exercisable put, call, option or other right or obligation to buy or sell securities shall be deemed to be beneficial owners of the securities subject to such right or obligation until it is exercised or canceled or expires.

(c) Notwithstanding the foregoing, a statement need not be filed pursuant to section 16(a) of the Act (1) by any person with respect to the acquisition, expiration or cancellation of any nontransferable qualified, restricted or other stock option granted by the issuer of the securities to which the option relates pursuant to a plan provided for the benefit of its employees or the employees of its affiliates if such plan meets the condition specified in section 240.16b–3 of this chapter or (2) by any issuer with respect to any put, call option or other right or obligation to buy or sell securities of which it is the issuer.

NOTE: An option, otherwise nontransferable, is deemed to be nontransferable even though it may be disposed of by will or by descent and distribution upon the death of the holder.

(d) Nothing in this section shall be deemed to exempt any person from the duty to file the statements required upon the exercise of any put, call, option or other right or obligation to buy or sell securities.

The foregoing action was taken pursuant to the Securities Exchange Act of 1934, particularly sections 16(a) and 23(a) thereof. The amended rule shall apply to statements filed on Form 3 on or after April 1, 1972, and to statements filed on Form 4 for the month of April 1972, or for any period thereafter.

(Sec. 23(a), 48 Stat. 901, sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 10, 78 Stat. 896; sec. 8, 78 Stat. 579; 15 U.S.C. 78p)

By the Commission.

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

FEBRUARY 23, 1972.

[FR Doc.72–3119 Filed 3–1–72;8:49 am]

[Release No. 34–9503]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Untimely Announcements of Record Dates

The Securities and Exchange Commission announced today that it has amended Rule 10b–17 (17 CFR 240.10b–17) (untimely announcements of record dates) under the Securities Exchange Act of 1934 (Exchange Act) by including within the exemption in paragraph (c) of the rule securities issued by unit investment trusts which are registered with the Commission under the Investment Company Act of 1940 (1940 Act).

Essentially, Rule 10b–17 requires issuers of publicly traded securities to furnish specified advance information concerning impending dividends or other distributions, planned splits or reverse splits, and rights or other subscription offerings to the National Association of Securities Dealers, Inc. (NASD), or an exchange on which the securities are registered and which has substantially comparable notification procedures.

Presently, paragraph (c) of the rule provides an exemption from the advance notification requirements for redeemable securities issued by open-end investment companies registered under the 1940 Act. Primarily, this exemption was adopted because the securities of open-end investment companies are usually sold and bought (i.e., repurchased or redeemed) by the issuer, through underwriters, rather than in the market place and do not therefore present to any significant degree the problems which the rule was designed to meet. However, a unit investment trust is not within the meaning of an "open-end investment company" as defined in the Investment Compay Act of 1940. Thus, while unit investment trusts also issue redeemable securities which have essentially the same trading characteristics as those of open-end investment companies, they do not appear to be included in the present exemptive provisions of paragraph (c) of Rule 10b–17.

As there is no regulatory purpose for treating securities issued by unit investment trusts differently than other redeemable securities issued by registered investment companies, the Commission accordingly has amended paragraph (c) of Rule 10b–17 to expand the exemption to include securities of unit investment trusts registered with the Commission under the 1940 Act.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 10(b) and 23(a) thereof, hereby amends paragraph (c) of Rule 10b–17 by adding, after the words "open-end investment companies and" the words "unit investment trusts."

As amended, § 240.10b–17(c) reads as follows:

§ 240.10b–17 Untimely announcements of record dates.

* * * * *

(c) The provisions of this rule shall not apply, however, to redeemable securities issued by open-end investment companies and unit investment trusts registered with the Commission under the Investment Company Act of 1940.

Because the effect of the above described amendment would be to relax the notification requirements of Rule 10b–17 under the Securities Exchange Act of 1934, the Commission finds that, for good cause, the notice and procedure specified in the Administrative Procedure Act (5 U.S.C. 553) is unnecessary, and accordingly, it adopts the foregoing amendment effective immediately.

By the Commission.

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

FEBRUARY 29, 1972.

[FR Doc.72–3121 Filed 3–1–72;8:49 am]

[Releases Nos. 34–9500, 35–17458, IC–7001]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Revision of Ownership Reports

The Securities and Exchange Commission has adopted revisions of Forms 3 (17 CFR 249.103) and 4 (17 CFR 249.104) which are used for reporting security holdings and transactions pursuant to section 16(a) of the Securities Exchange Act of 1934, section 17(a) of the Public Utility Holding Company Act of 1935 and section 30(f) of the Investment Company Act of 1940. Form 3 is prescribed for initial statements of beneficial ownership and Form 4 for reporting changes in such ownership. Notice of the proposed revisions was published November 24, 1971, in Securities Exchange Act Release No. 9396 (Public Utility Holding Company Act Release 17369 and Investment Company Act Release 6835, 36 F.R. 22994).

Revised Form 3 is to be used for initial statements of beneficial ownership filed on or after April 1, 1972, and revised Form 4 is to be used for statements of changes in beneficial ownership filed for the month of April or for any period thereafter.

The forms have been amended to require the following additional information: The State of incorporation of the company whose securities are reported; if the statement is an amended statement, the date of the original statement

amended and the tax identifying number of the reporting person. An additional column is provided for the CUSIP number, a number which identifies the particular security reported, but this number will be inserted by the staff of the Commission in processing the statement. Form 4 has been further amended to require the date of the last previous statement filed.

The instructions to the forms have been amended to prescribe the forms for use in reporting ownership and changes in ownership of securities of over-the-counter companies registered pursuant to section 12(g) of the Securities Exchange Act of 1934, as well as securities listed and registered on a national securities exchange. In addition, the format of the forms have been revised and some new instructions added to assist persons in preparing the forms for filing.

The Commission has also amended Rule 16a–6 (17 CFR 240.16a–6) to provide that the acquisition or disposition of certain puts, calls, options, etc., is deemed to involve such a change in the beneficial ownership of the subject securities as to require the reporting of such transaction pursuant to section 16(a) of the Act. An additional table has been added to Forms 3 and 4 to provide for the reporting of the ownership of and transactions in such puts, calls, options, etc.

The amended Form 4 provides that in the case of securities bought or sold for cash the price per share or other unit at which the securities were bought or sold shall be given.

Where any person who is required to file statements on Form 4 at the time the revised forms become effective holds or is subject to any presently exercisable put, call, option or other right or obligation to buy or sell securities, it will not be necessary for such person to amend statements previously filed. All that is required is that such person file a statement on Form 4 within 10 days after the end of April 1972, to report any acquisitions or dispositions of such rights or obligations during that month and all such rights and obligations held at the end of the month. Thereafter, acquisitions, dispositions, and holdings are to be reported in the usual manner.

NOTE: Copies of Forms 3 and 4, as amended have been filed as part of this document with Office of Federal Register. Additional copies of these forms are available upon request at the SEC, Washington, D.C. 20549.

Form 4 requires that in reporting acquisitions or dispositions of securities information shall be given separately as to each transaction. However, in the case of reports by dealers who are making a market in a security, the Commission has heretofore permitted such dealers to report on the face of the form the aggregate purchases and aggregate sales for the month, provided there is attached to the report a schedule (which could be in the form of a photocopy of the dealer's ledger sheets) showing all transactions in the security during the month. Pending the adoption of a special form for use by such dealers, they should continue to report on Form 4 in accordance with the above-described procedure.

The foregoing action was taken pursuant to the Securities Exchange Act of 1934, particularly sections 16(a) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 17(a) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(f) and 38 thereof.

Initial statements of beneficial ownership of securities filed on or after April 1, 1972 shall be filed on the revised Form 3 and statements of changes in beneficial ownership of securities filed for the month of April 1972, or for any period thereafter, shall be filed on the revised Form 4.

(Sec. 16(a), 48 Stat. 896; sec. 8, 78 Stat. 579; sec. 23(a), 48 Stat. 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 10, 78 Stat. 580; 15 U.S.C. 78w; sec. 17(a), 49 Stat. 830; 15 U.S.C. 79q; sec. 20(a), 49 Stat. 833; 15 U.S.C. 794; sec. 30(f), 54 Stat. 836; 15 U.S.C. 80a–29; sec. 38, 54 Stat. 841; 15 U.S.C. 80a–37)

By the Commission.

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

FEBRUARY 23, 1972.

[FR Doc.72–3120 Filed 3–1–72;8:49 am]

[Release No. 34–9502]

PART 249—FORMS PRESCRIBED UNDER SECURITIES EXCHANGE ACT OF 1934

Annual and Quarterly Reporting Forms; Correction

In the January 14, 1972, issue of the FEDERAL REGISTER, volume 37 at 601, the Commission published its Release No. 34–9443 announcing the amendment of Item 6 of Form 10–K (17 CFR 249.310) and the adoption of Part C to Form 10–Q (17 CFR 249.308a) under the Securities Exchange Act of 1934. As published in the FEDERAL REGISTER, the Commission's release was correct. However, there were two errors in the copies of the forms which were filed with the Office of the Federal Register as part of the Commission's official document. The first sentence of paragraph (b) of the amended Item 6 of Form 10–K and the first sentence of the first paragraph, following the General Instruction, of Part C of Form 10–Q should have included the phrase "provided by section 4(2) of that Act."

Corrected copies of the amendments to Forms 10–K and 10–Q have been filed as part of this document with the Office of the Federal Register and will be available upon request at the Securities and Exchange Commission, Washington, D.C. 20549.

By the Commission.

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

FEBRUARY 22, 1972.

[FR Doc.72–3117 Filed 3–1–72;8:49 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 D—Food Additives Permitted in Food for Human Consumption

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

MALATHION

A petition (FAP 2H2669) was filed by American Cynamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing that §§ 121.1172 and 121.2504 (21 CFR Part 121) be amended as follows:

1. In § 121.1172, by reducing to 100 milligrams per square foot the permitted amount of 200 milligrams per square foot of malathion incorporated into paper trays intended for use only in the drying of grapes (raisins) and by increasing to 12 parts per million the 8 parts per million tolerance for total residues of malathion permitted on processed ready-to-eat raisins from drying on treated trays and from application to grapes before harvest.

2. In § 121.2504, by reducing to 100 milligrams per square foot the permitted amount of 200 milligrams per square foot of malathion that may be incorporated into paper trays for the safe control of insects during the drying of grapes (raisins) in compliance with § 121.1172.

When used on the processed food raisins, malathion is a food additive as defined by the Federal Food, Drug, and Cosmetic Act (sec. 201(s), 68 Stat. 511, 72 Stat. 1784; 21 U.S.C. 321(s)). Pesticide tolerances for malathion and its use as a food additive in food for human consumption have been previously established.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that residues of malathion in raisins will not exceed the proposed tolerance under the conditions set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), 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 121, Subparts D and F, are amended:

1. In § 121.1172, by revising paragraph (a)(1) and (3), as follows:

§ 121.1172 Malathion.

* * * * *

(a) (1) It is incorporated into paper trays in amounts not exceeding 100 milligrams per square foot.

* * * * *

(3) Total residues of malathion resulting from drying of grapes on treated trays and from application to grapes before harvest shall not exceed 12 parts per million on processed ready-to-eat raisins.

* * * * *

2. By revising § 121.2504, as follows:

§ 121.2504 Malathion.

Malathion may be safely used for the control of insects during the drying of grapes (raisins) in compliance with § 121.1172 by incorporation into paper trays in amounts not exceeding 100 milligrams per square foot.

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 (3–2–72).

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

Dated: February 25, 1972.

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

[FR Doc.72-3178 Filed 3-1-72;8:54 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

O,O-DIMETHYL *S*-[4-OXO-1,2,3-BENZOTRIAZIN-3(4*H*)-YLMETHYL] PHOSPHORODITHIOATE

A petition (FAP 0H2450) was filed with the Environmental Protection Agency by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance (21 CFR Part 121) of 1 part per million for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate in soybean oil, such residues resulting from application to the growing raw agricultural commodity soybeans.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), 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 121 is amended by adding the following new section to Subpart D:

§ 121.1240 *O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate; tolerance for residues.

A tolerance of 1 part per million is established for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate in soybean oil resulting from application of the insecticide to the raw agricultural commodity soybeans.

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 belief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3–2–72).

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: February 25, 1972.

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

[FR Doc.72-3179 Filed 3-1-72;8:54 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Propiopromazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (45–716V) filed by Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50304, proposing the safe and effective use of propiopromazine hydrochloride for the treatment of dogs and cats. The application is approved.

To facilitate referencing, Diamond Laboratories, Inc., is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135b are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 064, as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
064	Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50304.

2. Part 135b is amended by adding the following new section:

§ 135b.46 Propiopromazine hydrochloride injection.

(a) *Chemical name.* 1-Propanone, 1-[10-[3-(dimethylamino) propyl] phenothiazine-2-yl]-, monohydrochloride.

(b) *Specifications.* Propiopromazine hydrochloride injection contains 5 or 10 milligrams of the drug in each milliliter of sterile aqueous solution.

(c) *Sponsor.* See code No. 064 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) It is administered either intravenously or intramuscularly to dogs and cats for tranquilization at a dosage level of 0.05–0.5 milligram per pound of body weight and is also administered intravenously to dogs and cats as a preanesthetic at a dosage level of 0.25 milligram per pound of body weight.

(2) It is not to be used in conjunction with organophosphates and/or procaine hydrochloride since phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(3) For use only by or on the order of a licensed veterinarian.

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-2-72).

Dated: February 23, 1972.

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

[FR Doc.72-3183 Filed 3-1-72;8:55 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Spectinomycin Injection Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-040V) filed by Agricultural and Veterinary Products Division, Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064, providing for revised labeling for the safe and effective use of spectinomycin injection for turkey poults and for the treatment of specified conditions in baby chicks. The supplemental application is approved.

To facilitate referencing, the sponsor is being assigned a new code number in the list of firms in § 135.501 (21 CFR 135.501) to provide for the new corporate designation of the sponsor.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135b are amended as follows:

1. Part 135 is amended in § 135.501 by adding a new code number 068 to paragraph (c), as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
068	Agricultural and Veterinary Products Division, Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

2. Part 135b is amended in § 135b.23 as follows:

§ 135b.23 Spectinomycin injection veterinary.

* * * * *

(b) *Sponsor.* See code No. 068 in § 135.501(c) of this chapter.

* * * * *

(d) *Conditions of use.* It is administered as spectinomycin dihydrochloride pentahydrate as follows:

(1) Subcutaneously in the treatment of 1-to-3-day-old turkey poults at the rate of 1 to 2 milligrams per poult as an aid in the prevention of mortality associated with Arizona group infection.

(2) Subcutaneously in the treatment of 1-to-3-day old:

(i) Turkey poults at the rate of 5 milligrams per poult as an aid in the control of chronic respiratory disease (CRD) associated with *E. coli.*

(ii) Baby chicks at the rate of 2.5 to 5 milligrams per chick as an aid in the control of mortality and to lessen severity of infections caused by *M. synoviae, S. typhimurium, S. infantis,* and *E. coli.*

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-2-72).

Dated: February 22, 1972.

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

[FR Doc.72-3166 Filed 3-1-72;8:53 am]

PART 135—NEW ANIMAL DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Griseofulvin

The Commissioner of Food and Drugs has evaluated a new animal drug application for griseofulvin (47-368V) filed by Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc., Bristol, Tenn. 37620 proposing the safe and effective use of griseofulvin for the treatment of dogs and cats. The application is approved.

The regulations are also amended to reflect a revision in the name and address of the sponsor, S. E. Massengill Co.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by revising the name and address of the firm listed as code No. 046 to read as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
046	Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc., Bristol, Tenn. 37620.
* * *	* * *

2. Part 135c is amended in § 135c.21 in paragraphs (c) and (d) as follows:

§ 135c.21 Griseofulvin.

* * * * *

(c) *Sponsor.* (1) See code No. 032 in § 135.501(c) of this chapter for uses covered under paragraph (d)(1) of this section.

(2) See code No. 046 in § 135.501(c) of this chapter for uses covered under paragraph (d)(2) of this section.

(d) *Conditions of use.* (1) As a soluble powder for horses, it is administered as a drench or as a top dressing on feed. It is used for equine ringworm infection caused by *Trichophyton equinum* or *Microsporum gypseum.* Administer for not less than 10 days a daily dose as follows: Adults, 2.5 grams; yearlings, 1.25-2.5 grams; and foals, 1.25 grams. Not for use in horses intended for food. For use only by or on the order of a licensed veterinarian.

(2) In capsules containing 125 milligrams of griseofulvin for use in dogs and cats by oral administration at a dosage level of 10 milligrams per pound of body weight daily in a single or divided dose. It is used for the treatment of infections caused by dermatophytic fungi of the skin, hair, and nails caused by *Trichophyton mentagrophytes, T. schoenleini, T. verrucosum, Epidermophyton floccosum, Microsporum gypseum,* and *M. canis.* Treatment should be continued for 3 to 4 weeks in skin and hair infections and up to 4 months treatment is required in nail infections. The capsules may be taken apart and the contents put on food to facilitate administration. For use only by or on the order of a licensed veterinarian.

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-2-72).

Dated: February 22, 1972.

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

[FR Doc.72-3184 Filed 3-1-72;8:55 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Chorionic Gonadotropin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (6-103V) filed by E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 08902, proposing the safe and effective use of chorionic gonadotropin injection for the treatment of cattle. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding the following new section:

§ 135b.50 Chorionic gonadotropin for injection, veterinary.

(a) *Specifications.* Chorionic gonadotropin for injection, veterinary, when reconstituted with appropriate diluent provides 1,000 U.S.P. Units of chorionic gonadotropin per cubic centimeter.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is intended for parenteral use in the treatment of cows for nymphomania (frequent or constant heat) due to cystic ovaries.

(2) It is administered at a recommended dose of 10,000 U.S.P. Units by deep intramuscular injection or 2,500 to

5,000 U.S.P. Units intravenously or by intrafollicular injection of 500 to 2,500 U.S.P. Units. Dosage may be repeated in 14 days if necessary.

(3) For use by or on the order of a licensed veterinarian.

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3–2–72).

Dated: February 22, 1972.

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

[FR Doc.72–3182 Filed 3–1–72;8:55 am]

PART 148w—CEPHALOSPORIN

Cephalexin Monohydrate Capsules

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148w is amended to provide for the certification of 500 mg. cephalexin monohydrate capsules:

Part 148w is amended in § 148w.8 *Cephalexin monohydrate capsules,* by revising the second sentence of paragraph (a)(1) to read as follows: "Each capsule contains cephalexin monohydrate equivalent to either 125, 250, or 500 milligrams of cephalexin."

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3–2–72).

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

Dated: February 23, 1972.

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

[FR Doc.72–3165 Filed 3–1–72;8:53 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER Q—CIVIL RIGHTS

PART 301—EQUAL OPPORTUNITY IN OFF-BASE HOUSING PROGRAM

The Assistant Secretary of Defense (Manpower and Reserve Affairs) approved the following on January 20, 1972:

Sec.
301.1 Purpose.
301.2 Applicability and scope.
301.3 Definitions.
301.4 Objectives and policies.
301.5 Responsibilities and procedures.
301.6 Reports.

AUTHORITY: The provisions of this Part 301 issued under sec. 301, 80 Stat. 379; 5 U.S.C. sec. 301.

§ 301.1 Purpose.

(a) This part consolidates two programs, Equal Opportunity for Military Personnel in Off-Base Housing and Fair Housing Enforcement.

(b) The provisions of this part supplement the general overall equal opportunity provisions of 32 CFR Part 191, and implement the specific provisions contained in 42 U.S.C. 1982 (R.S. sec. 1978) and Public Law 90–284 (42 U.S.C. 3601 et seq.) relating to equal opportunity in off-base housing and fair housing enforcement.

§ 301.2 Applicability and scope.

The provisions of this part apply to all DOD Components (Military Departments, Defense Agencies and other DOD activities) which have:

(a) Military personnel assigned who are authorized to live in the civilian community in the United States, or

(b) DOD personnel assigned who are authorized to live in the civilian community in areas outside the United States.

§ 301.3 Definitions.

The following definitions apply for the purpose of this part:

(a) *Unlawful discrimination.* An act in violation of title VIII or title IX, Civil Rights Act of 1968.

(b) *Discrimination.* The act of denying housing to DOD personnel because of race, color, religion or national origin.

(c) *Title.* A title of the Civil Rights Act of 1968.

(d) *Complainant.* A military member or civilian employee of the DOD who submits a complaint of discrimination.

(e) *HUD.* The Department of Housing and Urban Development.

(f) *Commander.* The military or civilian head of any installation, organization or agency of the DOD.

(g) *Commuting area.* That area in which DOD personnel reside which is within reasonable commuting time of a DOD installation or activity.

(h) *Area outside the United States.* An area in which DOD personnel reside but which is not subject to U.S. laws or regulations.

(i) *DOD personnel.* All personnel, military and appropriated and nonappropriated fund U.S. citizen civilian employees and their dependents, assigned to any DOD Component.

(j) *Restriction.* Action taken by a commander to preclude DOD personnel from residing in or entering into a rental, lease or purchase arrangement at or for a housing facility the owner/manager/agent of which fails or refuses to provide an assurance of nondiscrimination or pursues a policy of discrimination.

(k) *Multiunit rental facilities.* Rental facilities which have five or more rental units included therein.

(l) *Listed facility.* A facility the owner/manager/agent of which has provided an assurance of a nondiscriminatory rental, lease or sales policy adequate for listing with the housing referral office and which is not restricted for DOD personnel.

§ 301.4 Objectives and policies.

The Department of Defense is fully commited to the goal of obtaining equal treatment for all DOD personnel, as specified in 32 CFR Part 191.

(a) *National housing policy.* In the United States, Federal legislation bans housing discrimination against any person because of the color of his skin; and, with certain exceptions, makes it unlawful to discriminate in housing based on race, color, religion, or national origin.

(1) Title VIII of Public Law 90–284 contains the fair housing provisions of the Civil Rights Act of 1968 and sets forth the responsibility of the Secretary of Housing and Urban Development. It also provides that all executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner to further the purpose of title VIII.

(2) Title IX of Public Law 90–284 makes it a crime to intentionally intimidate or interfere with any person by force or threat because of his activities in support of fair housing.

(b) *DOD housing policy.* The Department of Defense intends that Federal fair housing legislation be enforced as it pertains to DOD personnel. In overseas areas, the Department of Defense intends to assure that DOD personnel have equal opportunity for available housing regardless of race, color, religion, or national origin. This includes the objective of eliminating discrimination against DOD personnel in off-base housing. This is not achieved simply by finding a place to live in a partcular part of town or in a particular facility for a person from a minority group. It is achieved only when a person who meets the ordinary standards of character and financial responsibility is able to obtain off-base housing in the same manner as any other person anywhere in the area surrounding his installation, without suffering refusal and humiliation because of his race, color, religion, or national origin.

(1) The accomplishment of the objective shall not be hampered in any case by requiring the submission of a formal complaint of discrimination before taking action on known discriminatory owners/managers/agents. A suspected discriminatory act, with or without the filing of a formal complaint, is a valid basis for inquiry and, if discrimination is indicated, for imposition of restrictions.

(2) No member of the Armed Forces moving into or changing his place of residence in the commuting area of a military installation or activity in the United States and no DOD member moving into or changing his place of residence in the commuting area of a DOD installation or activity outside the United States, shall be authorized to enter into a rental or lease arrangement at or permitted to reside in any rental facility (see subparagraph (5) of this paragraph), the owner/manager/agent of which, after having been requested to do so, has failed or refused to provide

an assurance of a nondiscriminatory rental policy adequate, as described in Part 239b of this chapter, to qualify the facility for listing with the housing referral office. The restriction shall remain in effect until an adequate assurance is obtained.

(3) No member of the Armed Forces in the United States and no DOD personnel outside the United States shall be authorized to enter into a rental, lease, or sales arrangement at any off-base housing facility, or permitted to reside therein (see subparagraph (5) of this paragraph), after the owner/manager/agent of which has been found to engage in discriminatory practices regardless if the facility has been listed with the housing referral office. Unless the owner/manager/agent shall rent, lease, or sell a unit in the facility, or the facility in case of a single house, at which the discrimination occurred to the DOD member against whom discrimination was practiced or to a DOD member of the same race, color, religion, or national origin as the DOD member against whom discrimination was practiced, the restriction shall be effective for at least 180 days from the date imposed and until the owner/manager/agent demonstrates a nondiscriminatory housing policy by:

(i) Execution of a written assurance of future nondiscriminatory practices and

(ii) Offering through the appropriate housing referral office to rent, lease or sell to a DOD member of same race, color, religion, or national origin as the DOD member against whom discrimination was practiced.

(4) Restrictions shall be imposed if the owner/manager/agent, having provided an adequate assurance of a nondiscriminatory policy, insists that applicants must be seen personally before indicating the availability of a housing unit.

(5) The restrictions in subparagraphs (2), (3), and (4) of this paragraph are not applicable to personnel who may be residing in a facility at the time the restriction is imposed, nor to the extension, renewal or modification of a rental or lease agreement entered into prior to imposition of the restrictions.

(6) In each case of subparagraphs (2), (3), and (4) of this paragraph the owner/manager/agent shall be informed in writing that restrictions have been imposed, the reasons therefore, the nature thereof, and the action required for their removal.

(7) After imposition of restrictions, the affected facility shall be closely monitored to insure that military personnel, if in the United States, or DOD personnel, if in areas outside the United States do not enter into rental, lease or purchase arrangements or reside therein (see subparagraph (5) of this paragraph).

(8) The fact that 42 U.S.C. 1982 and Public Law 90–284 may or may not provide a remedy in a given case of discrimination affecting DOD personnel does not relieve a commander of the responsibility to seek equal treatment and opportunity for them and to impose restrictions when appropriate.

(9) Consistent with the policy of freedom of choice, commanders shall, in referring personnel to available off-base housing, make efforts:

(i) To avoid contributing to the racial concentration by DOD personnel and

(ii) To place minority DOD personnel so as to avoid racial concentration.

(10) Continuing efforts as described in Parts 239a and 239b of this chapter will be made to identify and solicit nondiscriminatory assurances from those rental facilities within the commuting area which are considered to be suitable for occupancy by DOD personnel.

§ 301.5 Responsibilities and procedures.

The Secretaries of the Military Departments, Directors of Defense Agencies and heads of other DOD activities concerned, shall develop regulations which shall be consistent with but not limited to the following provisions:

(a) *Enforcement procedures in the United States.* Every commander shall:

(1) Make himself aware of the effective dates of the various provisions of Public Law 90–284, and of the coverage limitations of the titles so that complaints to HUD are not made in cases where the law is clearly not applicable. However, where there is a possibility of coverage the complaint should be forwarded.

(2) Develop an information program to apprise DOD personnel of the DOD policy and program for equal opportunity in housing enunciated in this part and of the rights and remedies provided by 42 U.S.C. 1982 (as interpreted by the Supreme Court in the case Jones v. Mayer 392 US 409, June 17, 1968) and by titles VIII and IX, Public Law 90–284.

(3) Insure that an office and staff serving the command is available to advise DOD personnel concerning:

(i) The application of 42 U.S.C. 1982 and Public Law 90–284 in specific situations.

(ii) The procedures set forth in this part.

(iii) The rights of individuals to pursue remedies through civilian channels without recourse or in addition to the procedures prescribed herein, including the right to:

(*a*) Make a complaint directly to HUD or to the Department of Justice; and,

(*b*) Bring a private civil action in any appropriate level, State or Federal court.

(b) *Complaint procedures in the United States.* Procedures for submitting complaints of housing discrimination through command channels are as follows:

(1) The complainant will use HUD Form 903 (available from the nearest regional office of HUD or from Fair Housing, Washington, D.C. 20410). It must be:

(i) Executed in at least three (3) copies.

(ii) Signed by the complainant and notarized.

(iii) Dated.

(2) The commander shall make a preliminary inquiry in sufficient detail to indicate whether discrimination exists. During the inquiry the owner/manager/agent of the facility involved shall be given reasonable opportunity, to include an informal hearing if desired, to present information in support of a denial that he has discriminated.

(i) If the preliminary inquiry supports the complainant's charge of discrimination, the owner/manager/agent involved shall be informed of the findings, the restrictions described in § 301.4(b)(3) shall be explained and relief for the complainant and written assurance of nondiscriminatory policies shall be sought. (Relief for the complainant shall be the rental, lease, or purchase of a unit in the facility in the case of a single house, at which the discrimination occurred. If the complainant has found other accommodations or desires not to rent, lease, or purchase the unit or facility in question, relief shall be the rental, lease or sale of the unit or facility to a DOD member of the same race, color, religion, or national origin as the complainant.)

(ii) If relief for the complainant is accomplished and a written assurance is received, or if the inquiry does not support discrimination and the owner/manager/agent has provided or provides an assurance of nondiscrimination, the case, with exception of monitoring future performance of the owner/manager/agent, shall be considered closed and the complainant shall be so informed and counselled concerning his rights for further action. A report shall be forwarded through channels to the Assistant Secretary of Defense (Manpower and Reserve Affairs). The report shall summarize the practices giving rise to the complaint, the commander's efforts to obtain relief and an assurance concerning future practices and the results thereof.

(iii) If the preliminary inquiry supports the complainant's charge of discrimination, but not unlawful discrimination, and relief for the complainant and a written assurance are not obtained:

(*a*) Restrictions shall be imposed as described in § 301.4(b)(3).

(*b*) The owner/manager/agent shall be informed of the imposition of restrictions as described in § 301.4(b)(6).

(iv) The complainant shall be informed of the above actions; that his complaint is not appropriate for submission to HUD; and counselled concerning his rights for further action. Complaint shall not be forwarded to HUD. A report shall be forwarded through channels to the Assistant Secretary of Defense (Manpower and Reserve Affairs) as described in paragraph (b)(2)(ii) of this section.

(v) If the preliminary inquiry supports the complainant's charge of discrimination; it is determined to be unlawful discrimination; and relief for the complainant and a written assurance are not obtained:

(*a*) Restrictions shall be imposed as described in § 301.4(b)(3).

(*b*) The owner/manager/agent shall be informed of the imposition of restrictions as described in § 301.4(b)(6).

(c) The complainant shall be informed of the above actions and the continuing action on his complaint and counseled concerning his rights to pursue remedies through civilian channels other than HUD.

(d) In every case there shall be further inquiry.

(e) A statement shall be obtained from every person signing the complaint and such others as necessary to complete the inquiry.

(f) In no instance shall authority, implicit or explicit, to require giving of such additional statements be asserted or suggested.

(g) The person conducting the inquiry, if not an attorney, should be afforded advice by a legal officer.

(h) A report of inquiry shall be prepared to include a summary of evidence indicating the source of factual statements. Copies of each statement obtained during the inquiry shall be appended to the factual summary. The summary of evidence shall include known factors regarding the credibility of witnesses and any other information which will facilitate a review of the evidence obtained.

(i) The completed report shall be informally reviewed for content and completeness by a legal officer. A statement that such a review was conducted, signed by the officer performing the review, shall be made a part of the records forwarded to HUD. The statement shall include any necessary explanatory remarks, including comments concerning the unavailability to installation sources of certain evidence, if applicable; and it shall also report information known to the command concerning pending complaints, if any, brought by private parties with respect to the same or competing or closely related dwellings.

(3) Following the completion of the legal review, the commander shall add a memorandum analyzing the following factors:

(i) Impact of discrimination in the facility involved upon DOD personnel and their dependents.

(ii) Efforts to obtain relief for the complainant and an assurance of future nondiscriminatory policy, and the results.

(4) The report of inquiry, the legal officer's statement, the commander's memorandum, and the complaint registered on HUD Form 903 shall be attached to a chronology sheet. The original shall be dispatched to HUD, directly or through higher headquarters, as appropriate, within 30 working days following the filing of the complaint. A copy shall be forwarded through channels to the Assistant Secretary of Defense (Manpower and Reserve Affairs).

(5) In the event a commander receives such a large number of complaints within such a short period of time that he is unable to process them within the time prescribed above, he may request a specific extension of time. The request shall be acted upon by the DOD component concerned.

(6) A complaint must be forwarded to HUD prior to completion of processing if such action is necessary to assure the filing of the complaint with HUD within 180 days after the occurrence of the alleged discriminatory practice.

(7) Commanders may consolidate the documentation when more than one complaint alleging discrimination involves the same facility or the same real estate agency for the purpose of the inquiry, the legal review, the commander's memorandum and forwarding requirements. Each complainant, however, must submit his complaint on HUD Form 903.

(8) Whenever a commander receives a complaint alleging further discrimination in a facility or by a real estate firm after a completed action has been forwarded, a summary of the facts relating to such subsequent complaint shall be forwarded as prescribed for original complaint with brief comments indicating the extent to which the new complaint, and information developed with respect to it, affect the action previously forwarded.

(9) Any complaint which involves charges that several different parties have discriminated, shall be handled as follows:

(i) In addition to forwarding a copy of the complaint to HUD a copy shall be forwarded to the Attorney General (Civil Rights Division), Washington, D.C. 20530.

(ii) The title authorizes the Justice Department to bring civil actions in the federal courts whenever there is cause to believe that a person or group of persons has engaged in a "pattern or practice of resistance" to the full enjoyment of fair housing rights or whenever the denial of rights to any group of persons raises an issue of "general public importance." Justice Department personnel may wish to confer with the commander or other individuals with responsibilities in connection with the off-base housing program and may request information and assistance from these members. There may also be occasions when such personnel will wish to interview military and civilian personnel of DOD who have encountered housing discrimination. Commanders shall cooperate fully with HUD and Justice Department representatives in these matters.

(c) *Complaint procedures in areas outside the United States.* Procedures for processing complaints of housing discrimination in areas outside the United States are as follows:

(1) The commander shall make an inquiry in sufficient detail to indicate whether discrimination exists. During the inquiry the owner/manager/agent of the facility involved shall be given reasonable opportunity, to include an informal hearing if desired, to present information in support of a denial that he has discriminated.

(2) If the inquiry supports the charge of discrimination, the owner/manager/agent involved shall be informed of the finding, the restrictions described in § 301.4(b)(3), shall be explained and relief for the complainant as described in paragraph (b)(2)(i) of this section and written assurance of non-discriminatory policies shall be sought.

(3) If relief for the complainant is accomplished and a written assurance is received, or if the inquiry does not indicate discrimination and the owner/manager/agent has provided or provides an assurance of nondiscrimination, the case, with exception of monitoring future performance of the owner/manager/agent, shall be considered closed and the complainant shall be so informed.

(4) If the inquiry indicates discrimination and relief for the complainant is not obtained, the following actions shall be taken:

(i) Rental restrictions shall be imposed as described in § 301.4(b)(3).

(ii) The owner/manager/agent shall be informed of the restrictions as described in § 301.4(b)(6).

(iii) The complainant shall be informed of the actions taken.

(d) *Minority personnel seeking off-base housing.* (1) The following assistance will be provided when minority military personnel and their dependents in the United States and minority DOD personnel in areas outside the United States are seeking off-base housing, temporary or permanent:

(i) In addition to counseling the applicants concerning the Equal Opportunity in Off-Base Housing Program particular stress shall be placed on the requirement for and importance of reporting any indication of discrimination against them in their search for housing.

(ii) After ascertaining the applicants desires and requirements for housing and matching as nearly as possible current, available listings with the desires and requirements, a recheck by telephone of the current availability of the selected housing units shall be made. The date, time and nature of the conversation confirming the unit shall be recorded and retained for future reference.

(iii) Each minority applicant shall be offered the services of a command representative to accompany and assist him in his search for housing.

(iv) If accepted, the command representative, with complete information concerning the housing units to be visited and full instructions on procedures to be followed shall accompany and assist the applicant in his search for housing.

(v) If an owner/manager/agent of a housing facility refuses to accept or consider the applicant as a tenant, indicates the unit sought has been rented to another applicant, or otherwise fails to furnish the unit under the same terms and conditions as are ordinarily applied to applicants for his facilities, the command representative shall inquire of the owner/manager/agent concerning the reasons why the unit is not available and take all reasonable steps to ascertain whether any valid nondiscriminatory reason can be shown for the owner/manager/agent's rejection of the applicant. If there appears to be no such reason, the command representative shall make a reasonable effort to persuade the owner/manager/agent to make the unit available to the applicant.

(vi) Failing to persuade the owner/manager/agent to accept the applicant as

a tenant, the command representative shall report the incident to the appropriate command officials for inquiry.

(*a*) If in the United States, whether a complaint is or is not filed by the applicant, procedures described in paragraph (b) (1) through (4) of this section, as warranted by the circumstances, shall be followed.

(*b*) If in an area outside the United States, whether a complaint is or is not filed by the applicant, procedures described in paragraph (c) of this section, as warranted by the circumstances, shall be followed.

(2) It is of utmost importance that efforts be made to confirm the current availability of housing units in the case of minority applicants as stated in subparagraph (1)(ii) of this paragraph. Confirmation efforts should also be made for as many of the other applicants as possible. In no case, when confirming, will the race, color, religion or national origin of the applicant be divulged.

(e) *Check list for commanders*—(1) *General.* (i) Each commander shall review on a continuing basis his organization and assignment of priorities and responsibilities to insure that the necessary resources and authority are applied to the uninterrupted accomplishment of this important task.

(ii) Based on his familiarity and relationship with the local community, each commander should determine the approaches and means which will produce the most effective results in his locality. He should take every opportunity to explain carefully the objectives, and the Federal fair housing laws, and/or the necessity for and merits of the DOD equal opportunity in housing program. The importance of seeking, obtaining, and mobilizing the cooperation and support of local leaders—elected, civic, business and religious—cannot be overemphasized.

(iii) The commander and his staff should not become complacent about the progress and success achieved to date but must continually stimulate the local community to maintain and further equal opportunity in all aspects of housing for DOD personnel. Experience has shown that housing discrimination continues to exist and the commander and his staff must be constantly alert to various forms of subtle discrimination which may persist in the community in spite of declarations and assurances to the contrary.

(*a*) Where there is reason to believe that this is the case with regard to a particular facility, commanders should check on the sincerity of the assurance. (However, this should not be done by utilizing individuals who purport to be prospective tenants when in fact they are not.)

(*b*) It is important that owners/managers/agents not be allowed the benefit of a listing with the housing referral office unless they in fact do not discriminate.

(iv) The commander shall assure that all DOD personnel are clearly informed of the proper channels for complaints of discrimination in off-base housing. All complaints or reports of alleged discrimination shall be investigated promptly, thoroughly and impartially and in all cases the complainant shall be informed of the results of the investigation and continuing action, if any.

(v) It should be made clear to owners/managers/agents that they are not being asked to lower their standards of tenant acceptability, or to remove or relax restrictions based on such considerations as size of family, ages of children, keeping of pets, or the like. All that is being asked is that these standards and/or restrictions be applied on an equal basis to all DOD personnel regardless of race, color, religion, or national origin.

(2) *Information program.* (i) Each commander shall determine whether an information program shall help or hinder the housing program in his local community. He shall base his approach on his assessment of the local situation, and should use the channels and resources available to him in the manner he believes will produce the desired results with the greatest harmony.

(ii) Regardless of what other channels are employed, commanders should make full use of community relations resources, in order to explain the Federal fair housing laws and/or to inform community leaders and organizations of the necessity for and the merits of the DOD open housing program.

(iii) All comunications with the public, either through the press or through community relations channels, should contain a full and accurate description of the DOD position. It should be made clear exactly what the Department of Defense is and is not asking owners/managers/agents to do.

(iv) It is essential that all DOD personnel be fully and currently informed of the actions taken by the Department of Defense, both locally and at a national level to promote equal opportunity in off-base housing. Base newspapers are usually available for internal dissemination of this type of information, which should be as complete and extensive as possible.

§ 301.6 Reports.

(a) *Reporting requirements.* Each Military Department shall submit quarterly reports as follows:

(1) By State, in the United States, including Alaska and Hawaii, and by country where housing referral offices are established, the number of multiunit rental facilities listed by the Housing Referral Office.

(2) By State, in the United States, including Alaska and Hawaii, and by country where housing referral offices have been established, the number of multiunit rental facilities listed with the housing referral offices in which black DOD personnel reside or have resided.

(3) By country, where housing referral offices have been established, the number of rental facilities, identified as multiunit or other, in which DOD personnel are not authorized to rent, lease, or reside because of:

(i) Discrimination by the owners/managers/agents.

(ii) Refusal to provide a nondiscriminatory assurance.

(4) By installation in the United States, a list of housing facilities, identified as multiunit or other, at which military personnel may not rent, lease, purchase, or reside. This shall include as available the name and address of the facility and as appropriate the name and address of the owner/manager/agent and specific comments concerning the reasons for the restriction action. For each of the above facilities specific details shall be included also concerning contact or negotiation with owner/manager/agent of the facility. These details shall include date of contact, name and position of person contacted, and summary of ensuing discussion and analysis thereof.

(5) Reports shall be submitted to the DASD (Equal Opportunity) not later than the 25th of the month following the end of the reporting period. The first report shall be submitted not later than July 25, 1972.

(b) *Report control symbol.* This report has been assigned Report Control Symbol DD–M(Q)1146.

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

[FR Doc.72-3143 Filed 3-1-72;8:51 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

James River, Va.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) §§ 207.152 and 207.152a are hereby revoked effective upon publication in the FEDERAL REGISTER (3–2–72), and § 207.152b is hereby prescribed governing the use of a restricted area in James River between the entrance to Skiffes Creek and Mulberry Point, Virginia, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.152 James River off the entrance to Skiffes Creek, Va.; Army small craft testing area. [Revoked]

§ 207.152a James River off Camp Wallace, Va.; Army Transportation School Training Area. [Revoked]

§ 207.152b James River between the entrance to Skiffes Creek and Mulberry Point, Va.; Army training and small craft testing area.

(a) *The restricted area.* Beginning on the shore at latitude 37°09'54" N., longitude 76°36'25" W.; thence westerly to latitude 37°09'50" N., longitude 76°37'-45.5" W.; thence southerly to latitude 37°09'00" N., longitude 76°38'05" W.;

thence southerly to latitude 37°08'22" N., longitude 76°37'55" W.; thence due east to the shore at latitude 37°08'22" N., longitude 76°37'22" W.; thence northerly along the shore to the point of beginning.

(b) *The regulations.* (1) No vessels other than Department of the Army vessels, and no persons other than persons embarked in such vessels shall remain in or enter the restricted area except as provided in subparagraph (2) of this paragraph.

(2) Nothing in the regulations of this section shall prevent the harvesting and cultivation of oyster beds or the setting of fish traps within the restricted area under regulations of the Department of the Army, nor will the passage of fishing vessels to or from authorized traps be unreasonably interfered with or restricted.

(3) Vessels anchored in the area shall be so anchored as not to obstruct the arc of visibility of Deepwater Shoals Light.

(4) The Commanding General, Fort Eustis, Va., will, to the extent possible give public notice from time to time through local news media and the Coast Guard's Local Notice to Mariners of the schedule of intended Army use of the restricted area.

(5) The continuation of the restricted area for more than 3 years after the date of its establishment shall be dependent upon the outcome of the consideration of a request for its continuance submitted to the District Engineer, U.S. Army Engineer District, Norfolk, Virginia, by the using agency at least 3 months prior to the expiration of the 3 years.

(6) The regulations in this section shall be enforced by the Commanding General, Fort Eustis, Va., and such agencies as he may designate.

[Regs. Feb. 7, 1972, DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-3092 Filed 3-1-72;8:45 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

O,O-Dimethyl S-[4-Oxo-1,2,3-Benzotriazin-3(4H)-Ylmethyl] Phosphorodithioate

A petition (PP 0F0869) was filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, 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 insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities beans (dry), black-eyed peas, filberts, pecans, potatoes, and walnuts at 0.3 part per million; soybeans at 0.2 part per million; and milk at 0.01 part per million (negligible residue).

Subsequently, the petitioner amended the petition by increasing the proposed 0.01 part per million (negligible residue) tolerance on milk to 0.04 part per million.

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

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

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

2. Established tolerances for residues of the insecticide in meat, fat, and meat byproducts, of cattle, goats, and sheep are adequate to cover residues resulting from the proposed and established uses. The uses are classified in the category specified in § 180.6(a)(2).

3. The proposed 0.04 part per million tolerance on milk is a negligible residue.

4. 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 as follows:

1. In § 180.154, by revising the paragraphs "0.3 part per million * * *" and "0.2 part per million * * *", as follows:

§ 180.154 ***O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate; tolerances for residues.**

* * * * *

0.3 part per million in or on almonds, beans (dry), black-eyed peas, eggplants, filberts, pecans, peppers, potatoes, sugarcane, and walnuts.

0.2 part per million in or on barley grain, oat grain, rye grain, soybeans, and wheat grain.

* * * * *

§ 180.154 [Amended]

2. In § 180.154, by deleting the paragraph "Zero in milk".

3. By adding to Subpart C the following new section:

§ 180.154a ***O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate residues and/or its metabolites in milk.**

A tolerance of 0.04 part per million (negligible residue) is established for residues of *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate and/or its metabolites calculated as *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, 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 (3-2-72).

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

Dated: February 25, 1972.

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

[FR Doc.72-3175 Filed 3-1-72;8:54 am]

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

Methomyl

A petition (PP 1F1159) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, 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 methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodity alfalfa at 10 parts per million.

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

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

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. The proposed use is not reasonably expected to result in residues of the insecticide in eggs, meat, milk, and poultry. The use is classified in the category specified in § 180.6(a)(3).

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.253 is amended by revising the paragraph "10 parts per million * * *", as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * *

10 parts per million in or on alfalfa and corn fodder and forage.

* * * * *

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 (3-2-72).

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

Dated: February 25, 1972.

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

[FR Doc.72-3174 Filed 3-1-72;8:54 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19347; FCC 72-182]

PART 73—RADIO BROADCAST SERVICES

Time of Operation of FM Stations

Report and order. In the matter of amendment of § 73.261 of the Commission's rules and regulations—time of operation of FM stations, Docket No. 19347.

1. We here consider the notice of proposed rule making, adopted November 3, 1971 (FCC 71-1137; 36 F.R. 21602), proposing to increase the minimum hours of operation for FM broadcast stations. The present rule (§ 73.261(a)), which has been in effect since January 3, 1956, provides a minimum of 36 hours weekly between 6 a.m. and midnight, and not less than 5 hours per day except Sunday. The notice proposed a minimum of not less than 8 hours between 6 a.m. and 6 p.m., local time, and not less than 4 hours between 6 p.m. and midnight, local time—a total of at least 12 hours daily. The proposal was modeled on the minimum required hours of broadcast for an unlimited time AM station (§ 73.71(a)) because of the "similarity" between unlimited time AM broadcast stations and FM broadcast stations.

2. In proposing the change, we noted that, despite the increased viability of FM economically, it appeared that some FM stations are still operating at or near the minimum despite the inconsistency with the needs for more aural service in many places and the need to insure the availability of aural broadcast service in the evening. In the latter respect, we noted that FM and AM are parts of a single aural broadcast service.[1]

3. Our proposal drew little comment. There were two formal comments and two informal ones. One of the latter was from a noncommercial FM station operating on a commercial channel suggesting that it and similar stations be exempted from the proposal. This is unnecessary since § 73.506 already provides that a noncommercial educational FM station operating on a commercial channel for the most part is covered by Subpart C—Noncommercial Educational FM Broadcast Stations,[2] including § 73.651 (which provides that there is no minimum number of hours of operation for a noncommercial educational FM station), as long as such a station continues to operate as a noncommercial educational station.

4. Anna Broadcasting Co., Inc., licensee of Station WRAJ (daytime) and WRAJ-FM, Anna, Ill., stated that it operated the latter nightly prior to April 1967, but, despite various programing formats, it discontinued night operation on WRAJ-FM as economically unfeasible. Anna Broadcasting says that viewing of television, at least locally, makes great inroads on its nighttime radio audience. On the other hand, it apparently occasionally broadcasts events warranting coverage at night and the early morning and later afternoon for the benefit of fringe area listeners when AM service is interfered with. On the basis of this experience, this party recommends amendment of the proposal to exempt stations in small markets.

5. The other formal comment was filed by Lunde Corp., licensee of FM Station KLFM, Ames, Iowa. This station which operates 164 hours per week (around the clock daily except for maintenance from 2 a.m. to 6 a.m. on Sunday) objects to the proposal. First, it views the proposal as placing an onerous burden on the station and the FCC about complying with § 73.267(c) which requires notifying the Commission and the district engineer in charge when the station is unable to maintain a minimum operating schedule at full power (Lunde refers to the frequent icy conditions in winter). Lunde also contends that the proposed change of minimum hours of operation for an FM station is the "wrong approach" as a means to equate FM with AM. This party feels that the lack of car radios with FM receiver capability bottoms FM's problems and that a rule requiring radio receivers to be capable of receiving both AM and FM (or support of legislation to the effect) would be appropriate.

6. Michigan City Broadcasting, licensee of Station WMCB-FM, Michigan City, Ind., agrees that 12 hours as a minimum for FM broadcast is appropriate but the broadcaster should be allowed to determine the hours of operation Monday through Saturday based on local public interest needs. Here, Michigan City Broadcasting relies on its own schedule of 5:45 a.m. to 9 p.m. which in part is based on its being the only local station on the air before 7:15 a.m. and, thus, in winter broadcasts information in the early morning about snowfall and highway conditions. Because of budgetary considerations and in order to continue early morning operation, it must sign off the air at 9 p.m. especially since local needs are not great later: It says that, if it had to broadcast beyond 9 p.m., it would be at a sacrifice of its morning broadcast service.

7. We are not persuaded by Lunde's argument that notification to the Commission and the district engineer in charge when operating at reduced power would be onerous. The same procedure is applicable for AM (§ 73.52(a)) and television (§ 73.689(b)(3)). The procedure is merely one of notification to the Commission and the district engineer in charge when a station has to operate below the lower limit of permissible power in an emergency and when it resumes operation. These rules permit such operation for 10 days when the emergency occurs. Lunde's argument is that with the current daily 5-hour minimum and a 24-hour schedule there is apt to

[1] See, for example, the notices of proposed rule making in Docket No. 18651 (FCC 69-960) and Docket No. 15084, 25 R.R. 1615, 1622-1623 (1969); and Cherokee Broadcasting Co., 17 F.C.C. 2d 129 (1969), reversed on other grounds, 18 F.C.C. 2d 488 (1969). See also the report and order in Docket No. 19074, paragraphs 12 and 20, 32 F.C.C. 2d 937, 941-2, 945-6 (1972).

[2] Section 73.506, *Noncommercial educational broadcast stations operating on unreserved channels*, pertinently states:

"Noncommercial educational FM stations which operate on [commercial] channels * * * rather than [noncommercial educational channels] * * * but which comply with § 73.503 as to licensing requirements and the nature of the service rendered [for noncommercial educational stations], shall comply with the provisions of the following sections of Subpart B of this part: §§ 73.201 through 73.213 (Classification of FM Broadcast Stations and Allocation of Frequencies); § 73.254 (Required Transmitter Performance); and such other sections of Subpart B of this part as are made specifically applicable by the provisions of this Subpart C [Noncommercial Educational FM Broadcast Stations]. In all other respects such stations shall be governed by the provisions of this subpart [C] and not Subpart B * * *."

be less chance that it would have to report a power reduction. This is a de minimis factor in the circumstances.

8. We now discuss Station WMCB–FM's argument. A rule to fit every unusual and perhaps meritorious situation is difficult to mold. This does not mean that Station WMCB–FM, or any other station, is remediless under the newly adopted rule. A broadcaster may always seek waiver of any Commission rule for good cause shown. The compelling reason for the proposed amendment increasing the minimum hours of the FM broadcast day is that there are too many needs for aural service to allow FM stations to continue to broadcast at the current minimum especially when there is a curtailment of evening broadcast time. In many instances, the FM station was applied for by the license to overcome the deficiencies of nighttime AM service (and in some instances lack of such service because the AM station operates daytime only[3]). In sum, broadcasters theoretically are relying on FM to provide service when AM cannot, and, indeed, this comports with an overriding public interest consideration of the amended rules requirement that a proportionate portion of broadcasting be during evening hours.

9. At this juncture, we believe that it would be appropriate to discuss Lunde's apparent misapprehension as to the purpose of this proceeding. Lunde's belief that the rule is intended to make equal AM and FM is erroneous. The purpose is to have the FM part of aural service perform to best advantage as concerns the public interest, convenience, and necessity. However, frequently measures taken to promote the public interest coincidentally also have resulted in other benefits. For example, the nonduplication rule (§ 73.242) went into effect at about the same time that the economic well-being of FM began to improve markedly. While that rule may not have been the principal one, apparently it was a contributing factor to FM's economic rise since then. In other words, it may well be that the rule we are adopting here (to increase FM hours) might help equalize AM and FM, but that would be only an incidental result.

10. The notice stated our belief that a minimum hour requirement for FM broadcast should be adopted as consistent with the public interest, convenience, and necessity. For reasons stated, we feel that the minimum should be proportionate for daytime and evening. The comments adduced in this proceeding have done little to dissuade us. Indeed, if anything, the paucity of comments suggests probable agreement that the proposed rule would serve the public interest.

11. We find that the public interest, convenience, and necessity would be served by amending § 73.261(a). Authority for such action is set forth in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended.

12. *Accordingly, it is ordered,* That, effective April 7, 1972, § 73.261(a) is amended as set forth below. *It is further ordered,* That this proceeding in Docket No. 19347 is terminated.

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

Adopted: February 23, 1972.

Released: February 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.261(a) is amended to read as follows:

§ 73.261 Time of operation.

(a) All FM broadcast stations will be licensed for unlimited time operation. All FM stations are required to maintain an operating schedule of not less than 8 hours between 6 a.m. and 6 p.m., local time, and not less than 4 hours between 6 p.m. and midnight, local time, each day of the week except Sunday.

* * * * *

[FR Doc.72-3155 Filed 3-1-72;8:51 am]

[3] More than 80 percent of FM stations are parts of AM–FM combinations. At present about one-half of the total licensed AM stations operate daytime only.

[4] Commissioner H. Rex Lee absent.

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–18; Notice 72–2]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Fuel Systems; Action on Petitions for Reconsideration

The Director of the Bureau of Motor Carrier Safety has received several petitions for reconsideration of the revision of Subpart E in Part 393 of the Motor Carrier Safety Regulations which was published on August 14, 1971 (36 F.R. 15444). Subpart E contains requirements pertaining to fuel systems of commercial motor vehicles operated in interstate or foreign commerce. For reasons discussed in detail below, the Director has granted some of the petitions, has granted others in part, and has denied some in toto. As a result, he is now issuing amendments to a number of the provisions of the new rules.

1. Several petitioners asked the Director to extend the July 1, 1972, effective date of the revised subpart so that it would not become effective until January 1, 1974. The petitioners were particularly concerned with provisions that related to permissible locations for certain fuel system components. It was noted that certain types of vans and buses are manufactured so that their fuel tanks are shielded by body structure. Petitioners said that those vehicles could not be modified to conform to the new requirements by July 1, 1972. In addition, manufacturers of vehicles contended that the July 1, 1972, effective date provided insufficient leadtime to produce new vehicles that will conform. The Director agrees that some additional time for compliance should be granted. However, in light of the fact that neither fuel systems nor fuel tanks will have to be completely redesigned to meet the new criteria, there does not seem to be a sound basis for granting a 1½-year extension of the effective date. In order to provide adequate leadtime, the Director is changing the effective date to January 1, 1973, thereby granting persons subject to the rules 6 months' additional time to make whatever modifications are necessary to achieve compliance.

2. Several petitioners suggested amendments to § 393.67(c)(5). That provision deals with location and configuration of fuel lines. As issued, it prohibited a fuel line through which fuel is withdrawn from a fuel tank, other than a diesel fuel crossover line, from being located below the normal level of the tank's fuel when the tank is full. Petitioners have said that there is no sound distinction between diesel fuel crossover lines and other lines for withdrawing fuel from, or returning it to, diesel tanks. Therefore, they contend, all such lines should be treated alike. The Director agrees. He is amending the rule to permit lines and other fittings through which diesel fuel is withdrawn from or returned to the fuel tank to be located below the normal level of fuel in the tank when it is full. A conforming amendment to § 393.67(c)(4) is being made. The Director is also extending the requirement for protecting diesel fuel crossover lines from impact damage to all diesel lines extending below the tank or sump and is permitting them to be located more than 2 inches below the tank or its sump, if they are enclosed in a protective housing.

3. Two petitions sought an amendment to § 393.67(a) which would permit nonconforming tanks to be installed on motor vehicles after the effective date of the revised rules if they replace tanks installed prior to that date and conform to the rules that applied to the older tanks. Petitioners make three arguments in support of their position: First, they say that the absence of permission to install replacement fuel tanks that conform to the older rules will mean that two different types of tanks will be in the parts supply pipeline. Second, they argue that tanks removed from vehicles in use and replaced will be used in intrastate vehicles regardless of the existence of the new criteria. Third, petitioners contend that there will be installation problems in fitting new tanks into older vehicles. The Director has concluded that none of these arguments is meritorious. A parts supply system which has two versions of the same component is a problem that is common in any regulated industry. If the relief petitioners seek were granted, the parts supply system would

still contain replacement tanks for vehicles manufactured before the subpart's effective date and replacement tanks for vehicles manufactured thereafter. Petitioners do not contend that the impact of the new rules will be to render aftermarket tanks which have not been installed as replacements obsolete; if that were the case, their position might have merit. However, the 6-month extension of the effective date of the new rules makes it even less probable that existing stocks of replacement tanks will become obsolete before they can be used. The Director cannot accept the notion that tanks which users have replaced find a sizable market with intrastate carriers. On the face of the matter, it would seem that carriers do not replace large numbers of tanks that have any additional useful life. Nothing that has been said in the petitions indicates that the contrary is true. Finally, the argument that installation of tanks conforming to the new rules on older vehicles will prove impracticable is persuasive on its face. However, the only specific example of incompatibility petitioners have cited is that a diesel fuel tank which has no provision for bottom lines may prove incompatible with the fuel lines in a vehicle originally manufactured with lines that withdrew fuel from the bottom of the tank. However, as noted above, the Director has rescinded the prohibition against locating diesel fuel lines so that they withdraw the fuel from the bottom of the tank. There appears to be no other feature of the new rules that would make it impracticable to install a replacement tank manufactured in conformity with them in a vehicle originally equipped with a tank that conformed to prior rules.

4. The Director is making a number of changes to improve the clarity of the rules. Section 393.67(c) (11) is being amended to delete the word "usable." Section 393.67(e) is being amended to make it clear that side-mounted liquid fuel tanks must be capable of passing not only the tests specifically applicable to those tanks but also the tests that apply to liquid fuel tanks generally. Section 393.67(c)(3) is being amended to correct an inadvertent error in a reference to a Society of Automotive Engineers Standard.

5. Ford Motor Company has asked the Director to restrict the fill-pipe drop test requirement in § 393.67(e)(2) to diesel tanks that have fill-pipes outboard of the tank body. It says that fill-pipes that do not extend outboard of the tank body cannot be dislocated in impacts. The Director disagrees. There are many possible configurations in which a fill-pipe which is not outboard of the tank may suffer impact damage. Hence, the applicability of the test is being retained in its original form.

6. Chrysler Corporation has petitioned for exemption of passenger cars, trucks, buses, and multipurpose passenger vehicles having a gross vehicle weight rating of 10,000 pounds or less from the new rules. It says that, inasmuch as Motor Vehicle Safety Standard No. 301 applies to those vehicles, there is no need for the Bureau to impose additional safety criteria for their fuel systems. Standard No. 301, however, does not cover aftermarket equipment, while Subpart E of the Motor Carrier Safety Regulations does. Furthermore, the Standard now applies only to passenger cars. The Director has concluded that it is necessary for small commercial vehicles to meet the criteria set forth in the revised Motor Carrier Safety Regulations to assure that they will achieve the level of performance that Standard No. 301 imposes. The petition is, therefore, denied.

7. International Harvester Co. has petitioned for amendment of § 393.67(d)(2)(ii), which governs the required performance of liquid fuel tanks during the leakage test. Specifically, the petitioner asks that the words "in any position the tank assumes during the test" be deleted. It claims that ball check valves, owing to their inherent design, cannot prevent leakage of fuel when they are rotated through certain angles. By granting the petition, the Director would nullify the significance of the leakage test. Furthermore, there are check valves available which prevent fuel leakage during the test. Hence, the petition is denied.

In consideration of the foregoing, the effective date of the revision of Subpart E of Part 393 of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49 CFR) published on August 14, 1971 (36 F.R. 15444) is extended from July 1, 1972, to January 1, 1973, and Subpart E is amended as set forth below.

This document is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48 and 389.4.

Issued on February 14, 1972.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

I. § 393.65(b)(6) is revised to read as follows:

§ 393.65 All fuel systems.

* * * * *

(b) *Location.* Each fuel system must be located on the motor vehicle so that—

* * * * *

(6) No part of the fuel system of a bus manufactured on or after January 1, 1973, is located within or above the passenger compartment.

* * * * *

II. In § 393.67, paragraph (a), subparagraphs (3), (4), (5), (11), and (12) of paragraph (c), and the introductory sentence of paragraph (e) are revised to read as follows:

§ 393.67 Liquid fuel systems.

(a) *Application of the rules in this section.* (1) A liquid fuel tank manufactured on or after January 1, 1973, and a side-mounted gasoline tank must conform to all the rules in this section.

(2) A diesel fuel tank manufactured before January 1, 1973, and mounted on a bus must conform to the rules in paragraphs (c)(7)(iii) and (d)(2) of this section.

(3) A diesel fuel tank manufactured before January 1, 1973, and mounted on a vehicle other than a bus must conform to the rules in paragraph (c)(7)(iii) of this section.

(4) A gasoline tank, other than a side-mounted gasoline tank, manufactured before January 1, 1973, and mounted on a bus must conform to the rules in paragraphs (c) (1) through (10) and (d)(2) of this section.

(5) A gasoline tank, other than a side-mounted gasoline tank, manufactured before January 1, 1973, and mounted on a vehicle other than a bus must conform to the rules in subparagraphs (1) through (10), inclusive, of paragraph (c) of this section.

* * * * *

(c) * * *

(3) *Threads.* The threads of all fittings must be Dryseal American Standard Taper Pipe Thread or Dryseal SAE Short Taper Pipe Thread, specified in Society of Automotive Engineers Standard J476, as contained in the 1971 edition of the "SAE Handbook," except that straight (nontapered) threads may be used on fittings having integral flanges and using gaskets for sealing. At least four full threads must be in engagement in each fitting.

(4) *Drains and bottom fittings.* (i) Drains or other bottom fittings must not extend more than three-fourths of an inch below the lowest part of the fuel tank or sump.

(ii) Drains or other bottom fittings must be protected against damage from impact.

(iii) If a fuel tank has drains the drain fittings must permit substantially complete drainage of the tank.

(iv) Drains or other bottom fittings must be installed in a flange or spud designed to accommodate it.

(5) *Fuel lines.* Except for diesel fuel systems, the fittings through which fuel is withdrawn from a fuel tank must be located above the normal level of the fuel in the tank when the tank is full. Diesel fuel crossover, return and withdrawal lines which extend below the bottom of the tank or sump must be protected against damage from impact. A fuel line which is not completely enclosed in a protective housing must not extend more than 2 inches below the fuel tank or its sump. Every fuel line must be—

(i) Long enough and flexible enough to accommodate normal movements of the parts to which it is attached without incurring damage; and

(ii) Secured against chafing, kinking, or other causes of mechanical damage.

* * * * *

(11) *Markings.* If the body of a fuel tank is readily visible when the tank is installed on the vehicle, the tank must be plainly marked with its liquid capacity. The tank must also be plainly marked with a warning against filling it to more than 95 percent of its liquid capacity.

(12) *Overfill restriction.* A liquid fuel tank manufactured on or after January 1, 1973, must be designed and constructed so that—

(i) The tank cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity; and

(ii) When the tank is filled, normal expansion of the fuel will not cause fuel spillage.

* * * * *

(e) *Side-mounted liquid fuel tank tests.* Each side-mounted liquid fuel tank must be capable of passing the tests specified in subparagraphs (1) and (2) of this paragraph and the tests specified in subparagraphs (1) and (2) of paragraph (d) of this section.[a]

* * * * *

III. In § 393.69, subparagraphs (2), (3), and (4) of paragraph (a) are revised to read as follows:

§ 393.69 Liquified petroleum gas systems.

(a) * * *

(2) A fuel system installed on or after December 31, 1962, and before January 1, 1973, must conform to Division IV of the June 1959 edition of the Standards.

(3) A fuel system installed on or after January 1, 1973, and providing fuel for propulsion of the motor vehicle must conform to Division IV of the 1969 edition of the Standards.

(4) A fuel system installed on or after January 1, 1973, and providing fuel for the operation of auxiliary equipment must conform to Division VII of the 1969 edition of the Standards.

* * * * *

[FR Doc.72-3128 Filed 3-1-72;8:53 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-2-72).

§ 33.5 Special regulations; Sport fishing; for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Mo., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: April 1, 1972, through September 15, 1972, daylight hours only.

(2) Spearing or gigging is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through September 15, 1972.

HAROLD H. BURGESS,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Mo. 64470.

FEBRUARY 18, 1972.

[FR Doc.72-3094 Filed 3-1-72;8:45 am]

[a] See note to paragraph (d) of this section.

Title 7—AGRICULTURE

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

[Navel Orange Reg. 258]

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

Limitation of Handling

§ 907.558 Navel Orange Regulation 258.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specfied; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 29, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 3, through March 9, 1972, are hereby fixed as follows:

(i) District 1: 954,000 cartons.

(ii) District 2: 196,000 cartons.

(iii) District 3: Unlimited.

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

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

Dated: March 1, 1972.

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

[FR Doc.72-3309 Filed 3-1-72;11:29 am]

[Valencia Orange Reg. 377]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.677 Valencia Orange Regulation 377.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of

such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 29, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 3, through March 9, 1972, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 72,229 cartons.

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

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

Dated: March 1, 1972.

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

[FR Doc.72–3310 Filed 3–1–72;11:30 am]

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

[Milk Order 46]

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

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2969) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that through December 31, 1972, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In paragraph (d) of § 1046.44, the provision, "or cream"; and

2. In the introductory text of paragraph (e) of § 1046.44, the provision, "located less than 250 airline miles as determined by the market administrator, from the nearer of the city halls in either Louisville, Ky., or Evansville, Ind.,"

STATEMENT OF CONSIDERATION

This suspension will remove the rule that requires Class I classification of fluid cream transferred in bulk from a pool plant to a nonpool plant located more than 250 miles from the nearer of the city halls in Louisville, Ky., or Evansville, Ind. Such transfers of cream, instead, will be classified according to use in the same manner as is now provided for transfers to nonpool plants within the 250-mile radius.

The suspension was requested by Dairymen, Inc., a cooperative representing a majority of the producers on the market. The suspension will facilitate the removal of excess butterfat from the market by permitting cream to be classified as Class II milk if utilized in ice cream at plants located more than 250 miles from either Louisville, Ky., or Evansville, Ind.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the disposal of surplus milk from the market;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective March 1, 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through December 1972.

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

Effective date: March 1, 1972.

Signed at Washington, D.C., on February 25, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–3151 Filed 3–1–72;8:48 am]

[Milk Order 137]

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Colorado marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3545) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through May 1972, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In the first sentence of paragraph (a) of § 1137.10, the provision, "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and

2. In the second sentence of paragraph (a) of § 1137.10, the provision "distributing".

STATEMENT OF CONSIDERATION

This suspension removes the provision that three deliveries of a producer's milk must be received at a pool distributing plant during the month to qualify his

milk for diversion to a nonpool plant. In addition, the suspension enables a cooperative association to divert milk based on the cooperative's deliveries to all pool plants (distributing and supply) rather than on the basis of deliveries to pool distributing plants only.

The suspension was requested by two cooperative associations. Another cooperative association supports the action. These three producer organizations represent about 85 percent of the producers supplying the market. A proprietary handler serving the market also indicated his support of the action. No adverse views were filed.

Current marketing conditions necessitate that the cooperatives handle an increasing quantity of the market's reserve supply. Without the suspension, the cooperatives would have to make uneconomic shipments of milk to qualify the milk for pooling.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through May 1972.

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

Effective date: Upon publication in the FEDERAL REGISTER (3–2–72).

Signed at Washington, D.C., on February 25, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-3152 Filed 3-1-72;8:48 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911]

[Docket No. AO–267–A6]

LIMES GROWN IN FLORIDA

Notice of Proposed Rule Making

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida, hereinafter referred to collectively as the "order". The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 15th day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the recommended amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by the Florida Lime Administrative Committee, the administrative agency established pursuant to the order. A notice that such public hearing would be held on November 10, 1971, in the Homestead Agricultural Center, 18710 Southwest 288th Street, Homestead, FL, was published in the FEDERAL REGISTER on October 27, 1971 (36 F.R. 20610).

Material issues. The material issues presented on the record of the hearing involve amendatory proposals to:

1. Change the definition of "handle" to make such term synonymous with "ship";

2. Revise the provisions relating to voting procedure to require an affirmative vote of the full committee to recommend continuance of volume regulations under specified conditions;

3. Redesignate the current regulatory sections of the order to appropriately accommodate inclusion of new sections dealing with volume regulation;

4. Add a requirement that the marketing policy include a schedule of estimated weekly shipments;

5. Expand the provisions of the section of the order pertaining to limes not subject to regulation by including volume regulation;

6. Add provisions for volume regulation; and

7. Make conforming changes.

Findings and conclusions. The findings and conclusions on the material issues all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows (numbers in parentheses are those used in the order as proposed to be amended which differ from those in the order):

1. The provisions of the order relating to the definition "Handle" in § 911.10 should be amended, as hereinafter set forth, to make the term "Handle" synonymous with "ship." Ship is a word used interchangeably with handle throughout the industry and all growers and handlers are familiar with its use and meaning. The order, as hereinafter discussed, should be amended to include a section entitled "Prorate bases." The words "ship" and "shipped" are used frequently in such section. Therefore, changing the term "Handle" to "Handle or ship" will make the meaning clear whenever these words are used in such section. Synonymously with "handle," the term "ship" should mean to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof. Such term should not include: (a) The sale or delivery of limes to a handler, registered with the committee, who has facilities within the production area for preparing limes for market; (b) the delivery of limes to such a handler solely for the purpose of having limes prepared for market; or (c) the transportation of limes by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such limes prepared for market. The order should continue to provide that in the event a grower sells his limes to a handler who is not registered with the committee, such grower would be the first handler of such limes to assure compliance.

2. The provisions of the order relating to § 911.30 *Procedure* should be amended, as hereinafter set forth, to provide that all members of the committee, including alternates acting for members, shall constitute a quorum and all shall concur in any recommendation to limit the volume of limes which may be shipped during any week immediately following two or more continuous weeks of regulation.

The present provisions of such section which require that a quorum shall consist of six members, including alternates acting for members, and that any recommendation shall require not less than five concurring votes, including one by a handler member or alternate, would be appropriate, and should apply to recommendations for volume regulations, except when such regulations have been in effect for two or more consecutive weeks.

Market conditions may make it desirable to continue volume regulations following more than 2 consecutive weeks of such regulation, and the committee should have authority to recommend such regulations. For example, the weather in major market areas may turn unseasonably cool and reduce the demand for limes well below the supply available for shipment. Unlimited shipments during such a period could result in a market glut, depressed prices, and demoralized markets. Under such conditions, continued volume limitations would be beneficial.

However, prolonged volume limitation is a matter of considerable economic importance to the industry, because situations differ among growers and handlers and the impact of such regulation may affect some more than others. The perishability of limes and the fact that during the summer season when such regulation would be applied the demand and the opportunity for sales of fresh limes are the greatest are also factors which should be considered. Therefore, it is desirable and appropriate that such a recommendation be made only after full and serious deliberation by the committee and a high degree of concurrence for volume regulation is achieved among committee members. Consequently, it should be more difficult for the committee to recommend volume control after two or more consecutive weeks of regulation to assure full and serious consideration by the committee. Full committee approval of such recommendations would help to assure such consideration.

As hereinafter provided, the smaller quorum and lower concurring vote requirements should apply to any recommendation for an increase in the weekly volume that may be handled or to terminate or suspend any existing volume regulation. This would permit the committee to act expeditiously in response to improvement in supply or demand conditions. This is desirable under such circumstances. It may not be possible for all committee members to attend a special meeting or to assemble at a telephone meeting on short notice. Hence, it would be appropriate that the smaller quorum and lower concurring vote requirements apply to any recommendation to increase the volume or to terminate a regulation, as it would permit growers and handlers to take timely advantage of increased market opportunity and provide additional limes to meet increased consumer needs.

3. The current regulatory sections of the order should be redesignated, as hereinafter set forth, so that volume control and allotment provisions, to be added by the recommended amendment, may be included together with all other regulatory sections. In the order, there are not sufficient reserved section numbers available to permit the appropriate inclusion of the recommended volume control provisions in the regulatory portion of the order. It is desirable to have all the regulatory provisions together, so that handlers and others affected thereby can have access to the provisions in that portion of the order.

4. Current provisions of the order in § 911.50 (§ 911.46) *Marketing policy* requires, in effect, that prior to the first recommendation for regulation during a fiscal year, the committee shall submit to the Secretary its marketing policy for such fiscal year including the expected shipments of limes produced in the production area and in other areas, including foreign competing areas. These provisions, however, do not expressly require the submission of a schedule of estimated weekly shipments of limes during such fiscal year. The order should be amended as hereinafter set forth to provide that such marketing policy also include a schedule of estimated weekly shipments during such fiscal year.

Although the committee, as hereinafter recommended, may each fiscal year only recommend volume limitations for a maximum of 8 weeks during a specified 18-week regulatory period and the Secretary may issue regulations limiting the quantity of limes to be handled during any week of such period, but not exceeding 8 weeks, the schedule of estimated weekly shipments of limes should be reported for the entire fiscal year. This should provide more complete and useful information and a clear picture of expected lime shipments for the entire fiscal year, as compared with information to be reported on expected shipments for only that part of the fiscal year during which volume regulations may be made effective. Shipment estimates should be made prior to the start of regulation each fiscal year so that the committee would be able to consider such timely factors as the effect of recent hurricanes, freeze damage, and heavy rainfall, if any, and change in marketing conditions and other factors which may influence the size and marketing of the new crop and which may have occurred since the marketing of the past year's lime crop. In this regard, the estimate of shipments for the then current fiscal year should provide more timely and useful information for planning and preparing for volume regulations, than would otherwise be available to the industry in summaries of lime shipments reported weekly by the committee covering the preceding weeks and the comparable weeks of the immediately preceding fiscal year and in the monthly summaries for past fiscal years.

In making its recommendations for volume regulations, as the fiscal year progresses, the committee should consider the most accurate and timely information available as to the then current and prospective supply and demand conditions. If such conditions indicate there is a need to recommend a weekly volume which differs from the schedule of estimated shipments submitted with its marketing policy, it should recommend a quantity consistent with its appraisal of market demand requirements even though such quantity may differ from that in the schedule. In the event it becomes advisable because of changes in the supply and demand situation for limes to modify substantially such marketing policy, the committee should submit to the Secretary a revised marketing policy. Provision for a revision currently is in the section of the order dealing with marketing policy; and such provison should also apply to revision of that part of a marketing policy which deals with volume regulations.

5. The provisions of the order in § 911.56 (§ 911.52) *Limes not subject to regulations* should be amended, as hereinafter set forth, to provide that a handler may, without regard to the provisions in §§ 911.41, 911.52 (911.48), 911.55 (911.51), and (911.54) through (911.58), and regulations thereunder, handle limes (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for commercial processing into products; or (d) in such minimum quantities or types of shipments, or for such specified purposes as the committee, with the approval of the Secretary, may prescribe.

Limes so handled are currently exempt from grade, size, container, and pack regulations issued pursuant to the order. Limes which are so handled for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for limes sold in the domestic and export markets. For the same reason, such limes should also be exempt from compliance with the aforesaid provisions dealing with volume regulation. Provision is currently in the order for the exemption from regulation of the handling of specified small quantities or types of shipments of limes, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the committee, with the approval of the Secretary, to exempt such handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. For the same reasons, such limes should also be exempt from volume regulations. However, to prevent abuse of the exemption privilege, the provision in the order that such rules, regulations, and safeguards may be prescribed as are deemed necessary to prevent limes so handled from entering channels of trade other than as provided in the order should also apply to limes handled exempt from volume regulation.

6. The order should be amended, as hereinafter set forth, to add a new § 911.53 *Recommendation for volume regulation.* This section should provide that the committee each season may recommend to the Secretary the total quantity of limes to be handled in any week of an 18-week regulatory period beginning with the week preceding the first full week in May.

The section should provide, further, that no volume regulation shall be recommended after such regulations have been in effect for a total of 8 weeks during the aforesaid period.

The section should also provide that in making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for limes, (2) supply of limes en route to principal markets, (3) supply, maturity, and condition of limes in the production area, (4) market prices and supplies of limes from competitive producing areas, including foreign competing areas, and supplies of other competitive fruits, (5) trend and level in consumer income, and (6) other relevant factors.

The section should provide, further, that at any time during a week for which the Secretary has issued a regulation limiting the quantity of limes which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reasons for the recommendation, should be submitted promptly to the Secretary.

The committee should be authorized to recommend volume regulations for any week, not to exceed a total of 8 weeks, during each regulatory period. Industry experience has shown that during the summer months weekly shipments of limes often greatly exceed market demand. This results in depressed prices and inadequate returns to growers. Authority for volume regulation on the basis hereinafter set forth would provide a means for dealing with this situation. Authority for volume control should be limited to a total of 8 weeks. The volume control aspects of this regulatory program should operate efficiently with a maximum of 8 weeks of control but less than 8 weeks of such control would not likely be sufficient for an effective control program.

During any week for which the Secretary has issued a regulation limiting the quantity of limes which may be handled during such week, the committee should be authorized to recommend to the Secretary that such quantity be increased, so that if market demand suddenly improves, the committee may recommend an immediate increase in shipments. This would permit the industry to take advantage of any additional opportunity for the profitable marketing of fresh limes and provide additional supplies to consumers.

The order should be amended, as hereinafter set forth, to add a new § 911.54 *Issuance of volume regulations.* This section should provide that the Secretary may issue a regulation limiting the quantity of limes which may be handled during any week, but not to exceed a

total of 8 weeks, in the previously specified 18 week regulatory period, whenever he finds from the recommendations and information submitted by the committee or from other available information, that to so limit the quantity of limes for a specified week will tend to effectuate the declared policy of the act.

In addition, the section should provide, as authorized by the act, for such continued regulation of the flow of lime shipments during periods when, the season average price for limes is above parity as will tend to establish and maintain such orderly marketing conditions for limes that will provide, in the interest of producers and consumers, an orderly supply to market and avoid unreasonable fluctuations in supplies and prices. Above parity prices likely would be the result of a short supply of limes. However, even in a season of short supply often there exists at times a quantity in excess of market needs. Shippers tend to accelerate shipments and oversupply markets at such times in order to take advantage of the high prices. In the face of an oversupply, prices drop but only after wholesalers and retailers become convinced that the desired movement cannot be achieved at the higher prices. In this time interval limes may deteriorate and waste occur, thus the quantity and quality would be reduced to the detriment of both growers and consumers.

Authority for volume regulations in such circumstances would make it possible to prevent "gluts" and "famines" in the markets, assure consumers of more desirable quality of limes, and extend the supply over a longer period during seasons of short supply.

Moreover, the section should authorize the Secretary to increase the quantity fixed as the quantity permitted to be handled during a week or to suspend or terminate any volume regulation whenever he finds from a recommendation of the committee, or from other available information, that such action would be appropriate, and in keeping with the purposes of the act. The demand for limes varies depending upon such factors as the volume of available supplies, the quality of such supplies, the availability of competing fruit, market conditions, and other factors. Changes in such factors after a regulation has been set may change the quantities of limes that may be sold advantageously during a particular week. Consequently, when conditions change so that the then current regulation does not appear to be carrying out the declared policy of the act, the committee should have the authority to recommend to the Secretary an increase in the prescribed volume, or the suspension or termination of such regulation during a particular week, whichever the situation warrants, and the Secretary to take such action.

The provisions for issuance of volume regulations during the 18 week regulatory period should tend to establish more orderly marketing of Florida limes throughout the normal marketing season. Although authority is hereinafter provided for volume regulation only during an 18-week period when production and shipments historically are at their peaks, regulation during a limited number of weeks, to prevent excessive shipments, would tend to avoid unreasonable fluctuations in supplies and prices and prevent market gluts by more precisely adjusting the supply to demand requirements for limes in fresh markets. This should improve returns to growers and benefit handlers, as it would tend to stabilize prices and increase buyer confidence and the total market opportunity for fresh limes. In addition, authority for regulating the flow of the supply of limes to market should tend to improve flexibility in the operation of the order, and help assure consumers of a continued supply of high quality fresh limes to the extent they are available throughout the normal marketing season by encouraging retailers to purchase and offer them for sale on a regular basis as hereinafter discussed.

During the fiscal years 1965–66 through 1970–71, lime production increased from about 390 thousand bushels, annually, to more than 575 thousand bushels, and production for 1971–72 is expected to exceed 700 thousand bushels. The industry historically has shipped an average of about 55 percent of fresh limes to market during an 18-week "summer season" beginning about the last week in April and extending 17 weeks thereafter and only about 45 percent during the remainder of the fiscal year. Approximately 30 percent of lime shipments have occurred from September through December and 15 percent from January through April. During 1970–71, for example, weekly shipments during May ranged from about 2,200 to 3,500 bushels; whereas during a 6-week period starting June 20th through the fourth week in July, weekly shipments ranged from 12,000 to a high of 30,000 bushels and all except 1 week were in the 23,000 to 30,000 bushel range. Major wholesale market average prices for Florida limes (New York, Philadelphia, Chicago, and Detroit), during May of 1971, ranged between $5 and $10 per Pony (a ⅕-bushel carton), whereas wholesale market average prices during the aforesaid 6 weeks in June and July dropped to a range of only $1 to $1.50 per Pony.

Excessive shipments during some weeks of the "summer season" have been an annual occurrence in the Florida lime industry, with resulting low returns therefor to growers. The physiological nature of the lime and climatic and growing conditions are such that the bulk of the cultivated varieties in Florida reach maturity during the summer as indicated by a desirable green color, acceptable size and juice content. If kept on the tree beyond maturity limes begin to turn from the desirable green color to lighter shades of green and yellow, which are less acceptable to consumers. Therefore, as the bulk of limes reach maturity, during the summer months, there is pressure on growers and handlers to pick and ship increased quantities of limes to fresh market outlets. If harvesting is delayed, limes on the trees will remain in marketable condition for a considerable time or growers may harvest mature limes, prior to turning, and store them for a time under refrigeration. Hence, it is practical to extend the supply over a longer period during seasons of short supply and avoid shipment of an oversupply to market. Excessive shipments often result in market gluts, rapidly falling prices and a demoralized market situation, in which produce buyers tend to lose confidence and are reluctant to purchase limes, because their competitors might be in a position to purchase at the lower price, giving them a competitive advantage at retail. The tendency under these circumstances is for buyers to discontinue purchasing limes, to purchase less limes, to delay purchases, or to offer only very low prices for limes. This results in a twofold loss to growers and handlers: (1) A low price with an inadequate return and, in some instances, no return after picking, grading, packaging, shipping, and selling costs are covered, and (2) a loss in the volume of purchases for fresh market outlets—the major market for limes.

Processing outlets for limes are not a satisfactory alternative to stabilizing prices and increasing the volume of limes sold in fresh markets. The record indicates that limes sold for processing, mostly into preserved juice products, netted growers an average of only 18 cents per bushel on-tree for the most recent 5-year period, including the 1970–71 fiscal year, and the on-tree net return was less than 5 cents per bushel during 1970–71. Because much of the Florida lime crop is of high quality, particularly during the early summer, excessive volumes are available for shipment, and grade regulations are neither designed for nor have proven effective in significantly limiting the quantity being marketed. Also, predictions as to the effect of a given grade regulation on volume often proved inaccurate. Moreover, highly restrictive grade requirements could tend to eliminate more of some growers' volumes than of others because of differences in the grade composition of their crops.

Providing authority for a limited number of weekly volume regulations, during the 18-week regulatory period, as hereinafter set forth, should add flexibility and improve the effectiveness of the order and the order should be amended to provide for such regulation.

For regulatory and compliance purposes the order should be amended, as hereinafter set forth, to add a new § 911.55 prorate bases, to require that each person who desires to ship limes during a regulatory period submit to the committee a written application for a prorate base and for allotment for such shipments. Such application should be substantiated and supported by such information as the committee may require. The committee should determine the accuracy of the information in the application and, whenever it finds there is an error, omission, or inaccuracy, it should give the applicant an opportunity to discuss with the committee the factors being considered in making needed corrections.

Such written application for prorate bases and for allotments should however, be submitted prior to the start of the regulatory period; and only one such application per fiscal year should be needed for all shipments during the regulatory period of such year. Each week during the regulatory period, when volume regulation is likely to be recommended for the following week, the committee should compute a prorate base for each handler who has filed such an application.

For the purposes of this section "representative period" should mean the two immediately preceding seasons together with the current season. The term "season" should mean the 18-week period beginning with the week preceding the first full week in May of a fiscal year. The term "current season" should mean the period including the week preceding the first full week in May of the current fiscal year through the fourth full week preceding the week of regulation, except that when official shipping records are available to the committee, the "current season" should extend through the third full week preceding the week of regulation.

Shipments of handlers in a representative period comprised of the two immediately preceding seasons and the current season, as heretofore defined, would provide a reasonable and practical basis upon which to compute handlers' prorate bases. Such computation should reflect realistically the relative positions existing among handlers of limes in the peak shipping period during which regulation is contemplated and allocation of limited shipments on the basis of prorate bases so computed should preserve the equities of handlers. The inclusion of additional seasons in the representative period is undesirable as it would tend to distort the recent shipping positions of handlers since earlier seasons are likely to reflect a different relative position. Hence, the shipments in the more recent seasons are preferable. Inclusion of shipments in weeks other than the specified 18-week period would be undesirable as the shipping pattern of handlers may differ in such weeks, hence the inclusion of such weeks would tend also to distort the volume relationship of handlers in the peak period of shipments.

The prorate base of each handler should be computed by dividing his total shipments in the representative period by a divisor computed by adding together the number of weeks elapsed in the current season and 18 weeks for each of the immediately preceding seasons within the representative period in which the handler shipped limes. This would provide a uniform rule, which would be applicable to all handlers and based upon the amounts handled by the handler in the representative "prior period" as provided in the act.

Most Florida lime handlers have shipped limes for a number of preceding seasons and can be expected to ship limes during any "current season". The record clearly establishes that because of the large volume of limes that handlers ship to processors and the existence of cash buyers who purchase limes directly from growers throughout the season and who may not have a large quantity currently available at any time, and because some growers do not want to contract with handlers for the shipment of all of their available limes, it would not be equitable to such cash buyers and growers to establish and operate a lime prorate program in Florida on the basis of amounts handlers have available for current shipment. As hereinbefore indicated, limes currently available to handlers would include quantities of limes which, based on previous industry performance, would be expected to be shipped to processors, and it would not be appropriate to use such limes as a basis for establishing a prorate program for fresh market shipments. Likewise, it would be inappropriate to use a combination of current availability and past shipments for all handlers for the same reasons. Thus, prior shipments of handlers is the only method available to the industry at the present time.

With respect to shipments that have been made in the preceding seasons of a representative period, only those made during the immediately preceding seasons should be used for calculation of the prorate bases for handlers. For example, if a handler shipped in the 1969–70 season, but did not ship in the 1970–71 season and made shipments during the current season (1971–72), the shipments made by such handler during the 1969–70 season should not be included in the total shipments used for computing his prorate base. Only his shipments made during the current season (1971–72) should comprise the shipments for calculating such handler's prorate base. However, if a handler did not ship in the 1969–70 season, but shipped in the 1970–71 season and made shipments during the current season, his shipments made in both the 1970–71 season and the current season should be included in the total shipments for calculating such handler's prorate base.

A handler who had abstained from making shipments for an entire season would not likely maintain his same relative position in the industry. A catastrophe may necessitate his reentry on a very limited scale. For example, he may have suffered a serious illness, or experienced labor troubles, or a loss of packing facilities through fire. A handler may reenter the business with a much larger volume than he formerly handled through reorganization or refinancing or otherwise. Whatever the situation is that results in a handler not making any lime shipments during a season, it would not be equitable or appropriate to use shipments made during the season prior to the one in which he made no shipments because such prior shipments would not likely reflect his current position relative to all handlers.

On the basis of past performance, the information concerning handlers' shipments of limes through the third full week preceding the recommended week of regulation should generally be available when the committee meets to consider the need for such regulation. However, the term "current season" should not be defined so as to include, in each instance, shipments of said third week as there may be occasions when information concerning handlers' shipments are available only through the fourth full week preceding the week for which regulation is being considered.

The committee should have a record of the most recent shipments possible for inclusion in the calculation of prorate bases. Often shipments made early in the season are of small volume because much of the fruit lacks maturity, or is small in size, or for other reasons the volume available for shipment is limited. Later shipments are generally larger as more limes become mature, fruit size increases, and the demand for such fruit improves seasonally. Prorate bases should be computed each week on the basis of the latest available data when volume regulation is likely to be recommended to provide an up-to-date basis for calculating allotments of handlers for permissible shipments during the following week. It would be equitable and in keeping with the desires of the industry, to include in the computation of prorate bases and allotments all current season shipments of which the committee has a record. Thus, it would not be appropriate to require the computation in each instance to include only those shipments made up to and including the fourth full week prior to the week of regulation if information concerning shipments made one week later was available to the committee. Accordingly, the prorate base computation, and the terms "representative period," "season," and "current season" should be on the basis hereinafter set forth.

The order should be amended, as hereinafter set forth, to add a new § 911.56 *Allotments*. The section should provide that whenever the Secretary has fixed the quantity of limes which may be handled during any week, the committee shall calculate the quantity of limes which may be handled during such week by each handler who has applied for a prorate base. Such quantity would be the allotment of each applicant handler and should be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee should give reasonable notice to each handler of the allotment computed for him.

The volume control provisions hereinafter set forth are similar to those in the Florida marketing order programs (7 CFR Parts 912 and 913) under which the volume of shipments of grapefruit during specified weeks are regulated. The procedures followed under such programs should also prove practical from the standpoint of providing lime handlers with adequate and timely notice, in the week prior to the week of volume control. Consistent with the availability of up-to-date information on supply and market conditions, each of the grapefruit committees meet as early as practicable in the week preceding the week for which regulation of grapefruit is being contemplated, to consider the need for volume control during the following week

and to arrive at an appropriate recommendation with respect thereto and to submit such recommendation to the Secretary for consideration and the issuance of an appropriate regulation, if any. Upon notification to the committee that a volume control regulation was issued, the committee computes for each handler an allotment for use during the following week and notifies him thereof. It is anticipated that such, or a similar, procedure would be followed by the Lime Administrative Committee in connection with the operation of the volume control provisions hereinafter set forth so as to assure handlers of reasonable advance notice of their allotments, thereby enabling them to operate in accordance therewith.

Handlers generally know in advance when the committee is to meet, and may attend if they so desire. Hence, it is likely that they would soon know when a volume regulation is recommended and the quantity. In any event, handlers would be free to contact the committee to inquire about the issuance of a volume control regulation and computation of their individual allotments. Also, a handler would know, on the basis of his own records of his shipments during the applicable representative period, the approximate size of his prorate base fairly early in the week preceding the week for which a committee recommendation is made. As soon as he has knowledge of the volume recommended by the committee, he can compute the approximate amount of allotment he will receive if the regulation is issued.

For the purpose of illustrating how a prorate base and allotment would be calculated, let us assume that a handler in the 1970 season had shipments of 15,000 bushels, 20,000 bushels in the 1971 season, and shipped 2,520 bushels in the portion of the current season up to 3 weeks (based on official shipping records available to the committee) before the week of June 18. His total would therefore be 37,520 bushels in the 40-week representative period comprised of the two immediately preceding 18-week seasons of 1970 and 1971 and the 4-week current season. His prorate base would be 938 bushels which was arrived at by dividing 37,520 by 40. The committee in a like manner would calculate prorate bases for each lime handler based on such representative period. All prorate bases so calculated would be added together. Let us further assume that they would total 15,000 bushels. The committee would then determine the percentage that the handler's 938 bushels is of the 15,000 bushels; and such would be 6.253 percent.

Let us assume that the Secretary fixed a 20,000-bushel limitation of shipments for such week. The handler would have an allotment of 1,251 bushels, which is 6.253 percent of the 20,000 bushels. Whatever the volume fixed, such handler would receive 6.253 percent of it. His percentage would probably vary slightly from week to week as further weeks of shipments are added to his record and to the records of shipments of all other handlers as the "current season" progresses and this may change the relative volume positions among handlers.

Each handler for whom an allotment is computed should be given written notice thereof by the committee. Written notification to handlers of their allotments should be beneficial to handlers and the industry as a whole and provide handlers with as much time as possible to plan marketing for the next week, determine supply, demand, and prices in various markets, and to initiate and complete necessary sales activities. Written notification should prevent errors and misunderstanding and would provide the committee with needed records for enforcement and other authorized purposes and handlers with information as to their weekly allotments. Also such notification could serve as a basis for allotment loans or transfers. It is assumed that the committee would, when practicable, also notify handlers by telephone promptly of their allotments for the following week for which volume limitations are being recommended to the Secretary. As there are presently approximately 30 lime handlers, such notification would not appear to impose an undue burden on the committee.

The order should be amended, as hereinafter set forth, to add a new § 911.57 *Overshipments*. The section should provide that during a week for which the Secretary has limited the quantity of limes which may be handled, any person who has received an allotment may handle, in addition to the allotment available to him, an amount of limes equivalent to 10 percent of his allotment or 50 bushels, whichever is greater.

This authority should provide handlers additional flexibility in that it might permit them to complete a truckload, if their unused allotment were less than a truckload lot. It, along with allotment loan provisions, as hereinafter recommended, should permit handlers to ship a larger quantity of available limes, if conditions warrant. It would help handlers establish shipping records, as a basis for prorate bases, and make small shipments in the unlikely event they first begin handling during one of the 8 weeks for which volume control limitations may be made effective.

The order should be amended, as hereinafter set forth, to add a new § 911.58 *Undershipments*. The section should provide that if any person handles during any week of volume regulation a quantity of limes in an amount less than the total allotment available to him, he may handle during the next succeeding week only a quantity of limes, in addition to that permitted by the allotment available to him, equivalent to such undershipment or 50 percent of the allotment issued to him for the week of the undershipment, whichever is the lesser. Provision also should be made for the committee to increase or decrease such percentage with the Secretary's approval.

A handler should be permitted a carryover of such unused allotment in order to afford him reasonable opportunity to retain his equitable share of the market where, for example, he was prevented from shipping the total allotment available to him during a week, or for some other reason did not use his total allotment. A delay in growers delivering limes to a handler for packing and shipping, or a power or mechanical failure in his packing facility may prevent a handler from packing or shipping any or all of the allotment available to him during the week. Permitting a handler to carry over unused allotment, whatever the circumstances may be for not using his total allotment, would thus be equitable and appropriate.

The reason for limiting undershipment carryover of the handler's allotment to the next week only and to the lesser of the amount of the undershipment or 50 percent of the allotment, is to encourage all handlers to use their allotments during the week for which they are issued rather than in a subsequent week. This should help assure that shipments more closely correspond to the quantities fixed by the Secretary.

Also, all undershipment carryovers from the previous week should be cancelled when the next week is free from volume controls. This should be so for the obvious reason that all handlers would be free to make unlimited shipments during that week, subject, of course, to any regulations that may then be in effect. Thus if volume controls are imposed during a week following one in which no such controls were in effect, all handlers would start with a clean slate without undershipment carryovers. The cancellation of undershipment carryovers during a nonregulatory week should also encourage handlers to use allotments fully during the week for which they are issued.

The order should be amended, as hereinafter set forth, to add a new § 911.59 *Allotment loans and transfers*. The section should provide that a person to whom allotments have been issued may lend or transfer all or part of such allotments to other persons to whom allotments have been issued. Each party to any loan or transfer arrangement should, prior to the handling of any limes covered by such a loaned or transferred allotment, notify the committee of the proposed loan and date of repayment or proposed transfer.

The section should also provide that allotments may be loaned or transferred only during the week for which such allotments are issued and can be used by the borrower or transferee only during the same week. Also, handlers securing repayment of allotment loans should be permitted to use such allotments only during the week in which the repayment is made. Requiring that allotment loans or transfer be made only during the week for which such allotments are issued and permitting the use of such allotments only during the week they are repaid, are desirable and necessary as this will tend to cause shipments to correspond more closely to the quantity fixed by the Secretary. If the quantity shipped by handlers during a week is smaller than that fixed by the Secretary, marketing opportunity may

be lost. And if the quantity shipped is significantly greater than the quantity so fixed, market prices for limes may be adversely affected. For the same reasons, it is equally important that handlers securing repayment of allotment loans use such allotments only during the week repayment is made, as the committee should consider allotment loans and transfers available to handlers as well as market requirements for a given week in determining the quantity to be recommended that the Secretary fix for such week during the regulatory period. Therefore, so the committee will have knowledge of each loan and transfer transaction, handlers should be required to notify the committee of such transaction, including loan repayment dates.

As with undershipments, when allotment loans fall due in a week of no volume regulation the repayment requirements should be considered as canceled. The intent is that handlers give careful consideration to the need for allotment loans and the repayment dates.

The section should also provide that the committee may function in the capacity of a clearinghouse for the purpose of receiving notification from persons who have allotment available for loan or transfer and from persons who need additional allotment. The committee is the logical source for such information and it could readily make it available to prospective parties to loans or transfers. However, the committee should not serve as an agent for the parties to any loan or transfer; and the responsibilities of negotiation, repayment of any loan or transfer, and notification of the committee should remain with the parties concerned.

The allotment loan and transfer authority should provide still more flexibility for handlers operating under the restrictions of volume regulation. It should enable a handler to borrow allotments or have them donated to him. It should permit a handler to loan or transfer allotment to another handler having limes to ship in excess of his allotment and overshipment privileges. A handler who does not need his full allotment should be permitted to lend part or all of it to another handler to be paid back at a time when he may need more allotment.

The required prior notification to the committee of allotment loans and transfers is important in the administration of the program and for enforcement purposes. The inclusion of authority for both the loan and transfer of allotment from one handler to another should not interfere with the operation of either as they are compatible. It is anticipated that those persons desiring to have allotment repayments will use the loan provisions while those not desiring repayment of allotment will use the transfer provisions.

It was suggested at the hearing that a handler whose allotment is calcuated entirely on the basis of a prorate base derived solely from shipments during the then "current season" should not be permitted to lend or transfer such allotment. The proposal was based on the assumption that some growers might register as handlers only for the purpose of obtaining so-called 50-bushel overshipment allotments and lending or transferring them to the handlers who are handling their limes. The thought was that the prohibition against lending or transferring such allotments would discourage handlers who lease groves, from requiring the grower-owners to register as handlers to obtain these "overshipment" allotments and for transfer to them as a condition for entering lease arrangements. The "no loan" or transfer restriction would thus operate as a safeguard to help assure that volumes of limes shipped during weeks for which volume regulations are in effect, would be more nearly in line with quantities fixed by the Secretary for such weeks. Moreover, such restriction would not create an undue hardship on a handler, because he would be expected to apply for allotments for weeks when he would need them in order to ship limes, and he would be allowed to obtain additional allotment, as needed, by loan or transfer if such were then available. Further, he would not likely have allotment available to loan or transfer, because he would most likely desire to establish as large a prorate base for allotment as possible on the basis of handling as many limes as he is entitled to ship during the current season.

As heretofore discussed, any handler who has received an allotment from the committee may handle a quantity of limes (by way of an overshipment) in addition to the quantity represented by the allotment. Thus, while an overshipment is related to, and depends upon, an allotment, it does not constitute an allotment. Rather, it is merely permission to such handler to ship a particular quantity of limes. Such permission, however, is not assignable by loan, transfer, or otherwise, by such handler to another one. As a consequence, the aforesaid restriction on loans and transfers of allotments calculated entirely on the basis of a prorate base derived solely from shipments during the then "current season" is inapplicable to "overshipments" and would serve no useful purpose if incorporated into the order. Accordingly, the proposed restriction on loans and transfers should not be included in the order hereinafter set forth.

According to the hearing record, handlers maintain their shipping records on a weekly basis, i.e., for the 7-day period beginning with Sunday and ending with Saturday. Also, information is furnished to the committee by the Federal-State Inspection Service on the same weekly basis showing quantities of limes inspected for shipment. Such a period is a calendar week. The notice of hearing contained a proposal to define "week or full week" as meaning a 7-day period beginning with Saturday. However, in view of the foregoing, the proposal was abandoned and no evidence was adduced at the hearing to support it. To the contrary, the record shows that when used in the order "week" or "full week" should mean the calendar week.

It was advanced at the hearing that in the event the order is amended to include authority for volume control regulations, the order should also provide that each year, at the time nominations are being made for positions on the committee, a referendum be conducted among growers and handlers to determine if a majority of such persons participating in the referendum favor the exercise of the volume control authority during the ensuing fiscal year. The authority providing for recommendation for volume regulation, as hereinafter set forth, would be optional and the committee would not be required to make recommendations that volume regulations be issued. Five of the committee members are growers and four are handlers of limes, and its meetings are all open to growers, handlers, and other interested persons, whose attendance at, and participation in, meeting discussions are encouraged. It is unlikely, under the circumstances, that volume regulations would be recommended, if the committee deems they are not needed. Furthermore, the order requires the Secretary to terminate or suspend the operation of any provision thereof whenever he finds (by referendum or otherwise) that such provision does not tend to effectuate the declared policy of the act. In the event of amendment of the order, as hereinafter set forth, such requirement would also be applicable to provisions dealing with volume regulation. Therefore, it is concluded that the order should not require an annual referendum to ascertain if growers and handlers favor use of volume regulation in the next fiscal year.

7. A proposal in the notice of hearing was that consideration should be given to making such other changes in the order as may be necessary to make the entire order conform to any amendments that may result from this proceeding. This proposal was supported at the hearing, without opposition. As certain section numbers (§§ 911.50 through 911.56) in the order are recommended to be redesignated, necessary conforming changes are also recommended to be made in those provisions of the order which make reference to the redesignated section numbers, as hereinafter set forth.

Rulings on proposed findings and conclusions. December 20, 1971, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and findings and conclusions which should be drawn therefrom. No brief was filed.

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

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

(b) The said marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of limes grown in the designated production area in the same

manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(c) The said marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several marketing agreements and orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(d) There are no differences in the production and marketing of limes grown in the production area covered by the said marketing agreement and order, as amended, and as hereby proposed to be further amended, that make necessary different terms and provisions applicable to different parts of such area; and

(e) All handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. The title of § 911.10 *Handle* and that part of the first sentence of the section preceding (a) are amended to read, respectively, as follows:

§ 911.10 **Handle or ship.**

"Handle" is synonymous with "ship" and means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include: * * *

2. Section 911.30 *Procedure* is amended by revising paragraph (a) and adding a new paragraph (c) to read, respectively, as follows:

§ 911.30 **Procedure.**

(a) Except as provided in paragraph (c) of this section, six members of the committee, including alternates acting for members, shall constitute a quorum and any decision, recommendation or other action of the committee shall require not less than five concurring votes including one by a handler member or an alternate acting as such.

* * * * *

(c) For any recommendation of the committee pursuant to § 911.53 as to the total quantity of limes deemed advisable to be handled during any week immediately following two or more continuous weeks of regulation pursuant to § 911.54 nine members of the committee, including alternates acting for members, shall constitute a quorum and nine concuring votes shall be required. The quorum and voting requirements specified in this paragraph shall not apply to recommendations pursuant to § 911.53 to increase the quantity that may be handled during the applicable week or pursuant to § 911.54 to terminate or suspend a regulation.

3. Sections 911.50 through 911.56 are redesignated and amended as indicated:

a. Section 911.50 *Marketing policy* is redesignated as § 911.46 and amended by revising the introductory sentence and paragraph (d) to read, respectively, as follows:

§ 911.46 **Marketing policy.**

Each fiscal year prior to making any recommendation pursuant to § 911.47 or § 911.53, the committee shall submit to the Secretary a report setting forth its marketing policy for such fiscal year.

* * * * *

(d) The expected shipments of limes produced in the production area and in other areas including foreign competing areas, together with a schedule of estimated weekly shipments of limes during such fiscal year;

* * * * *

§ 911.47 [Amended]

b. Section 911.51 *Recommendations for regulation* is redesignated as § 911.47 and in paragraph (a) of such section "§ 911.52" is changed to "§ 911.48".

§ 911.48 [Amended]

c. Section 911.52 *Issuance of regulations* is redesignated as § 911.48.

§ 911.49 [Amended]

d. Section 911.53 *Modification, suspension, or termination of regulations* is redesignated as § 911.49 and in paragraph (a) of such section "§ 911.52" is changed to "§ 911.48".

§ 911.50 [Amended]

e. Section 911.54 *Exemption certificate* is redesignated as § 911.50 and in the first sentence of such section "§ 911.52" is changed to "§ 911.48".

§ 911.51 [Amended]

f. Section 911.55 *Inspection and certification* is redesignated as § 911.51 and in the first sentence of such section "§ 911.52" is changed to "§ 911.48".

g. Section 911.56 *Limes not subject to regulations* is redesignated as § 911.52 and is amended by revising the text therein preceding paragraph (b) to read as follows:

§ 911.52 **Limes not subject to regulations.**

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 911.41, 911.48, 911.51, and 911.54 through 911.58, and the regulations issued thereunder, handle limes (a) for consumption by charitable institutions; * * *

* * * * *

4. The following new sections are added immediately following § 911.52:

§ 911.53 **Recommendation for volume regulation.**

(a) The committee may, during any week, recommend to the Secretary the total quantity of limes which it deems advisable to be handled during the succeeding week: *Provided*, That such volume regulation shall not be recommended for any week except during the 18-week regulatory period beginning with the week preceding the first full week in May: *Provided, further*, That no such regulation shall be recommended after such regulations have been in effect for an aggregate of eight (8) weeks during the aforesaid period.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for limes;

(2) Supply of limes en route to principal markets;

(3) Supply, maturity, and condition of limes in the production area;

(4) Market prices and supplies of fruits from competitive producing areas, including foreign competing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 911.54, has fixed the quantity of limes which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 911.54 **Issuance of volume regulations.**

Whenever the Secretary finds, from the recommendation and information submitted by the commitee, or from other available information, that to limit the quantity of limes which may be handled during a specified week of a regulatory period will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during a regulatory period shall not in the aggregate limit the volume of lime shipments for more than eight (8) weeks. The quantity so fixed for any week, may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of limes is in excess of the parity price. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation pursuant to this section at any time.

§ 911.55 **Prorate bases.**

(a) Each person who desires to handle limes shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 911.56.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is

an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the regulatory period when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of limes in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped limes and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 18 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped limes. For purposes of this section "representative period" means the two preceding seasons together with the current season; the term "season" means the 18-week period beginning with the week preceding the first full week in May of any fiscal year; and the term "current season" means the period beginning with the week preceding the first full week in May of the current fiscal year through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee he said "current season" shall extend through the third full week preceding the week of regulation.

§ 911.56 Allotments.

Whenever the Secretary has fixed the quantity of limes which may be handled during any week, the committee shall calculate the quantity of limes which may be handled during such week by each person who has applied for a prorate base and for whom such a base was computed by the committee. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice in writing to each person of the allotment computed for him pursuant to this section.

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equivalent to 10 percent of such total allotment or 50 bushels, whichever is the greater.

§ 911.58 Undershipments.

If any person handles during any week a quantity of limes, covered by a regulation issued pursuant to § 911.54, in an amount less than the total allotment available to him for such week, he may handle, during the next week, only, a quantity of limes, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided,* That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 911.59 Allotment loans and transfers.

(a) A person to whom an allotment has been issued for a particular week may lend or transfer all or part of such allotment to other persons to whom allotments also have been issued.

(b) Loaned or transferred allotment may be used only during the particular week for which issued.

(c) Each party to any loan or transfer, shall, prior to the handling of any limes covered by a loan or transferred allotment, notify the committee of the loan or transfer including the applicable dates, if any, of repayment.

(d) If no volume regulation is in effect in the week when a loan repayment is due the repayment requirement shall be deemed canceled.

(e) Any handler to whom an allotment has been issued and who desires to be a party to any such loan or transfer arrangement, may communicate such information to the committee. As a service to handlers, the committee shall act as a clearinghouse of such information and make it available to all such handlers upon request. However, as required by paragraph (c) of this section each party to any such loan or transfer shall, prior to the handling of any limes covered by the loan or transferred allotment, notify the committee of the loan or transfer, including the applicable dates, if any, of repayment.

Dated: February 25, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-3153 Filed 3-1-72;8:48 am]

[7 CFR Part 1065]

[Docket No. AO-86-A27]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn, 3321 South 72d Street, Omaha, NE, beginning at 10 a.m., local time, on March 21, 1972, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Nebraska-Western Iowa marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposal No. 7.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mid-America Dairymen, Inc.:

Proposal No. 1.

In § 1065.8, paragraph (d) is revised to read:

§ 1065.8 Handler.

* * * * *

(d) A cooperative association with respect to milk of its member-producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association, prior to delivery, notifies the market administrator in writing that it will be the handler for the milk. Such milk shall be considered to have been received from producers by the cooperative association at the location of the plant to which it is delivered.

* * * * *

Proposal No. 2.

In § 1065.14, revise paragraphs (a) and (b) and subparagraphs (1) and (2) of paragraph (c), and add a new paragraph (d) to read:

§ 1065.14 Producer milk.

* * * * *

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1065.8(d);

(b) Received from producers by a cooperative association which is a handler pursuant to § 1065.8(c);

(c) * * *

(1) For any month, a cooperative association handler pursuant to § 1065.8(c) may divert for its account the milk of any member-producer whose milk has been received at a pool plant(s) for at least 1 day's delivery during the month. The aggregate quantity of producer milk so diverted for the month, however, shall not exceed 30 percent in July through November and 100 percent in December

through June of the larger of the following amounts: (i) The total quantity of its member-producer milk received at all pool plants during the current month; or (ii) The average daily quantity of its member producer milk received at pool plants during the previous month multiplied by the number of days in the current month;

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any producer, other than a member of a cooperative association, whose milk has been received at his pool plant(s) for at least 1 day's delivery during the month. The aggregate quantity of producer milk so diverted for the month, however, shall not exceed 30 percent in July through November and 100 percent in December through June of the larger of the following amounts: (i) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph; or (ii) The average daily quantity of producer milk received at such plant during the previous month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to subparagraph (1) of this paragraph multiplied by the number of days in the current month;

* * * * *

(d) Received by a cooperative association handler pursuant to § 1065.8(d) from producers in excess of the quantity delivered to pool plants.

Proposal No. 3.

§ 1065.30 [Amended]

In § 1065.30 *Reports of receipts and utilization*, delete subdivision (ii) of paragraph (a)(1).

Proposal No. 4.

In § 1065.31, revise the introductory text preceding paragraph (a), to read:

§ 1065.31 Payroll reports.

On or before the 20th day of each month, each handler except a handler making payment for producer milk received from a cooperative pursuant to § 1065.14(a), and except one exempt pursuant to § 1065.61 or one making payments pursuant to § 1065.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1065.62(a), his payroll for dairy farmers delivering Grade A milk) which shall show for each producer:

* * * * *

Proposal No. 5.

§ 1065.44 [Amended]

Amend § 1065.44 *Transfers*, by deleting paragraph (e).

Proposal No. 6.

§ 1065.46 [Amended]

Amend § 1065.46 *Allocation of skim milk and butterfat classified*, by deleting subparagraph (10) of paragraph (a).

Proposal No. 7.

§ 1065.71 [Amended]

Amend § 1065.71 *Computation of uniform prices*, by deleting the following: The remainder of the section following the phrase "weighted average price" in paragraph (g) thereof.

Proposal No. 7a.

In § 1065.80, subparagraph (2) of paragraph (d) is revised to read:

§ 1065.80 Time and method of payment.

* * * * *

(d) * * *

(2) On or before the 14th day after the end of each month not less than the applicable weighted uniform price calculated pursuant to the provisions of § 1065.71, less payments made pursuant to subparagraph (1) of this paragraph;

* * * * *

Proposal No. 8.

Amend Part 1065 to include a Class I Base Plan containing the following provisions:

§ 1065.110 Production history base and Class I base.

For purposes of determination and assignment of Class I base of each producer:

(a) "Production history base" means a quantity of milk in pounds per day as computed pursuant to § 1065.112;

(b) "Production history period" means the days or months to be used for the computation of the production history base of the producer;

(c) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1065.115 for which a producer may receive the base milk price;

(d) "Average daily producer milk deliveries" of a producer in any specified period used for computing production history bases means the total pounds of producer milk delivered by the producer divided by the number of days in the period rounded to the nearest whole pound: *Provided*, That if a producer is prevented from delivering milk during the production history period because of storm conditions, the number of days of nondelivery due to such cause not to exceed 15 days may be deducted from the total number of calendar days in the period.

§ 1065.111 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month; and

(2) Milk received from a producer to whom no Class I base has been issued, in the amount determined pursuant to § 1065.113 (a) or (b).

(b) "Excess milk" means producer milk other than that defined under paragraph (a) from producers delivering base milk.

§ 1065.112 Computation of production history base for each producer.

A "production history base" as defined in § 1065.110 shall be determined by the Market Administrator for each producer eligible for such base on the effective date of this provision and on February 1, 1974, and on February 1 of each year thereafter. The computation of production history base shall be subject to adjustments due to acquisition or disposition by transfer of Class I base or other modifications of Class I base due to hardship. For purposes of computation of his production history base, a producer shall be considered as having been on the market during any specified period if: As a producer he delivered milk of his production during the designated period to pool plants, or to nonpool and other order plants as a Grade A producer at the direction of his cooperative association or pool handler, without interruption sufficient to cause forfeiture of base pursuant to § 1065.117(a), and during such period (after the effective date of this provision) did not dispose of all his Class I base by transfer.

(a) The Market Administrator shall determine for each producer who delivered milk during the period September 1, 1969, to September 1, 1972, an initial production history base by adding the higher of such producer's daily producer deliveries during the period September 1, 1969, to September 1, 1970, or September 1, 1970, to September 1, 1971, to the average daily producer deliveries during the period September 1, 1971, to September 1, 1972, and dividing by two;

(b) For producers who began deliveries of milk on or after September 1, 1970, and before June 1, 1972, divide the total deliveries prior to September 1, 1972, by the number of days of production;

(c) For producers who started deliveries between June 1, 1972, and September 1, 1972, the Market Administrator shall determine an initial production history base by dividing his total deliveries by the number of days of delivery and multiplying such producer's average daily milk deliveries during such period by 0.80;

(d) For producers who began deliveries after September 1, 1972, determine an initial production history base in the manner provided in § 1065.113(a);

(e) For each producer not subject to § 1065.113(b) who became a producer for this market subsequent to the effective date of this provision because the plant to which he regularly delivered milk became a fully regulated plant pursuant to this order, a production history base shall be determined, if possible pursuant to paragraphs (a), (b), (c), or (d) of this section, based on his deliveries of milk as if the nonpool plant to which he delivered had been a pool plant during the representative period;

(f) A producer who delivered milk to a nonpool plant prior to becoming a

producer, who cannot qualify for base under any other provisions of this section, and who is not subject to the provisions of § 1065.113(b), shall have a production history base determined on his average daily producer milk deliveries to the nonpool plant: *Provided,* That such production history base shall not exceed his average daily deliveries during the first 3 months in which he makes deliveries as a qualified producer;

(g) For a producer who held producer-handler status at any time subsequent to September 1, 1969, a production history base shall be calculated as prescribed in paragraphs (a), (b), (c), or (d) of this section as if the milk of his own production received at his producer-handler plant had been received at a pool plant;

(h) With respect to the computation of production history base pursuant to this section, the following rules shall apply:

(1) If a producer operated more than one farm at the same time, a separate production history base shall be determined with respect to the average daily producer milk deliveries from each farm except that only one production history base shall be determined with respect to milk production resources and facilities of a producer-handler.

§ 1065.113 New producers.

The Market Administrator shall determine a history of production for each producer for whom a production history base was not determined pursuant to § 1065.112 as follows:

(a) A producer, other than a producer pursuant to paragraph (b) of this section, who has no production history base shall be assigned a history of production effective on the first day of the fourth month of deliveries in an amount equal to 50 percent of his average daily deliveries of producer milk during the immediately preceding 3-month period multiplied by the number of days of production delivered by such producer during the month.

(b) A producer who, after having forfeited or disposed of all his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned a history of production in the manner provided in paragraph (a) of this section, such assignment to be effective the first day of the 4th month following the 12th month after the month in which a producer who forfeits his base ceases deliveries or a producer disposes of his Class I base.

(c) In the application of this provision, use of the same production facilities by another person (or the same person under a different name) to produce milk after the above-described forfeiture or transfer of base shall be considered as a continuation of the operation by the previous operator if the new operator is a member of the immediate family of the previous operator. It shall be applied also to any production facility to which a Class I base has not been assigned, wherever located, operated by a person in which the producer who forfeited or transferred his base has a financial interest if such facility commences production on or after the effective date of the transfer or forfeiture, or such producer acquired his financial interest in such person later than 3 months prior to the effective date of the base transfer or forfeiture.

§ 1065.114 Updating of production history bases.

The production history base for each producer, who was on the market on October 1 or before during the preceding year and who has neither disposed of his entire base by transfer nor forfeited his base pursuant to § 1065.117(a), shall be determined by the Market Administrator on February 1, 1974, and each February 1 thereafter as follows:

(a) The average daily producer milk deliveries for the current production history period shall be compared to the production history base and the higher of these shall be used, subject to adjustments pursuant to paragraph (b) of this section;

(b) In updating a production history base as described in this paragraph, adjustments to a producer's previously assigned production history base and/or average daily producer milk deliveries in prior years shall be made as follows:

(1) The prior production history base assigned to such producer shall be adjusted in proportion to the net change in Class I base due to acquiring or disposing of Class I base by transfer and adjustment of Class I base for hardship. The adjustment factor shall be determined by dividing the Class I base last held by the producer in the preceding January, by the amount of Class I base issued on the preceding February 1 or effective date of this provision.

(c) Effective February 1, 1974, the Market Administrator shall update the production history base for each producer as follows:

(1) For a producer who is assigned an initial history of production pursuant to § 1065.112 (a) and (b) on the effective date of this order, multiply the initial production history base by two, add the average daily milk deliveries for the period September 1, 1972, to December 31, 1973, and divide by three. On February 1, 1975, and each February 1 thereafter, for producers who have been assigned an initial production history base pursuant to § 1065.112 (a) and (b), the Market Administrator shall compute the average daily producer milk deliveries for the immediately preceding 3 calendar years and divide by 3.

(2) For a producer who is assigned an initial history of production pursuant to § 1065.112(c), determine his average daily deliveries during 1972 and 1973 and divide by the number of days of production. On February 1, 1975, and each February 1 thereafter the Market Administrator shall compute the average daily producer milk deliveries for the immediately preceding 3 calendar years or portion thereof and divide by 3.

(3) For a producer who is assigned an initial history of production pursuant to § 1065.112(d) in 1972 and subsequent years, multiply his initial history of production by 2, add the average daily producer milk deliveries for the immediately preceding calendar year and divide by 3. On February 1, 1975 add to the producer's initial history of production his average daily milk deliveries for the two immediately preceding calendar years and divide by 3. In updating his history of production each year thereafter the Market Administrator shall determine his history of production in the manner provided in paragraph (c)(1) of this section.

(4) For a producer who is assigned an initial history of production pursuant to § 1065.112 (e), (f), or (g), the Market Administrator shall update his history of production from year to year in the manner applicable to a producer delivering to a pool plant as provided in subparagraphs (1) and (2) of this paragraph.

§ 1065.115 Computation of Class I base or base milk for each producer.

On the effective date of this provision and on February 1, 1974, and each subsequent year the Market Administrator shall assign a Class I base to each producer who has a production history base. Class I bases shall be assigned to producers described in § 1065.114 when they are issued production history bases. Class I bases shall be computed as follows:

(a) Compute a "Class I base percentage" as follows:

(1) Determine the sum of Class I dispositions during the preceding calendar year:

(i) Class I producer milk pursuant to § 1065.46,

(ii) The Class I disposition of plants during the period when they were nonpool plants, if such plants were pool plants in the preceding December, and

(iii) The Class I disposition of his own production of a person who was a producer-handler during a portion of the year and who held producer status in the preceding December.

(iv) Multiply the result by 1.20.

(2) Divide the quantity computed pursuant to subparagraph (1) of this paragraph by a quantity which is the total of production history bases computed pursuant to § 1065.112 or § 1065.114, whichever is applicable. The result shall be converted to a percentage by multiplying by 100 and rounding to the third decimal place. Such percentage shall be known as the "Class I base percentage."

(b) The Class I base of each producer with a production history base shall be determined by multiplying his production history base by the "Class I base percentage:" *Provided, however,* That with respect to a producer whose history of production is computed in accordance with § 1065.113 (a) and (b) subtract 20 percent from his Class I base each year for 36 months.

§ 1065.116 Transfer of bases.

Production history and Class I base may be transferred pursuant to the following rules and conditions:

(a) A transfer of base means the transfer of both the production history base and the Class I base associated with it at the time of transfer. The percentage of Class I base transferred shall be applied to the total production history base held at the time of transfer to determine the corresponding amount of production history transferred;

(b) The Market Administrator must be notified in writing by the holder of Class I base of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer, and the amount of base to be transferred. Application for transfer must be made to the Market Administrator on forms approved by the Market Administrator and signed by the base holder(s), his heirs, executor, or trustee and by the person to whom such base is to be transferred;

(c) A transfer of an entire base may be made effective on any day of the month if application for such transfer is filed with the Market Administrator at least 5 days prior to such transfer. Otherwise, such transfer shall be effective on the first day of the month following that in which application is made;

(d) A transfer of a portion of a base shall be effective the first day of the month following that in which application for which such transfer is made to the Market Administrator;

(e) A producer who has received base by transfer on or after February 1 of any year may not transfer any portion of the base for 3 full months following the effective date of such transfer;

(f) A producer who has transferred base on or after February 1 of any year may not receive additional base by transfer for 3 full months from the effective date of such transfer;

(g) A base which is jointly held or in a partnership may be transferred in part or in its entirety only upon application signed by each joint holder or partner, his heirs, executors, or trustee and by the person to whom such base is to be transferred;

(h) A base which has been established by two or more persons operating a dairy farm jointly or as a partnership may be divided among the joint holders or partners if written notification of the agreed division of base signed by each joint holder or partner, his heirs, executor, or trustee, is received by the Market Administrator at least 5 days prior to the first day of the month on which such division is to be effective;

(i) It must be established to the satisfaction of the Market Administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this section;

(j) A transfer may be made to a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer;

(k) A transfer of Class I base may be made in amounts of not less than 150 pounds or the entire base, whichever is smaller. The amount of base credited to the transferee shall be two-thirds of the Class I base disposed of by the transferor producer: *Provided,* That an intrafamily transfer (including transfer to an estate and from an estate to a member of the immediate family) and transfers under paragraph (h) of this section, will not be subject to a one-third lapse of base;

(l) In the case of an intrafamily transfer (including transfers to an estate and from an estate to a member of the immediate family), all restrictions on transferring base applicable to the transferor producer shall also apply to the transferee;

(m) A producer who receives a base pursuant to § 1065.112 (e), (f), or (g) may not transfer such base, other than pursuant to paragraph (k) of this section, for 1 year from the date of receipt;

(n) If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons other than a member of the immediate family of the person transferring such stock will require a transfer of bases and compliance with all base rules therein: *Provided,* That if the transferor(s) is the sole holder of the stock and transfers such stock to a member or members of the immediate family, there will be no lapse of base.

§ 1065.117 Miscellaneous base rules.

The following base rules shall be observed in the determination of bases:

(a) A person who discontinues delivery of producer milk for a period of 90 consecutive days after a Class I base is issued to him shall forfeit his production history, together with any Class I base and production history base held pursuant to the provisions of this order, except that a person entering the military service may retain them until 1 year after being released from active military service;

(b) As soon as production history bases and Class I bases are computed by the Market Administrator, notice of the amount of each producer's production history base and Class I base shall be given by the Market Administrator to the producer, to the handler receiving such producer's milk if the producer is not a member of a qualified cooperative association, and to the cooperative association of which the producer is a member;

(c) As a condition for designation as a producer-handler pursuant to § 1065.9, any person (including any member of the immediate family of such a person, any affiliate of such a person, or any business of which such a person is a part) who has held Class I base any time during the 12-month period prior to such designation shall forfeit the maximum amount of Class I and production history base held at any time during such 12-month period.

§ 1065.118 Hardship provisions.

Requests of producers for relief from hardship or inequity arising under the provisions of §§ 1065.112 through 1065.117 will be subject to the following:

(a) After bases are first issued under this plan and after bases are issued on each succeeding February 1, a producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base;

(2) His production history base is not appropriate because of unusual conditions during the base-earning period such as loss of buildings, herds, or other facilities by fire, flood or storms, official quarantine, disease, pesticide residue, condemnation of milk, military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1065.117(a);

(4) Inability to transfer base due to the provisions of § 1065.116(m).

(b) The producer shall file with the Market Administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1065.117 with respect to requests pursuant to paragraph (a) (1) or (2) of this section, or not later than 45 days after the occurrence with respect to request pursuant to paragraph (a) (3) or (4) of this section, setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the Market Administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the Market Administrator at a meeting in which the Market Administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), or (4) of this section, grant or adjust production history bases and average daily producer milk deliveries for prior years where it appears appropriate, delay forfeiture of Class I base, restore forfeited base or reduced average daily producer milk deliveries where appropriate, and permit transfer of base not otherwise possible under the order provisions.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of additional production history base and average daily producer milk deliveries for prior years where it appears appropriate and the effective date thereof of such adjustment. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(a) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(b) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division, within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmitted.

(5) Committee members shall be reimbursed by the Market Administrator from the funds collected under § 1065.86 for their services at $30 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The Market Administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the Market Administrator.

Proposal No. 9.

Add a new § 1065.71a providing as follows:

§ 1065.71a Computation of uniform prices for base milk and excess milk.

For each month the Market Administrator shall compute the uniform prices per hundredweight for base milk and excess milk of 3.5 percent butterfat content received from producers as follows:

(a) From the net amount computed pursuant to § 1065.71 (a) through (e) subtract the following:

(1) The amount computed by multiplying the hundredweight of milk specified in § 1065.71 (f)(2) by the weighted average price for all milk; and

(2) The amount computed by multiplying the hundredweight of excess milk by the Class III price for 3.5 percent milk, rounded to the nearest one-tenth cent.

(b) Divide the net amount obtained in paragraph (a) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform base price per hundredweight of milk of 3.5 percent butterfat content; and

(c) Divide the amount obtained in paragraph (a)(2) of this section by the hundredweight of excess milk, and subtract any fractional part of 1 cent. This result shall be known as the uniform excess price per hundredweight of milk of 3.5 percent butterfat content.

Proposal No. 10.

In § 1065.80, revise the section heading and paragraph (a) to read:

§ 1065.80 Time and method of payment to producers and to cooperative associations.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) and (d) of this section, at not less than the uniform base price for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 1065.72 and by any location adjustment applicable under § 1065.73, and at not less than the uniform excess price for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1065.72, less the following amounts: (1) The payments made pursuant to paragraph (b) of this section; (2) marketing service deductions pursuant to § 1065.85; and (3) any proper deductions authorized by the producer: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 1065.83, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator;

* * * * *

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 11.

§§ 1065.7, 1065.10, 1065.11, 1065.12 [Amended]

Consider the use of a uniform term for health authority in § 1065.7, 1065.10, 1065.11, and 1065.12 and the elimination of the word "label" as it appears in § 1065.11.

Proposal No. 12.

§ 1065.17 [Amended]

Clarify the text of § 1065.17 *Route* with respect to packaged deliveries to plants.

Proposal No. 13.

§ 1065.71 [Amended]

In paragraph (a) of § 1065.71 *Computation of uniform prices*, delete the reference "§ 1065.80." This would eliminate the provision that excludes a handler's receipts and utilization from the uniform price computation if he has not paid producers in the prior month.

Proposal No. 14.

§ 1065.80 [Amended]

In paragraph (b)(2) of § 1065.80 *Time and method of payment*, substitute the words "partial payment" for the words "advance payment."

Proposal No. 14a.

§ 1065.80 [Amended]

In paragraph (d) of § 1065.80, delete the reference to paragraph "c" of § 1065.8, and delete the word "or" so that the text of paragraph (d), in part, reads: "* * * pursuant to § 1065.8(d) as follows:"

Proposal No. 15.

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, 8424 West Center Road, Room 200, Post Office Box 14340, West Omaha Station, Omaha, NE 68114, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on February 28, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-3148 Filed 3-1-72;8:48 am]

[9 CFR Part 318]

STATE INSPECTED MEAT PRODUCTS

Storage and Distribution in Federally Inspected Establishments

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amending § 318.1(h) of the Federal meat inspection regulations (9 CFR 318.1(h)), as indicated below, pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*).

Statement of considerations. The proposed amendment of the regulations would permit certain State inspected products, heretofore prohibited, to be stored in and shipped intrastate from federally inspected establishments. Because of the present-day distribution methods for fresh and processed meats and the implementation of the Wholesome Meat Act by States whose meat inspection program has been found to be at least equal to the Federal program, it appears feasible and practical to allow the entry of properly packaged, marked, and labeled State inspected meat, meat byproducts, and meat food products into official establishments for storage and distribution in intrastate commerce.

Accordingly, under authority of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), it is proposed to amend the Federal meat inspection regulations as follows:

Section 318.1(h) would be amended by renumbering the existing provisions in paragraph (h) as (1) and adding a new paragraph (2) as follows:

§ 318.1 Products and other articles entering official establishments.

* * * * *

(h) * * *

(2) Meat, meat byproducts, and meat food products bearing official marks showing that they were inspected and passed under State inspection in any State not designated in § 331.2 of this subchapter may be received by official establishments only for storage and distribution solely in intrastate commerce. Such State inspected products must not create any unsanitary condition or otherwise result in adulteration of any products at the official establishment or interfere with the conduct of inspection under this subchapter. In addition, such State inspected products must be stored separately and apart from the federally inspected products in the official establishment.

* * * * *

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during the regular business hours in a manner convenient to the public business (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on February 28, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-3206 Filed 3-1-72;8:55 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148e]

ERYTHROMYCIN ETHYLSUCCINATE

Proposal for Name Change

Abbott Laboratories, the only manufacturer of erythromycin ethylsuccinate granules for oral suspension and erythromycin ethylsuccinate chewable tablets, has requested a change of names in the antibiotic monographs for these two dosage forms to bring the antibiotic drug regulations into conformance with nomenclature used by the National Formulary XIII.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 148e be amended to delete the word "granules" from erythromycin ethylsuccinate granules for oral suspension, and to delete the word "chewable" from erythromycin ethylsuccinate chewable tablets. It is also proposed that the specification for disintegration time be added to the erythromycin ethylsuccinate tablet monograph.

It is proposed that Part 148e be amended:

§ 148e.10 [Amended]

1. In § 148e.10 *Erythromycin ethylsuccinate granules for oral suspension* by deleting the word "granules" from the heading and from the first sentence of paragraph (a)(1).

2. In § 148e.29 by deleting the word "chewable" from the heading and the first sentence in paragraph (a)(1); inserting a new sentence between the fourth and fifth sentences in paragraph (a)(1); revising paragraphs (a)(3)(i)(*b*) and (ii)(*b*); and adding a new subparagraph (3) to the end of paragraph (b) to read as follows:

§ 148e.29 Erythromycin ethylsuccinate tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate tablets are composed of erythromycin ethylsuccinate, suitable and harmless diluents, binders, buffers, colorings, and flavorings. Each tablet contains erythromycin ethylsuccinate equivalent to 100 or 200 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The tablets shall disintegrate within 45 minutes. The erythromycin ethylsuccinate used conforms to the standards prescribed by § 148e.7(a)(1).

* * * * *

(3) * * *

(i) * * *

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

* * * * *

(ii) * * *

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

(b) * * *

(3) *Disintegration time.* Proceed as directed in § 141.540 of this chapter.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file wih the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 23, 1972.

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

[F.R. Doc.72-3168 Filed 3-1-72;8:53 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 72, 92, 190]

[CGFR 72-38]

WASHROOMS AND TOILET ROOMS

Extension of Time for Comments

The Coast Guard published a notice of proposed rule making, CGFR 72-4, in the FEDERAL REGISTER of Saturday, January 15, 1972 (37 F.R. 676), that proposed changes to the construction and arrangement regulations to allow female members of the crew to use washrooms and toilet rooms that are also used by male crewmembers.

In that document, commenters were given until February 18, 1972, to submit written data, views, or arguments. In response to the proposal, the Coast Guard has received written requests for extension of time to comment.

Extension of time is considered reasonable to allow all interested parties adequate opportunity to submit written data, views, arguments, and comments on the amendments proposed in CGFR 72-4.

In consideration of the foregoing, the time for submitting written data, views, arguments and comments proposed in CGFR 72-4 is extended to 20 March 1972.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), section 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: February 25, 1972.

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

[FR Doc.72-3169 Filed 3-1-72;8:54 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-GL-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Crawfordsville, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communciations received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed

amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Crawfordsville Municipal Airport based on a non-Federal NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Crawfordsville, Ind. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

CRAWFORDSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Crawfordsville Municipal Airport (latitude 39°58'45" N., longitude 86°55'00" W.) and within 3 miles each side of the 217° bearing from the Crawfordsville Municipal Airport extending from the 5-mile radius to 8 miles southwest.

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

Issued in Des Plaines, Ill., on February 11, 1972.

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

[FR Doc.72-3130 Filed 3-1-72;8:49 am]

[14 CFR Part 121]

[Docket No. 10865; Notice 72-6]

PUBLIC ADDRESS AND INTERPHONE COMMUNICATIONS SYSTEMS

Proposed Requirements

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to require that all airplanes having a passenger seating capacity greater than 19 and operated under Part 121 be equipped with an approved electronic public address system and an interphone communication system which are in satisfactory operating condition at takeoff. If adopted, these proposed requirements would also be applicable to operations conducted with such airplanes under the regulations prescribed in Part 123 for air travel clubs and under the air taxi operating rules of Part 135 governing the operation of large airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before May 31, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons.

As a result of its continuous surveillance of causes and potential causes of aviation accidents and other emergency situations, the FAA has become increasingly aware of the dangers inherent in large passenger-carrying aircraft which are not equipped with, or which do not have properly operating, public address and intercom systems which serve to keep passengers and crewmembers apprised of necessary information prior to and during an emergency. By having a ready means of notifying passengers of the problem and the proper procedures to follow, flight attendants have been able to make the most effective use of the time available. In addition to providing invaluable assistance in times of emergency, a public address system capable of being operated from both the flight deck and a flight attendant station facilitates the performance of routine communication functions.

We also believe there is a need, in the interest of safety, for an interphone (intercom) communications system for use by and between crewmembers, and between crewmembers and ground personnel, particularly in view of the increase in recent years of aircraft hijacking. Such a system would enable crewmembers to communicate between the passenger compartment and the flight deck on matters of crewmember incapacitation or disturbances on board without requiring crewmembers to leave their stations and without passengers overhearing.

Currently, many Part 121 certificate holders use a public address system of the type contemplated by the proposals made herein, but in the absence of a requirement for their use such systems have not always been operational during flight time. Therefore, in order to provide for the use of these systems, the FAA makes the following proposals.

It is proposed to require that all airplanes operated pursuant to Part 121 having a passenger seating capacity greater than 19 be equipped with an operable public address system approved in accordance with § 21.305. As proposed, the public address system would be required to be available for immediate use by flight crewmembers in the pilot compartment and by at least one flight attendant in the passenger compartment; and have a transmission range sufficient to be clearly audible throughout the passenger compartment and in all lavatories.

It is further proposed to require that all airplanes operated pursuant to Part 121 having a passenger seating capacity greater than 19 be equipped with an operable crewmember interphone system approved in accordance with § 21.305. As proposed, a crewmember interphone system would be required to provide a means of two-way communication between at least two flight crewmembers in the pilot compartment and at least one flight attendant stationed in the passenger compartment. In addition, for large turbojet powered airplanes having a passenger seating capacity greater than 19, the interphone system would be required to contain an alerting system incorporating both aural and visual signals which enable the caller to notify the recipient of an impending call and identify it as an emergency or normal call. Also, for large turbojet powered airplanes the interphone system would be required to provide for communication between ground personnel and at least two flight crewmembers, and separately, between ground personnel and at least one flight attendant. The portion of the system to be used by ground personnel would have to be so located that the user could avoid, if necessary, being seen from within the airplane.

As proposed, the public address and interphone systems must be approved in accordance with § 21.305, in addition to the requirements of §§ 121.318 and 121.319. Under § 21.305, approval may be obtained under one of three methods: A technical standard order (TSO) issued under Part 37; in conjunction with type certification procedures; or in any other manner approved by the Administrator. With regard to approval under a TSO issued under Part 37, the applicable TSO's are found in §§ 37.149, 37.156, and 37.157, as appropriate. Both the public address and the interphone system must be capable of operation independent of the other except for handsets, headsets, or microphones.

By virtue of § 121.303(d)(2) both systems would be required to be operational upon takeoff; however, under the provisions of § 121.627(c), the FAA may approve procedures for continuing flight when certain features of either of these systems become inoperative in order to permit the flight to continue as planned to a place where repair or replacement could be made.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding two new sections immediately following § 121.317 to read as follows:

§ 121.318 Public address system.

(a) After (2 years after the effective date of this section), no person may operate an airplane with a seating capacity of more than 19 passengers unless the

airplane is equipped with a public address system that is capable of operation independent of the crewmember interphone system required by § 121.319(a) except for handsets, headsets, or microphones and that meets the requirements of paragraph (b) of this section.

(b) The public address system required by paragraph (a) of this section must be approved in accordance with § 21.305 of this chapter and meet the following requirements:

(1) Its function must be immediately available for use by more than one flight crewmember in the pilot compartment and by at least one flight attendant in the passenger compartment.

(2) Transmission must be clearly audible at each passenger and flight attendant seat and in each lavatory.

§ 121.319 Crewmember interphone system.

(a) After (two years after the effective date of this section), no person may operate an airplane with a seating capacity of more than 19 passengers unless the airplane is equipped with a crewmember interphone system that is operational at takeoff, that is capable of operation independent of the public address system required by § 121.318(a) except for handsets, headsets, or microphones and that meets the requirements of paragraph (b) of this section.

(b) The crewmember interphone system required by paragraph (a) of this section must be approved in accordance with § 21.305 of this chapter and meet the following requirements:

(1) It must provide a means of two-way communication between at least two flight crewmembers in the pilot compartment and at least one flight attendant in the passenger compartment and its function must be immediately available for use.

(2) For large turbojet powered airplanes—

(i) It must provide a means of two-way communication between at least two flight crewmembers in the pilot compartment and at least one flight attendant in each passenger compartment in which a floor level emergency exit is provided;

(ii) It must have an alerting system incorporating both aural and visual signals for use by the flight crewmembers and flight attendants to alert each other of an impending call;

(iii) It must have a means for the recipient of a call to determine whether it is a normal call or an emergency call; and

(iv) When the airplane is on the ground, it must provide a means of two-way communication between ground personnel and at least one flight attendant and, separately, between ground personnel and at least two flight crewmembers. The interphone system station for use on the ground must be so located that the ground personnel using the system may avoid visible detection from within the airplane.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 24, 1972.

WILLIAM G. SHREVE, Jr.
Acting Director,
Flight Standards Service.

[FR Doc.72-3129 Filed 3-1-72;8:49 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Hearings Regarding Courier and Armored Car Services

On January 20, 1972, the Board announced that it was appointing a hearing officer to consider whether armored car and courier services are closely related to banking under the 1970 Amendments to the Bank Holding Company Act, and indicated that the hearing officer would resolve all matters relating to the number and identity of participants, time accorded to participants, the receipt of evidence, expert opinion, rebuttal, written and oral arguments and other presentations, and the desirability of use of a prehearing conference.

A prehearing conference was held on February 4 pursuant to the hearing officer's direction. Following the conference the hearing officer issued an order on the conduct of the hearing and related matters and postponed the hearing on courier services until February 29 and the hearing on armored car services until a later date to be specified by the hearing officer.[1]

In conjunction with procedural requests submitted to the hearing officer, the National Courier Association and the National Armored Car Association filed a petition with the Board asking that it include in its notice of proposed rule making (F.R. of Nov. 17, 1971, 36 F.R. 21897) "an informative preamble which will set out in reasonable detail the considerations which led to the decision of the Board to issue the proposed amendment to Regulation Y".

The Board has denied this request. The question whether bank holding companies should be permitted to engage in courier service activities was explored before Congressional committees in connection with the 1970 Amendments to the Bank Holding Company Act. Congress did not resolve the issue; rather it authorized the Board to determine whether that and any other activity "is so closely related to banking or managing or controlling banks as to be a proper incident thereto" as that language is used in section 4(c)(8) of the Bank Holding Company Act. Action by the Board on its proposal would resolve a matter that was intended by the Congress to be resolved by the Board.

The Board believes that its prompt resolution of this matter would serve the public interest. The Board's decision would be a step toward disposition of a long-standing controversy between persons with adverse interests that has been pursued before other governmental agencies, including the Interstate Commerce Commission, in the Federal courts, and in the Congress. In the Board's judgment, the persons involved, including the Associations filing the petition, are well aware of the issues involved and have explored and studied them to the extent that further recitation of them by the Board—and further delay in resolution of this matter—would serve no useful purpose.

By order of the Board of Governors, February 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-3096 Filed 3-1-72;8:45 am]

[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.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Release No. 33-5233; SEC File No. S7-426]

SMALL OFFERING EXEMPTION FOR FRACTIONAL UNDIVIDED INTERESTS IN OIL AND GAS RIGHTS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission is considering a proposed revision of Regulation B (17 CFR 230.300–230.356) of its general rules and regulations under section 3(b) of the Securities Act of 1933 (Act). This regulation, which provides an exemption from the registration requirements of the Act for certain offerings of fractional undivided interests in oil and gas rights, has not been significantly revised since 1937.

The proposed revision would retain the general structure of the regulation, although it has been revised and reordered to make it clearer and to incorporate and codify certain administrative interpretations of the existing regulation. The Commission also is considering several major revisions of the regulation which, because of changes in economic and industry conditions and because of certain abuses in past selling practices, appear necessary in the public interest and for the protection of investors. The principal revisions include: (1) An increase in the dollar amount of an offering exempted from $100,000 to $250,000; (2) restriction on the use of sales literature and other forms of advertising; (3) a requirement for the delivery of the offering sheet 48 hours before any sale may be made; (4) the denial of the exemption to any person where he or certain related persons have been involved in violations of the Federal securities laws in connection with the

sale of securities and revision of the procedure for suspenson of the exemption; (5) a requirement for reports concerning the results of the offering; (6) and the elimination of the existing provision pertaining to offerings of less than $30,000 and in which the smallest interest offered or sold is not less than $300.

PRINCIPAL PROVISIONS

Reference is made to the attached proposed Regulation B for the full text of the revisions which should be carefully considered.

1. *Proposed increase in dollar amount of exemption (Proposed Rule 302).* The Commission noted that economic conditions have changed significantly since 1937, and believes it is appropriate to increase the dollar amount of an offering exempted from $100,000 to $250,000 in order to reflect increases in drilling costs. Such an increase would also be consistent with the Commission's recent action increasing the dollar amount of an offering exempted pursuant to section 3(b) of the Act and Regulation A (17 CFR 230.251–230.263) thereunder.

2. *Prior delivery of offering sheet.* The registration provision of the Securities Act of 1933 provides for a "waiting period" between the filing date and effective date of a registration statement during which written offers to sell securities may be made by means of a preliminary prospectus. The Commission has, by rule or release, taken steps to encourage dissemination of the preliminary prospectus during this period in order to afford persons effecting a distribution and persons reasonably expected to be purchasers of the securities a means of being informed about the investment merits of the offering prior to the effective date of the registration statement. The Commission believes that persons purchasing securities offered pursuant to Regulation B should have a similar opportunity to consider the material in the offering sheet. Accordingly, the proposed rule would require delivery of the offering sheet 48 hours prior to any sale, which is a reasonable time for such consideration and is in accordance with the standard applied in Securities Act Release No. 4968. (34 F.R. 7235)

3. *Limitations on the use of sales literature and other forms of advertising.* Enforcement problems have been reported to the Commission relating to frequent abuses in the use of sales literature and advertising material in connection with offerings purported to be exempt pursuant to Regulation B. Accordingly, proposed Rule 318 (17 CFR 230.318) would provide, as a condition for using the exemption, that advertising and sales material should be limited to the offering sheet, "tombstone" advertisements, and any material required by State law.

4. *Grounds for denial of exemption and revision of suspension procedures.* It appears to the Commission that where persons who propose to publicly offer securities have violated provisions of the Federal securities laws within a reasonable period prior to a proposed offering, it may not be in the public interest to allow such persons to take advantage of the exemption from registration provided by Regulation B. Accordingly, proposed Rule 304 (17 CFR 230.304) would provide a bar to the use or the exemption by such persons which would terminate after a period of 5 years and from which the Commission could grant relief upon a showing of good cause.

The procedures for suspending the exemption accorded by Regulation B have also been revised to provide for more effective enforcement. For example, Regulation B presently would permit a person to make other offerings pursuant to the regulation, if one offering is suspended. The revised regulation would prohibit such a practice, and generally, would make the suspension procedures pursuant to Regulation B similar to those under Regulation A.

5. *Report of results of offering.* A report of the results of the offering would provide information which would be useful to investors particularly in view of the fact that there is no continuous reporting requirement under Regulation B similar to section 15(d) of the Exchange Act. Such a report would be required from new registrants under the Securities Act pursuant to Rule 463 (17 CFR 230.463).

6. *Deletion of the $30,000 provision.* Rule 314(a) (17 CFR 230.314(a)) presently provides that no exemption from the regulation is available unless the operating lessee will own a working interest of a specified amount upon completion of the sale of the issue. Under paragraph (b) of the rule, however, this provision does not apply if (i) the aggregate amount at which the issue is offered to the public does not exceed $30,000 and (ii) the smallest interest which is separately offered or sold to the public is not so offered or sold for less than $300. Paragraph (b) has been deleted from proposed Rule 302(c) (17 CFR 230.302 (c)), the successor rule to Rule 314(a) because investors in issues conforming to the limitations of present Rule 314(b) need the prophylactic protections afforded by present Rule 314(a) to the same extent as investors in larger issues.

ANALYSIS OF PROPOSED RULES

General. The rules would be renumbered by using even numbers beginning with Rule 300. Odd numbers would be reserved for use in the adoption of other rules as deemed necessary and appropriate in the public interest.

The presentation of the regulation, in general, follows this pattern:

A. Introduction.
B. Definitions.
C. Availability of the Exemption.
1. Requirements.
2. Limitations.
3. Exceptions.
D. Conditions for the Exemption.
1. Filing and Use of the Offering Sheet, Reports, Sales Material.
E. The Offering Sheet.
1. Form, preparation.
F. Suspension of Exemption.
1. Reasons for suspension.
2. Procedure.
3. Effects of suspension.
G. Amendments of the Offering Sheet.
H. Withdrawal of the Offering Sheet.

The more significant changes in the regulation would be as follows:

Section 230.300 (17 CFR 230.300): The definitions in proposed Rule 300 are based on, and substantially similar to, those contained in the present Rule 300. The definition of the term "participating interest" has been extended to cover rights of participation in the oil or gas, or in the proceeds from the sale of oil or gas produced from a well or wells. Certain other revisions have been made to conform the definitions to other proposed rules.

Section 230.302 (17 CFR 230.302): The maximum dollar amount permitted to be raised under this regulation would be increased from $100,000 to $250,000.

Section 230.306 (17 CFR 230.306): This rule would deny the exemption to an offeror where it has been involved in violations of the Federal securities laws. Included in the rule is a relief provision where the Commission, upon showing good cause, may permit the use of the exemption.

Section 230.310 (17 CFR 230.310): The waiting period for sale has been extended from 8 to 10 days. In addition, the rule would require the furnishing of the offering sheet to investors 48 hours before a sale may be made or money or other consideration accepted. Two copies of the definitive offering sheet would be required to be filed under this rule.

Section 230.316 (17 CFR 230.316): An additional report (Form 3–G; 17 CFR 239.102(b)(2)), showing how proceeds were expended and the results of drilling, would be required to be filed not later than 3 months after completion of the offering and copies of the report would be required to be distributed to participants who have purchased working or participating interests. The report would not be required to be distributed to persons acquiring certain royalty interest or production payments. The report would also be required to be updated to indicate information as to well completion. This rule further provides for the filing of a report of sales on Form 1–G after the termination of sales rather than after each individual sale as presently required.

Section 230.318 (17 CFR 230.318): This rule would provide that other than the traditional "tombstone" advertisement and material required by State law, no form of advertising or sales literature would be permitted under this regulation.

Section 230.326 (17 CFR 230.326): The number of schedules required to be filed pursuant to the Regulation would be reduced from six to four through consolidation of four schedules into two.

Section 230.334 (17 CFR 230.334): The existing suspension provision would be augmented by adding as bases for suspension an offering in violation of the antifraud provisions of the securities acts and the failure of certain persons to cooperate with a Commission investigation relating to the offering. The limitation that a temporary suspension order must be entered within 7 days after filing of the offering sheet would be removed.

Section 230.336 (17 CFR 230.336): The suspension procedure would be amended to conform with the procedure specified in Regulation A. After the entry of a temporary suspension order, if no hearing is requested, the order would become permanent on the 30th day after its entry.

Section 230.338 (17 CFR 230.338): This rule would provide that the effectiveness of an offering sheet shall be delayed or suspended until any temporary or permanent suspension order issued is vacated.

Section 230.340 (17 CFR 230.340): This rule would provide that an offering sheet may not be amended if sales have been made under that offering sheet. It further provides that any offering sheet may not be amended after a hearing on the suspension of the exemption for that offering has commenced.

Section 230.342 (17 CFR 230.342): This rule would provide for the red-lining one copy of an amendment in order to show changes from the previous filing.

FORMS AND SCHEDULES

Forms 1–G and 3–G. (17 CFR 239.102 (b)(1)) (17 CFR 239.102(b)(2)). As noted in the reference to proposed Rule 316 (17 CFR 230.316) above the Commission is proposing to amend Form 1–G (17 CFR 239.101(a)) to reduce the number of such filings required and to adopt Form 3–G, a report showing how proceeds of the offering were expended and the results of drilling. Both Forms 1–G and 3–G are relatively simple and self-explanatory.

Rescission of Form 2–G. (17 CFR 239.101(h)). Existing Rule 322 (17 CFR 230.322) conditionally excepts certain transactions from the offering sheet requirements prescribed by existing Rule 320 (17 CFR 230.320). Certain of such transactions were required to be required to be reported on Form 2–G. However, it appears that over the years few, if any, such transactions have been effected in reliance on the exceptions in Rule 322, and the Commission has not received a report on Form 2–G in years. The Commission proposes to eliminate the exceptions set forth in Rule 322. It does not therefore appear necessary to retain Form 2–G. It further appears that the type of transactions excepted in Rule 322 are of the type which might permit sales in reliance on the exemptions provided by section 4(1) or 4(2) of the Act. Where such is not the case the Commission believes that delivery of an offering sheet should be required.

Rescession of Schedule E and F. (17 CFR 239.101 (e), (f)). There are presently six Schedules (A through F) for filing of offering sheets under Regulation B. The Commission has received no filings on Schedules E or F for years. It appears from a review of the schedules that Schedules A through D (17 CFR 239.10 (a)–(d)) provide all that is required by way of schedules under the Regulation. Any filings that might have been made on Schedules E and F may be made on Schedules C or D. The Commission is therefore proposing to rescind Schedules E and F.

The text of the proposed changes is as follows:

I. Part 230 of Chapter II of Title 17 would be amended by rescinding §§ 230.300 (and the caption and notes preceding that section) through 230.356 and by adopting the following:

REGULATION B—EXEMPTION RELATING TO FRACTIONAL UNDIVIDED INTERESTS IN OIL OR GAS RIGHTS

NOTE: *Introduction.* While compliance with Regulation B does not require the registration of securities under the Securities Act of 1933 (the Act), the need to make filings with the Commission and to disclose certain basic information is not eliminated. Persons offering securities under this exemption, as conditions to the exemption, are still required to file prescribed documents with the Commission containing certain basic and material information and to provide prospective investors with this information with respect to such securities. The regulation and the rules provide a method for obtaining an exemption from the requirements of registration if certain conditions are met and the rules of the regulation are followed. It should also be noted that the antifraud provisions of the Federal securities laws and the civil liabilities provisions of section 12(2) of the Act remain applicable, even if the exemption is available.

Form S–10 (17 CFR 239.17) adopted pursuant to the Act is available for the registration of fractional interests in oil and gas rights should the exemption provided by this Regulation be unavailable.

§ 230.300 Definitions of terms used in Regulation B.

As used in this Regulation B §§ 230.300–230.346), the following terms shall have the respective meanings set forth below:

(a) Fractional undivided interests: The term "fractional undivided interest in oil or gas rights" shall include fractional undivided interests in landowners' royalty interests, overriding royalty interests, working interests, participating interests and oil and gas payments as defined in paragraph (b) to (f) inclusive of this section.

(b) Landowners' royalty interest: The term "landowners' royalty interest" means the rights in the royalty reserved by a landowner or fee owner upon the creation of an oil and gas lease.

(c) Overriding royalty interest: The term "overriding royalty interest" means the right of participation in the oil or gas, or in the proceeds from the sale of the oil or gas, produced from a specified tract or tracts, which right is limited in duration to the terms of an existing lease and is not subject to any portion of the expense of development, operation, or maintenance.

(d) Working interest: The term "working interest" means that right in an oil or gas leasehold which is subject to any portion of the expense of development, operation, or maintenance.

(e) Participating interest: The term "participating interest" means the rights of participation in the oil or gas, or in the proceeds from the sale of oil or gas, produced from a specified tract or tracts, or well(s), which right is limited in duration to the terms of an existing lease and is subject to any portion of the expense of development, operation, or maintenance.

(f) Oil or gas payment: The term "oil or gas payment" means the rights of participation in the oil or gas, or in the proceeds from the sale of the oil or gas, produced from a specified tract or tracts, which is limited to a maximum amount fixed in barrels of oil, cubic feet of gas, or dollars.

(g) Offeror: The term "offeror" means any issuer of, underwriter of, or dealer in, any of the interests or rights offered under Regulation B (§§ 230.300–230.346) or any other person who issues, offers, or sells, any such interest or rights.

(h) Offering sheet: The term "offering sheet" means the offering sheet required by § 230.310 of this chapter.

(i) The terms "person," "issuer," "underwriter" and "dealer" shall have the meanings given in section 2 of the Act.

Where the terms defined in paragraphs (a) through (i) of this section are used in an offering sheet, such terms shall not be given a meaning inconsistent with such definitions. Other technical terms used in the offering sheet should not be inconsistent with their customary usage in the oil and gas industry.

§ 230.302 Interests exempted.

(a) Except as otherwise provided in Regulation B (§§ 230.300–230.346), fractional undivided interests in oil and gas rights, such as landowner's royalty interests, oil or gas payments, overriding royalty interests, participating interests, or working interest, which are offered and sold in accordance with the terms and conditions of Regulation B (§§ 230.300–230.346), shall be exempt from registration under the Act, provided the aggregate amount of the offering does not exceed $250,000.

(b) No exemption shall be available under Regulation B (§§ 230.300–230.346) the operating lessee or lessees will own, as a minimum amount, unencumbered in his name or their names, upon completion of the sale of the issue, a working interest in the tract or tracts involved equal to whichever of the following amounts is greater: (1) 20 percent of the total production from such tract or tracts of all oil, gas, or other hydrocarbon substances, or (2) the total percentage of production from such tract or tracts which is not subject to any portion of the expenses of development, operation, or maintenance, such as the landowner's royalty and overriding royalty.

(c) As used in this paragraph, the term "operating lessee or lessees" shall include the lessee of record actually engaged in developing and operating the tract or tracts involved and all other owners of working interests in the tract or tracts, who are regularly engaged in the business of exploring for or producing oil or gas and who have consented in writing to the development and operation of said tract or tracts by such lessee of record.

§ 230.304 Interests involving noncontiguous tracts.

Interests involving noncontiguous tracts of land may be included in the

same offering sheet, only if the following conditions are met:

(a) All of the interests to be offered thereunder are landowners' royalty interests; and either:

(1) All of the tracts involving such interests are currently producing oil or gas, are located wholly within the limits of the same oil or gas pool, and are being currently operated by the same operator under an oil and gas lease executed by one or more landowners, each of whom was, at the time of the execution of the lease, the owner of a fee or mineral interest in each of the tracts involved; or

(2) All of the tracts involving such interests are nonproducing but appear, on the basis of all past and proposed development for oil or gas, to have equal possibilities for production of oil or gas; and

(b) The purchaser of any such interest is entitled to the same fractional portion of the oil and gas produced from each tract covered by the offering sheet.

§ 230.306 Limitations on offeror.

(a) No exemption shall be available under this regulation to any offeror if such offeror or any officer, director, predecessor, of affiliate of such offeror:

(1) Has been convicted within 10 years prior to the filing or use of such offering sheet of any crime or offense in connection with the purchase or sale of securities;

(2) Is subject to any order, judgment or decree of any court of competent jurisdiction entered within five years prior to the filing or use of an offering sheet, temporarily or permanently restraining or enjoining such offeror from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, or arising out of such person's conduct as an underwriter, broker, dealer, or investment adviser;

(3) Is subject to a U.S. Post Office fraud order entered within 5 years prior to the filing or use of an offering sheet;

(4) Has filed a registration statement which is the subject of any proceeding or examination under section 8 of the Act, or is the subject of any refusal order or stop order entered thereunder within 5 years prior to the filing or use of such offering sheet;

(5) Is subject to an order of the Commission pursuant to section 15(b) of the Securities Exchange Act of 1934, or pursuant to section 203 (d) or (e) of the Investment Advisers Act of 1940, or is suspended, or has been expelled from membership in a national or provincial securities dealers association or national securities exchange for conduct inconsistent with just and equitable principles of trade, if such order has been issued, or such action has been taken within 5 years prior to the filing or use of an offering sheet; offering sheet;

(6) Has made any filing pursuant to section 3 (b) or (c) of the Securities Act of 1933 which is under an order of temporary suspension, or which is and has been under an order of permanent suspension within 5 years prior to the filing or use of such offering sheet.

(b) No exemption shall be available under Regulation B (§§ 230.300–230.346) offeror is in fact, a dealer and at the time of any offer to sell or any sale is not duly registered as a dealer pursuant to section 15 of the Securities Exchange Act of 1934, as amended.

(c) Notwithstanding the foregoing, this rule shall not apply to any offering if this Commission determines, upon filing of an application and showing of good cause, that it is not necessary in the public interest and for the protection of investors that the exemption be denied. Any such relief granted by the Commission may be either general or on a specific filing basis. Any such determinations by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the offeror or any other persons.

§ 230.310 Filing and use of the offering sheet.

(a) At least 10 days prior to the commencement of the offering of any securities under this regulation, four copies of an offering sheet containing the information specified in § 230.326 of this chapter shall be filed with the Commission by or on behalf of the offeror of the interests. At the time of filing the offering sheet, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded. Unless amended, the offering sheet shall become effective and an offering may commence on the 11th day following such filing with the Commission. The Commission may, however, in its discretion, authorize the commencement of the offering prior to the expiration of such 10-day period.

(b) Except as provided in § 230.318, no securities shall be offered, orally or otherwise, under Regulation B (§§ 230.306–230.346) unless at the time of the initial offer of such securities an offering sheet meeting the requirements of paragraph (a) of this section concurrently is given to the person to whom the offer is made.

(c) The offer and sale of securities under Regulation B (§§ 230.306–230.346) shall be made through an offering sheet meeting the requirements of paragraph (a) of this section, and the information contained therein shall be as of a date not more than 110 days prior to the use of such offering sheet.

(d) No sale shall be made nor money or other consideration accepted from any person for the purchase of any security offered under this section until 48 hours after a copy of the offering sheet has been delivered to such person.

(e) If any sales under an offering sheet have been made and not rescinded, the offering sheet may be refiled only once thereafter to extend the time within which to complete the offering, provided that adequate disclosure was made in the offering sheet that such a refiling may be made.

(f) Within 5 days after the effective date of the offering sheet or any amendment thereto, two copies of such offering sheet shall be filed with the Commission in the exact form in which it is to be used. Each offering sheet so filed shall be clearly identified in red on the first page as being a definitive copy of the offering sheet and dated on first page.

§ 230.312 Filing of offering sheets on behalf of other persons.

An offering sheet may be filed with the Commission for, and on behalf of, other persons, provided all such other persons are duly registered as dealers under section 15 of the Securities Exchange Act of 1934, and addresses of all such persons are filed with the Commission in duplicate prior to any use of such offering sheet by such other person; and the Commission may refuse to accept for filing any list which contains the name of any person who is not so registered.

§ 230.314 Delivery of evidence of title.

Prior to the making of a contract of sale with, and prior to the payment of any part of the consideration by, the purchaser of any interest offered under Regulation B (§§ 230.300–230.346), the offeror shall deliver to the purchaser evidence satisfactory to the purchaser of the validity of the title which he is to receive and upon which the value of his interest depends.

§ 230.316 Reports.

(a) (1) On or before the 15th day after the expiration of each effective offering sheet pursuant to Regulation B (§§ 230.300–230.346) or the termination of sales, whichever comes first, the offeror, or offerors collectively, if more than one, shall file with the Commission one copy of a report on Form 1–G (17 CFR 239.102(e)) containing the information called for by that form. This report shall be filed whether or not any sales were made under the offering sheet.

(2) An additional such report on Form 1–G shall be filed on or before the 15th day after the termination of sales, or after the expiration of each additional effective offering sheet covering the same tract or tracts, whichever comes first, where such offering sheet has been refiled or amended to extend time for the offer.

(3) These reports shall be kept confidential unless the Commission shall order otherwise.

(b) Not later than 3 calendar months after the termination of the offering, the offeror shall file with the Commission and send to purchasers of interests a report on Form 3–G (17 CFR 239.102(f)), containing the information called for by that form. This form shall be filed and distributed at the times specified in the instructions to the form.

§ 230.318 Use of sales material.

(a) Any written advertisement or other written communication, or any radio or television broadcast, which states from whom an offering sheet meeting the requirements of Regulation B (§§ 230.300–230.346) may be obtained and, in addition, contains no more than the following information, may be published, distributed, or broadcast at or after the commencement of the public offering to any person prior to sending or giving such person a copy of the offering sheet:

(1) The name of the offeror of the interests;

(2) The identity or type of the interests to be offered;

(3) The number of such interests to be offered;

(4) The location (county and State) of the tract or tracts involved;

(5) The price of the interest to be offered.

(b) Except for the offering sheet required by Regulation B (§§230.300–230.346) and any material permitted by paragraph (a) of this section, no other advertisement, radio, or television broadcast, or written communication shall be used in connection with the offering of securities under this Regulation B (§§ 230.300–230.346) except as required by State law.

§ 230.320 Restricting use of estimations not included in offering sheets.

A person using any estimation of the amount of oil or gas recoverable from the tract involved, or from any other tract for comparative purposes, in connection with an offer to sell any fractional undivided interest in oil or gas rights, defined in § 230.300 of this chapter, shall not be entitled to the exemption provided by Regulation B (§§ 230.300–230.346) and, shall not be relieved from any liability which, in the absence of the exemption provided by Regulation B (§§ 230.300–230.346) would be imposed upon such person because such security was unregistered, unless such estimation is permitted to be and is included in, and furnished as part of, an offering sheet accurately describing such security.

§ 230.322 Prohibition of certain statements.

No offering sheet or other written or oral communication used in connection with any offering under Regulation B (§§ 230.300–230.346) shall contain any language stating or implying that the Commission has in any way passed upon the merits of, or given its approval to, the securities offered or the terms of the offering, or has determined that the securities are exempt from registration, or has made any finding that the statements in any such offering sheet or other communication are accurate or complete.

§ 230.324 Liability for unauthorized use of offering sheet.

Any person using an offering sheet in connection with an offer to sell any security described therein shall not be entitled to the exemption provided by Regulation B (§§ 230.300–230.346), and, shall not be relieved from any liability which, in the absence of the exemption provided by Regulation B (§§ 230.300–230.346) would be imposed upon such person because such security was unregistered, unless such offering sheet has previously been filed with the Commission by, or for, and on behalf of, such person, and is effective at the time of its use.

§ 230.326 Form and contents of offering sheets.

The offering sheets required by Regulation B (§§ 230.300–230.346), shall be filed with the Commission in the form prescribed in the schedules specifically enumerated below, which schedules, as amended and adopted, are, by reference, hereby incorporated in, and made a part of, this section.

(a) *Schedule A.* If the interests offered are producing landowners' royalty interests.

(b) *Schedule B.* If the interests offered are nonproducing landowners' royalty interests.

(c) *Schedule C.* If the interests offered are producing overriding royalty interests, working interests, or participating interests, or are oil payments, gas payments, or oil and gas payments to be made from tracts represented to be producing at the time of the offering.

(d) *Schedule D.* If the interests offered are nonproducing overriding royalty interests, working interests, or participating interests, or are oil payments, gas payments, or oil and gas payments to be made from tracts represented to be nonproducing at the time of the offering.

§ 230.328 Preparation of offering sheet.

(a) The offering sheet shall contain the information called for by all of the applicable items and required exhibits of the appropriate schedule according to the instructions thereto, but the instructions thereto shall not be repeated in the offering sheet.

(b) The information required shall be furnished as of a specified date no earlier than 30 days prior to the date of filing the offering sheet with the Commission, or as of such other date as may be indicated in the particular item or instruction of the applicable schedule. When any other date is used, such date shall be set forth with a brief statement as to the necessity for its use.

(c) If any item of information cannot be furnished, or there is reason to doubt the accuracy of all of the information available with respect thereto, the answer to the item may be omitted, but the reason for the omission must be given. In no case, however, may there be omitted information which is a matter of public record in the country, state or other political subdivision in which the tract is located.

(d) The offering sheet which is given to the person to whom the offering is made may be printed, mimeographed, lithographed, or typewritten, or prepared by any similar process which will result in clearly legible copies. If it is printed, it shall be set in roman type at least as large as 10-point modern type, leaded at least 2 points, or if typewritten the type shall be no smaller than elite.

(e) Each copy of the offering sheet filed with the Commission shall be manually signed by the offeror, or if there is more than one offeror, by each of them.

§ 230.330 Representations in offering sheets.

(a) All statements or information contained in any offering sheet or in any exhibit attached thereto or incorporated therein shall constitute continuing representations by the person filing such offering sheet to any person who may, in reliance upon a copy of such offering sheet, purchase any interest described therein, that the statements contained therein are substantially correct and that no material fact has been omitted, the inclusion of which would reasonably appear necessary, in the light of the circumstances, to make the information contained therein not misleading to the purchaser.

(b) All statements or information contained in any offering sheet shall constitute continuing representations by any offeror who shall deliver, or cause such offering sheet to be delivered, to any person who may, in reliance upon a copy of such offering sheet, purchase any interest described therein from, or through, such offeror, that such offering sheet is a true copy of an offering sheet filed with the Securities and Exchange Commission in compliance with the rules and regulations of the Commission on behalf of such offeror, that such offeror has reasonable grounds to believe, and does believe, that the statements contained therein are substantially correct, and, that no material fact known to the offeror has been omitted, the inclusion of which would reasonably appear necessary, in the light of the circumstances, to make the information contained therein not misleading to the purchaser.

(c) If an estimation of recoverable oil or gas, or a geological report made by someone other than the person filing the offering sheet, is included in the offering sheet, the contents thereof shall not be regarded as a representation by the person filing the offering sheet, provided the person filing the offering sheet has reason to believe, and does believe, that the author of such estimation or report possesses the qualifications and integrity necessary to make such estimation or report, and provided the person filing the offering sheet does not know or believe the estimation or report to be untrue or misleading in any respect.

§ 230.332 The use of the offering sheet.

(a) Each offering sheet used, distributed, or delivered by the person making the filing shall be an exact copy of the offering sheet filed with the Commission (as amended, if amended).

(b) Each offering sheet used, distributed, or delivered by a person other than the person filing same with the Commission shall be an exact copy of the offering sheet filed with the Commission (as amended, if amended).

§ 230.334 Reasons for suspension.

(a) The Commission may, at any time after the filing of an offering sheet, enter an order temporarily suspending the exemption if it has reason to believe that:

(1) No exemption is available under Regulation B (§§ 230.300–230.346) for the securities purported to be offered hereunder, or any of the terms or conditions of §§ 230.300–230.346 have not been complied with, including failure to file any reports;

(2) The offering sheet, any §§ 230.300–230.346) literature or report permitted or required by Regulation B or used contains any untrue statement of a material fact or omits to state a material

fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;

(3) The offering has been, or is being, made in violation of the antifraud provisions of section 17 of the Act and section 10 of the Securities Exchange Act of 1934, as amended;

(4) The issuer, offeror, underwriter or any promoter, officer, director thereof has failed to cooperate or has obstructed, or refused to permit the making of an investigation by the Commission in connection with any offering made or proposed to be made hereunder.

§ 230.336 The suspension procedure.

(a) Upon the entry of an order § 230.334 of this chapter the Commission will promptly give notice to the persons on whose behalf the notification was filed (1) that such order has been entered, together with a brief statement of the reasons for the entry of the order, and (2) that the Commission will, upon receipt of a written request at any time within 30 days after the entry of such order, will set the matter down for hearing within 30 days after the receipt of such request at a place to be designated and on a date to be set by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently suspending the exemption.

(b) The Commission may at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

(c) All notices required by this section shall be given by personal service, registered or certified mail, or confirmed telegraphic notice to the person or persons on whose behalf the offering sheet was filed at the addresses of such persons given in the offering sheet.

§ 230.338 Effect of suspension order.

An offering sheet complying with the requirements of Regulation B (§§ 230.300–230.346) shall become effective on the 11th day after the date upon which it is received by the Commission for filing except that (a) if the Commission shall enter a temporary suspension order, the offering sheet shall not become effective, or if effective shall no longer be effective until the temporary suspension expires or is vacated; (b) if the Commission shall enter a permanent suspension order, the offering shall not become or shall no longer be effective.

§ 230.340 When offering sheet may be amended.

Any person who has filed an offering sheet may, subject to the provisions of § 230.342, file amendments thereto, but only under the following conditions and in the following instances.

(a) In the event none of the securities referred to in said offering sheet have been sold and the person filing the offering sheet shall so represent to the Commission in writing.

(b) In the event a suspension order is in effect and the hearing with respect thereto has not commenced.

§ 230.342 How offering sheet may be amended.

Any amendment to an offering sheet shall be filed in accordance with this section and shall become and be effective only as hereinafter provided:

(a) An amendment shall be made either by filing or substituting a wholly corrected offering sheet, or by filing or substituting entire exhibits or pages, as amended.

(b) Four copies of the amendment shall be filed with the Commission, and each copy shall bear the signature of the person who filed the offering sheet as well as every other person whose estimations or statements are modified or affected by such amendment. Where the amendment is made by filing or substituting exhibits or pages, each such exhibit or page shall be signed by the persons whose signatures are required by this subparagraph.

(c) Any amendment complying with the requirements of Regulation B (§§ 230.300–230.346) shall become effective at such time as the Commission may order.

(d) One copy of any amendment filed shall be notated in red to indicate any changes from the previous filing.

§ 230.344 Withdrawal.

An offering sheet or any amendment or exhibit thereto may be withdrawn upon application if none of the interests described therein have been sold, if all persons on whose behalf the offering sheet was filed and who have received copies thereof have been notified in writing of the intention to withdraw it and the Commission, finding such withdrawal consistent with the public interest and protection of investors consents thereto. Application for the order shall be signed by the person who filed the offering sheet and shall establish the foregoing conditions necessary to the withdrawal.

§ 230.346 Termination.

The Commission will enter an order terminating the exemption if all persons on whose behalf the offering sheet was filed and who have received copies thereof have been notified in writing of the intention to terminate it, and if the Commission shall find it otherwise appropriate in the public interest to do so. Application for the order shall be in the form of an affidavit by the person who filed the offering sheet and shall establish the foregoing conditions necessary to the termination.

II. Part 230 of Chapter II of Title 17 would be amended by rescinding § 239.101 and by adopting § 239.102 reading as follows:

§ 239.101 [Rescinded]

§ 239.102 Schedules and forms for offering sheets pertaining to fractional undivided interests in oil or gas rights offered pursuant to exemption under Regulation B (§§ 230.300–230.346).

(a) An offeror of fractional undivided interests in oil or gas rights pursuant to §§ 230.300–230.346 shall file an offering sheet, in accordance with § 230.310 or § 230.312, upon the applicable schedule listed below:

(1) *Schedule A.* If the interests offered are producing landowners' royalty interests.

(2) *Schedule B.* If the interests offered are nonproducing landowners' royalty interests.

(3) *Schedule C.* If the interests offered are producing overriding royalty interests, working interests, or participating interests, or are oil payments, gas payments, or oil and gas payments to be made from tracts represented to be producing at the time of the offering.

(4) *Schedule D.* If the interests offered are nonproducing overriding royalty interests, working interests, or participating interests, or are oil payments, gas payments, or oil and gas payments to be made from tracts represented to be nonproducing at the time of the offering.

(b) An offeror will also have the obligation of filing the following reports in accordance with § 230.316:

(1) *Form 1–G.* One copy of this report will be filed with the Commission within 15 days after the expiration of the offering sheet or the termination of sales, whichever date is earlier. This form will report the sales of oil or gas interests pursuant to §§ 230.300–230.346 of this chapter.

(2) *Form 3–G.* Four copies of this report will be filed with the Commission within 3 calendar months after the termination of any offering pursuant to §§ 230.300–230.346 of this chapter. This form will report the results of the offering.

NOTE: Copies of proposed Forms 1–G and 3–G have been with the Office of Federal Register as part of this document and are available upon request at the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments on the above proposals, in writing, to Thomas N. Holloway, Associate Director, Division of Corporation Finance, Securities and Exchange Commission, on or before March 24, 1972. All communications with respect to the proposed amendments should refer to File No. S7–426. All such

comments will be considered available for public inspection.

By the Commission.

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

FEBRUARY 14, 1972.

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[17 CFR Parts 239, 249]

[Release Nos. 33-5235, 34-9498]

DISCLOSURE REGARDING COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to certain of its registration and report forms to require disclosure of the effect on the issuer's business of compliance with Federal, State and local laws and regulations relating to the protection of the environment. The forms which would be amended are Forms S-1 (17 CFR 239.11), S-7 (17 CFR 239.26), and S-9 (17 CFR 239.22) under the Securities Act of 1933 and Forms 10 (17 CFR 249.210), 10-K (17 CFR 249.310), and 8-K (17 CFR 249.308) under the Securities Exchange Act of 1934. This action is being taken pursuant to the National Environmental Policy Act.

More specifically, the proposed amendments would require as a part of the description of an issuer's business appropriate disclosure with respect to the material effects which compliance with environmental laws and regulations may have upon the capital expenditures, earnings and competitive position of the issuer and its subsidiaries. In addition, information would be required as to pending governmental or private legal or administrative enforcement proceedings arising under environmental laws or regulations and any such proceedings known to be contemplated by governmental authorities.

The above proposals emphasize the effect of environmental statutes and regulations, and enforcement proceedings thereunder, which may be felt in the future by the issuer and specify certain information to be furnished in connection with the description of the business. This item requires information with respect to the business done and intended to be done and the development of the business during the past 5 years. The amendments would serve to specify more precisely the disclosure referred to in Securities Act Release 5170 (36 F.R. 13989) in regard to environmental matters and would, as to the forms proposed to be amended, supersede that release.

Item 12 of Form S-1 now requires information as to legal proceedings known to be contemplated by governmental authorities. The proposed amendments would include a similar requirement in Item 10 of Form 10 and Item 5 of Form 10-K. The requirement would be applicable to proceedings relating to environmental matters as well as to other types of proceedings.

Instruction 2 to the above-mentioned items provides that information need not be given as to any proceeding which involves primarily a claim for damages if the amount involved does not exceed 15 percent of the current assets on a consolidated basis. It is proposed to reduce this percentage to 10 percent. The Commission believes that this is a more realistic test of significance. Moreover, it will make the requirement consistent with the items calling for a description of business where information is required with respect to separate lines of business amounting to 10 percent or more of the total, except in the case of smaller companies.

Copies of these forms have been filed with the Office of the Federal Register. Additional copies are available upon request from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments on the foregoing proposals, in writing, to Charles J. Sheppe, Chief, Branch of Regulations and Legislative Matters, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 28, 1972. All such communications will be available for public inspection.

By the Commission.

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

FEBRUARY 16, 1972.

[FR Doc.72-3114 Filed 3-1-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

LOAN POLICY

Notice of Proposed Rule Making

Notice is hereby given that the Small Business Administration proposes to amend Part 120 (Revision 5) of Chapter 1 of Title 13 of the Code of Federal Regulations, pertaining to the eligibility of agriculture-related enterprises for SBA financial assistance.

The proposed revision would change § 120.2(d) which states that "Financial assistance will not be granted by SBA: * * * (10) Generally, if the financial assistance would be used primarily in a farming or other agricultural activity;" to read as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(d) Financial assistance will not be granted by SBA: * * *

(10) Generally, if the financial assistance would be used primarily in a farming or other agricultural activity. However, if the applicant is engaged in an agriculture-related business and financial assistance has been formally declined by an instrumentality of the Federal Government, he may be eligible for financial assistance by SBA. Agriculture-related businesses include, but are not limited to, enterprises engaged in activities involving the production, processing, and distribution of food and fiber for human consumption, the manufacture of equipment used in these processes, and for the manufacture of fertilizer used in the production of such commodities. An applicant shall not be eligible for financial assistance where: The enterprise owns or controls a farm which produces one or more crops currently supported by a U.S. Department of Agriculture support payment or production loan; the enterprise involves livestock or poultry or their derivatives, including eggs, except for (i) the operation of a hatchery for the production of baby chicks for sale to others, provided that the hatchery purchases from others more than 50 percent of its eggs; or (ii) the operation of a commercial feed yard for cattle or hogs where its income is derived from the service operation of housing and feeding animals, either owned by others or purchased from producers solely for the purpose of fattening and resale prior to slaughter.

* * * * *

Prior to final adoption of said amendment, consideration will be given to any comments, suggestions or objections submitted in writing, in triplicate, to Jack Eachon, Jr., Associate Administrator for Financial Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Dated: February 23, 1972.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.72-3124 Filed 3-1-72;8:47 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

LIST OF INELIGIBLE SUPPLIERS

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of the list.* The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing" (22 CFR Part 208). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 3 of a printed or published list has been placed thereon for the causes specified in § 208.5 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment, special attention is called to the fact that the List as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the List, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the List and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR § 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the list.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the List are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. *Suppliers debarred from A.I.D. financing.*

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

Cerco, Inc., 1124 Ashford Avenue., Santurce, P.R. 00907, August 5, 1969, September 12, 1969–September 12, 1972.

Chin Ui Sae Tan, Mr. (a.k.a. Thao Chue), 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

Eam-Hung, Mr., 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

Liao, Mr. J. Y. (a.k.a. Liao, Chi-Yo), President, Summid Corp., 7–2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970, May 7, 1971–May 7, 1974.

Mane Fils, Inc., 250 Park Avenue South, New York, NY, January 7, 1969, February 6, 1970–February 6, 1973.

Mutual International, Inc., 420–444 Market Street, San Francisco, CA 94111, September 23, 1968, December 1, 1969–December 1, 1972.

Palmetto Industry Co., 32 Broadway, Suite 808, New York, NY 10004, March 15, 1968, October 26, 1969–October 26, 1972.

Summid Corp., 7–2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970, May 7, 1971–May 7, 1974.

Teck Yoo Industry, Ltd., Partnership, 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

Tumay, Mr. Francis, President, 32 Broadway, Suite 808, New York, N.Y. 10004, March 15, 1968, October 26, 1969–October 26, 1972.

Wong, P. C., & Co., 156 Funston Street, San Francisco, CA, September 23, 1968, December 1, 1969–December 1, 1972.

Wong, Mr. Peter C., 156 Funston Street, San Francisco, CA, September 23, 1968, December 1, 1969–December 1, 1972.

SEC. 4. Supplies suspended from A.I.D. financing. The following persons have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such persons:

NAME, ADDRESS AND INITIAL DATE OF SUSPENSION

Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.

Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.

Bershad, Mrs. Carolyn, 8211 Streamwood Drive, Baltimore, MD 21208, September 26, 1967.

Bershad, Mr. Irving, 8211 Streamwood Drive, Baltimore, MD 21208, September 26, 1967.

Bottone, Dr. Caesar, 1209 Anderson Avenue, Fort Lee, NJ 07025, November 9, 1966.

Cathay Steel Export Corp., 160 Broadway, New York, NY 10038, September 26, 1967.

Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.

Colony Steel Co., 122 East 42d Street, New York, NY, March 26, 1968.

Concepcion, Mr. Segismundo, 160 Broadway, New York, NY 10038, April 22, 1969.

Concrete Pipe Machinery Co., Post Office Box 1708, Sioux City, IA 51102, August 10, 1970.

Corrigan-Gonzalez Export Corp., 4001 Northwest 25th Street, Miami, FL, November 17, 1970.

Corrigan & Sons, Inc., Post Office Box 218, San Antonio, FL, November 17, 1970.

Dixie Chick Co., 510 Davis Street SW., Gainesville, GA 30501, March 5, 1969.

Domestic Export Corp., 288 New York Avenue, Huntington, NY, February 14, 1972.

Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.

Farber, Dr. John J., International Chemical Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

Fertig, Capt. Arthur H., 19 West Street, New York, NY 10011, November 9, 1966.

Gubbay, Mr. Clement, 20 Exchange Place, New York, NY 10005, November 9, 1966.

Higgins, Thomas Edison, Enterprises, Inc., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Higgins, Mrs. Mabel, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Higgins, Mr. Thomas Edison, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Industrial Waxes, Inc., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

International Chemical Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

International Clay Machinery Co. of Delaware, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

International Engineering, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

International Enterprises, 160 Broadway, New York, NY 10038, April 22, 1969.

International Farm Products, 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

Kim, Mr. Peter, Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.

Kleyman, Leslie Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

Lesh, Mr. George B., Vice President, Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.

LeVita, Mr. Frank O., North American Steel Co., Pontiac State Bank Building, Pontiac, Mich. 48058, November 2, 1971.

LeVita Industries, 35 La Patera Lane, Goleta, CA 93016, November 2, 1971.

Long, Mr. Sumner A., President, Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1070.

Lowens, Mr. Ernest, 20 Exchange Place, New York, NY 10005, November 9, 1966.

Marclem, S. A., c/o Buffete Tapia, Calle 31 3–80 Panama City, Republic of Panama, October 25, 1967.

Meoni, Mr. A., 20 Exchange Place, New York, NY 10005, November 9, 1966.

McElroy, Mr. Roy H., President, International Clay Machinery Co. of Delaware, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

Navarro, Mr. Ben, 20 Exchange Place, New York, NY 10005, November 9, 1966.

North American Steel Co., Pontiac State Bank Building, Pontiac, Mich. 48058, November 2, 1971.

North Georgia Feed and Poultry, Inc., 514 Davis Street SW., Gainesville, GA 30501 March 5, 1969.

Omaha Manufacturing & Engineering Co., 3900 Dahlman Avenue, Omaha, NE 68107, June 20, 1969.

Panmed Pharmaceuticals, Inc., 1209 Anderson Avenue, Fort Lee, NJ 07025, November 9, 1966.

Pharma Scienta, 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, December 19, 1966.

Premium Finishes Sales, Inc., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

Price Paper Products Corps., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.
Price, Mr. Thomas E., c/o Price Paper Products Corp., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.
Price y Cia., Inc., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.
R & Z Company, Inc., 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.
Richter, Gedeon, Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Rogers, Mr. Henry, 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.
Roiquin, Mr. E. R., President, Domestic Export Corp., 288 New York Avenue., Huntington, NY, February 14, 1972.
Scheinis, Mr. Samuel, 122 East 42d Street, New York, NY 10017, March 25, 1971.
Shalom, Mr. Raleigh, 20 Exchange Place, New York, NY 10005, November 9, 1966.
Societe Des Laboratories Reunis (SOLAR), 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, December 19, 1966.
Societe Tunisienne Compto, Rue es Sadikia, Tunis, Tunisia, June 24, 1968.
Spe-D-Magic, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Stuhr-Kennedy Shipping Co., 1320 Peralta Street, Berkeley, CA, March 21, 1968.
Stuhr, Mr. Raymond H., 1320 Peralta Street, Berkeley, CA, March 21, 1968.
Surplus Steel Exchange, Inc., 227 Fulton Street, New York, NY 10007, January 16, 1968.
Tricon International, Inc., 160 Broadway, New York, NY 10038, April 22, 1969.
United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayaguez, PR, December 19, 1966.
Westerling, Mr. Horst P.G., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.
White Magic Co., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Wolff, Mr. Tom G., 787 Tucker Road, North Dartmouth, MA, October 23, 1969.
Zubof, Mr. Samuel, 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

Dated: February 24, 1972.

JAMES F. CAMPBELL,
Assistant Administrator, Bureau for Program and Management Services.

[FR Doc.72-3127 Filed 3-1-72;8:49 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

COMPRESSORS AND PARTS THEREOF FROM ITALY

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 16.24(b) of the Customs Regulations (19 CFR 16.24 (b)) which appears to indicate that certain payments, bestowals, rebates, or refunds granted by Italy on the exportation of compressors and parts thereof, as enumerated in appendix A, constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates, or refunds apply.

The available information indicates that the approximate amount of the payments, bestowals, rebates, or refunds is 35 lire per kilogram on the compressors and between 15 lire and 80 lire per kilogram on the parts, depending upon the part involved.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 16.24 of the Customs Regulations (19 CFR 16.24).

Before a determination is made consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be receievd by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 16.24(d) of the Customs regulations (19 CFR 16.24(d)).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 25, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

APPENDIX A

	Per kilogram
Air or gas compressors (including compressors for refrigerating equipment presented separately); power driven vacuum pumps	35 Lire.
Compressors and vacuum pumps, motor coupled sets	35 Lire.
Parts of Compressors:	
blades, vanes and rotors:	
Of stainless steel	80 Lire.
Other, made predominantly of cast iron, iron, or steel	40 Lire.
Cylinders and cylinder heads	20 Lire.
Cylinder blocks, crankcases, baseplates and bodies of pumps and compressors: Of cast iron or steel	15 Lire.
Pistons, made predominantly of cast iron, iron or steel	20 Lire.
Cylinder liners	15 Lire.
Connecting rods	30 Lire.
Crankshafts and camshafts, pump shafts	30 Lire.
Piston rings	15 Lire.
Oil pumps, water pumps, and turbines, feed pumps	20 Lire.
Gasoline lifting pumps, economizers, oil cleaners, oil and fuel filters, and their parts, made predominantly of cast iron, iron, or steel	20 Lire
Injectors, injector holders, injection pumps and parts thereof, the latter limited to those made predominantly of cast iron, iron, or steel	70 Lire.
Pressure regulators	40 Lire.
Gaskets, also presented in envelopes or like packages, made predominantly of iron or steel	20 Lire.
Other parts, not elsewhere specified, made predominantly of iron or steel	30 Lire.

[FR Doc.72-3180 Filed 3-1-72;8:54 am]

PENTAERYTHRITOL FROM JAPAN

Withholding of Appraisement Notice

Information was received on February 19, 1971, that pentaerythritol, including nitration grade pentaerythritol, monopentaerythritol, technical pentaerythritol, dipentaerythritol, tripentaerythritol, and mixtures thereof, from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding notice" which was published in the FEDERAL REGISTER on May 5, 1971, on page 8407. The "Antidumping Proceeding notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of pentaerythritol from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will be calculated on the basis of an ex-factory or f.o.b. port price with deductions for inland freight and shipping charges.

Home market price will probably be based on a f.o.b. monthly weighted-average price in the home market. Deductions were made for transportation costs. Adjustments appear to be warranted for credit costs, rebates and packing.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of pentaerythritol from Japan in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

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

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

This notice, which is published pursuant to § 153.34(b), Customs regulations, shall become effective upon publication in the FEDERAL REGISTER (3–2–72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 24, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72–3144 Filed 3–1–72;8:51 am]

STAINLESS STEEL AUTOMOBILE SPLASH GUARDS FROM CANADA

Antidumping Proceeding Notice

On December 21, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that stainless steel automobile splash guards from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved by: February 24, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72–3145 Filed 3–1–72;8:51 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972–20]

SALES BY MILITARY POST EXCHANGES

Cost of Living Council Ruling

Facts. The Army Air Force Exchange System and comparable organizations of the Navy and Marine Corps provide goods and services for active and retired military personnel and their dependents. The goods and services provided are those available through private outlets although as a general rule the exchange prices are substantially lower than those charged by private outlets. Sales are made directly by the exchanges as well as through contractors operating as concessionaires in the exchanges.

Issue. What is the status of sales of these organizations under the Economic Stabilization Program?

Ruling. (1) The military service exchanges have the legal status of instrumentalities of the U.S. Government. Their goods are procured through competitive procedures under Defense Department regulations. These regulations set the price of goods in many instances and require that the prices be maintained substantially below prices charged by private outlets. Although the exchanges are nonappropriated fund activities, there is substantial support provided from appropriated funds. Their direct sales are exempt under Economic Stabilization Regulations, 6 CFR, 101.34(f)(2), 37 F.R. 1241 (January 27, 1972) as sales by the United States.

(2) Prices charged by concessionaires in exchanges for their goods and services are not exempt from price control. Concessionaires do not become instrumentalities of the Federal Government by their contracts with military exchanges and their sales are not regarded as sales by the United States. These concessionaires are subject to the regulations of the Price Commission.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 25, 1972.

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

Approved: February 25, 1972.

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

[FR Doc.72–3188 Filed 3–1–72;8:50 am]

[Price Commission Ruling 1972–77]

DEFINITION OF SAME OR SUBSTANTIALLY IDENTICAL

Price Commission Ruling

Facts. The lessor of a large number of residential rental units in several different buildings desires to increase rents in compliance with the price and rent stabilization regulations.

Issue. How may the lessor group the rental units with regard to location and type to establish the number of transactions involving rental units in the freeze base period which are the same or substantially identical to each other and to the rental units on which he proposes to increase the rent.

Ruling. Economic Stabilization Regulations, 6 CFR 300.407(b), 36 F.R. 23974 (December 16, 1971) restricts rent which can be charged after November 14, 1971 to a base price. This base price is defined as the "Highest price charged by a person 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 300.1, 36 F.R. 23974 (December 16, 1971) defines "highest price in a substantial number of transactions" to mean, "The highest price at or above which at least 10 percent of the units were priced in transactions with any class of purchasers." Section 300.1 of the regulations also provides that a transaction is deemed to occur "At the time and place a binding contract is entered into."

These regulations permit a person to lease a residential rental unit after November 14, 1971, for an amount which does not exceed the highest rent charged for the rental of at least 10 percent of the same or substantially identical units on which leases were entered into during the freeze base period beginning July 16, 1971, and ending August 14, 1971. If no rental units the same or substantially identical to the units now being offered for lease were leased between July 16, 1971, and August 14, 1971, then the nearest preceding 30-day period in which a lease was entered into on such a unit will be used. Where a rental unit is leased on a month-to-month basis, a new lease is entered into each month.

In determining what units are the same or substantially identical, only those units which are leased by the same lessor and are in the same building or complex can be compared. "Complex" means a group of substantially adjacent buildings containing residences which, for the purposes of management, were operated as a single entity on August 15, 1971. Furthermore, the units within the building or complex which can be considered the same or substantially identical must belong to the same dollars per lease period class and descriptive type by which they were described and initially offered for rent to prospective lessees unless the units presently have significantly different amenities. The initial dollars per lease period class and descriptive type means, for example, an "efficiency apartment" which was offered for lease for the first time at $1,200 per year or $100 per month.

If the same initial dollars per lease period class and descriptive type units in the same building or complex presently have significantly different amenities, then the units in this group which are considered substantially identical are those with substantially comparable amenities.

If the initial dollars per lease period class cannot be determined with reasonable certainty, then the lessor may consider units in the same building or complex presently of the same descriptive type with substantially comparable amenities to be the substantially identical rental units for purposes of § 300.407(b) of the regulations.

The ruling is not applicable to transactions occurring after December 28, 1971, or requests for information concerning those transactions. New regulations have been issued which govern those transactions. 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 25, 1972.

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

Approved: February 25, 1972.

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

[FR Doc.72-3189 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-78]

MANAGEMENT COMPANY AS LESSOR

Price Commission Ruling

Facts. Several persons separately own residential units in the same building and separately own different buildings which contain residential rental units that are part of a complex. All of these persons had arranged to have a real estate management company lease and collect the rents for these rental units. The management company assumed its duties prior to July 20, 1971. The management company desires to increase rents in compliance with the price and rent stabilization regulations.

Issue. May the management company determine which rental units are the same or substantially identical without using legal ownership as one of the criteria in making this determination?

Ruling. Economic Stabilization Regulations, 6 CFR 300.407(b), 36 F.R. 23974 (December 16, 1971), restricts rent which can be charged after November 14, 1971, to a base price. This base price is defined as the "highest price charged by a person with respect to the same or substantially identical rental units in a substantial number of transactions during the base period." For the purposes of this section "a person" is the lessor. The lessor is the entity to whom the leaseholder is legally obligated to pay his rent. Therefore, if several owners of separate property have designated a property management company as their agent to lease and collect rents, the company is the lessor. The company can determine which of the rental units it is leasing are the same or substantially identical in accordance with the criteria set forth in Price Commission Ruling 1972-77. Legal ownership is not one of the criteria the company is required to use in making this determination.

The ruling is not applicable to transactions occurring after December 28, 1971, or requests for information concerning those transactions. New regulations have been issued which govern those transactions. See Economic Stabilization Regulations, 6 CFR 301.1 et seq., F.R. 25386 (December 30, 1971).

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

Dated: February 25, 1972.

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

Approved: February 25, 1972.

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

[FR Doc.72-3224 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-79]

EFFECT OF PRE-AUGUST 15, 1971, LEASE

Price Commission Ruling

Facts. Landlord and tenant entered into a new lease on July 1, 1971, under which the tenant would have possession of his residence for a term of 12 months beginning September 1, 1971. The terms of the new lease were $2,400 per year with $200 payable on the first of each month. Under the lease term ending on August 31, 1971, the terms were $1,800 per year with $150 payable on the first of each month. The rent which the landlord determined he could charge under the Economic Stabilization Regulations published on November 13, 1971, was $170 per month.

Issue. What is the rent which may be charged under this lease after December 28, 1971?

Ruling. The rent which may be charged under this lease after December 28, 1971, is the $170 per month established for this residence under Economic Stabilization Regulations, 6 CFR 300.507(b), 36 F.R. 27188 (November 13, 1971) as amended (renumbered to be section 300.407(b)) by Economic Stabilization Regulations, 6 CFR 300.407(b), 36 F.R. 23974 (December 16, 1971).

Section 300.507(b) of the regulations states:

> A provision in a lease of an interest of real property executed before August 15, 1971, which provides for an increased rental to take effect after August 14, 1971, may take effect after November 13, 1971, to the extent that the increased rental does not exceed the base price for the rental of that real property.

Section 300.507(b) of the regulations thus established the maximum rental terms for all leases executed before August 15, 1971, payable during the part of the term of the lease remaining after November 13, 1971. In this case this section of the regulations thus substituted the base rent computed under the section for the rental terms previously agreed upon by the parties or subsequently established by section 2(c) of OEP Regulation No. 1, 36 F.R. 16515 (August 21, 1971).

The base rent under § 300.507(b) of the regulations is stated to be: "The highest price charged by the person with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period." Section 300.507(c) of the regulations defines a substantial number of transactions to be 10 percent of the total transactions involving the same or substantially identical rental units. Economic Stabilization Regulations, 6 CFR 300.513(b), 36 F.R. 27188 (November 13, 1971), states that a transaction shall be deemed to occur at the time and place a binding contract is entered into.

These regulations establish the base rent to the highest rent charged for the rental of at least 10 percent of the same or substantially identical units on which leases were entered into during the freeze base period. The freeze base period is the period beginning on July 16, 1971, and ending August 14, 1971, or if no leases were entered into on the same or substantially identical units during that period, then the nearest preceding 30-day period in which a lease was entered into on such unit. Economic Stabilization Regulations, 6 CFR 300.513(e), 36 F.R. 27188 (November 13, 1971).

Assuming that the landlord correctly determined the rent chargeable under the "transactions test" set forth in § 300.507(b) of the regulations to be $170 per month, that amount is the rent which may be charged during the part of the term of the lease remaining after December 28, 1971.

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

Dated: February 25, 1972.

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

Approved: February 25, 1972.

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

[FR Doc.72-3190 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-80]

SPORTING CONTEST—ALLOWABLE COSTS

Price Commission Ruling

Facts. "M", an association sponsors a contest open to the public in which the winners are awarded prize money. M, in order to attract a better field of participants, increases the total purse to be awarded. M further wishes to increase the price of admission, entry fee, price of programs and other prices relative to the contest.

Issue. May M increase these prices based on increased costs? Is the increased purse an allowable cost for the purposes of the regulations?

Ruling. M may increase its charges for admissions, entry, programs and other items based upon allowable cost increases in accordance with Economic Stabilization Regulation, 6 CFR 300.14, 37 F.R. 775 (January 19, 1972).

The purse to be awarded by M is an allowable cost incurred in sponsoring the contest. An increase in the purse is, therefore, an allowable cost increase justifying price increases by M for contest services, even though the decision to increase the purse is made by M itself and is not incurred as a result of a purchase by M from an unrelated person.

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

Dated: February 28, 1972.

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

Approved: February 28, 1972.

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

[FR Doc.72-3191 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-81]

RETAILER'S MARKUP APPLIED TO MARKET PRICE

Price Commission Ruling

Facts. A is a lumber dealer who customarily purchases lumber twice a year

and maintains a substantial inventory. He determines his selling price by applying his customary markup to the current wholesale price of lumber rather than his cost at the time of his purchase.

Issue. May A continue to compute his selling prices in this manner under the Economic Stabilization Regulations?

Ruling. A's method of computing his selling price is inconsistent with the Economic Stabilization Regulations, and to the extent that prices determined in this fashion are in excess of the customary initial percentage markup as applied to A's cost of the lumber, they are in violation of the Economic Stabilization Program.

Retailers and wholesalers may charge a price in excess of the base price only when their customary initial percentage markup with respect to certain property is equal to or less than its last customary initial percentage markup before November 14, 1971, or during its last fiscal year ending before August 15, 1971, and only if the aggregate effect of all of its price changes is not to increase its profit margin over that which prevailed during the base period. See § 300.13 of the Economic Stabilization Regulations, 36 F.R. 23974 (December 16, 1971).

As defined in § 300.5 of the regulations, 36 F.R. 23974 (December 16, 1971), "customary initial percentage markup" means the markup applied to the cost of merchandise when first offered for sale, which is further defined to include the purchase price actually paid by the seller and transportation charges allocated to the property.

On these facts, A's method of computing his purchase price is to apply a percentage markup to the current wholesale price of the lumber rather than to the purchase price actually paid by A. It is therefore inconsistent with the regulations, and prices which exceed the allowable prices computed consistent with the regulations are in violation of the regulations to that extent.

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

Dated: February 25, 1972.

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

Approved: February 25, 1972.

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

[FR Doc.72-3192 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-82]

RETAILER CUSTOMARY INITIAL PERCENTAGE MARKUP—ANTICIPATED COST

Price Commission Ruling

Facts. A retailer, R, sells an imported non-fungible item, X. R uses a LIFO inventory method in determining the cost of X. Because of the revaluation of the U.S. dollar, R anticipates that the cost of X will increase. R therefore wishes to raise his price now in anticipation of the increased cost of X.

Issue. Whether the anticipated increase in the cost of an item of merchandise may be used by a retailer to compute a price increase?

Ruling. No. Section 300.13 of the Economic Stabilization Regulations provides that a retailer may charge a price in excess of the base price whenever (1) his customary initial percentage markup is not increased, and (2) the aggregate effect of all his price changes is not to increase his profit margin over that which prevailed during the base period. 6 CFR 300.13, 36 F.R. 23976 (December 16, 1971). A retailer's customary initial percentage markup is the markup applied to the cost of merchandise when the item was first offered for sale. 6 CFR 300.5, 36 F.R. 23975 (December 16, 1971). The "cost" of an item is the purchase price actually paid by the selling person plus transportation charges. Thus, the cost to which the customary initial percentage markup is applied is an amount which already has been incurred. The cost of which the customary initial percentage is applied for the purpose of determining a price increase is realized cost, not anticipated cost.

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

Dated: February 28, 1972.

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

Approved: February 28, 1972.

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

[FR Doc.72-3193 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-83]

BROKER'S FEE

Price Commission Ruling

Facts. A newly married couple C rented an apartment from landlord L through broker B. B was an independent broker bringing together various lessors and lessees. C paid B one month's rent in consideration of B's service. Unknown to C, B and L had an agreement whereby B rebated part of this consideration. B's motive was to induce L to rent the apartment to C and thereby consummate his fee. L's motive was a knowing attempt to evade the Economic Stabilization Rent Regulations.

Issue. Is any part of the broker's fee charged in connection with obtaining a lease considered rent as defined in Economic Stabilization Regulations, 6 CFR 301.3(a), 36 F.R. 25388 (December 30, 1971)?

Ruling. Yes, generally a broker's fee is regulated by Economic Stabilization Regulation, 6 CFR 300.14, 37 F.R. 775 (January 19, 1972) since a broker is a service organization as defined by Economic Stabilization Regulation, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971). The broker makes available a valuable service, i.e. bringing together willing buyers and sellers. Thus most brokers fees are not rents.

Rent as defined in § 301.3(a) of the regulations states, "includes any charge, no matter how set forth paid by the lessee for the use of any property". This includes direct as well as indirect charges.

An agreement to knowingly attempt to circumvent the Economic Stabilization Regulations which is not customarily made between the broker and lessor shall be considered an attempt to charge the lessee a higher rent. The rebate to lessor of part of the broker's commission can be considered an indirect charge by the lessor in renting the residence. This rebate shall be deemed rent.

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

Dated: February 28, 1972.

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

Approved: February 28, 1972.

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

[FR Doc.72-3194 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-84]

NEWSPAPER PUBLISHING COMPANIES

Price Commission Ruling

Facts. A is a newspaper publisher which has incurred increased costs in producing its newspaper because of increased wages and salaries of its personnel. It is seeking to increase its rates for advertising space and is considering an increase in its subscription rates, but is uncertain which sections of the Economic Stabilization Regulations are applicable to its proposed price increases.

Issue. Is a newspaper publishing company a "service organization," a "manufacturer," or a "retailer" within the Economic Stabilization Regulations?

Ruling. Newspaper publishing companies may be "manufacturers" or "service organizations" within the Economic Stabilization Regulations, depending upon the nature of the business operations they perform.

The regulations define a "manufacturer" as "a person who carries on the trade or business of making, fabricating, or assembling a product or commodity by manual labor or machinery for sale to another person"; a "service organization" is defined as "a person who carries on the trade or business of selling or making available services." Economic Stabilization Regulations 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971).

To the extent that a newspaper publishing company assembles a product for sale to the public, it is a "manufacturer" within the regulations. Therefore, subscription and newstand price increases for a newspaper are governed by § 300.12 of the regulations.

However, when a newspaper publishing company uses its facilities to include advertising messages of the public in its newspaper, it is performing a service, and is to that extent a "service organization" within the regulations. Price increases for the service of advertising are governed by § 300.14 of the regulations.

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

Dated: February 28, 1972.

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

Approved: February 28, 1972.

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

[FR Doc.72-3195 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-85]

TRASH HAULING UNDER CITY CONTRACT

Price Commission Ruling

Facts. City A periodically accepts bids from private trash hauling firms specifying the rates they propose to charge for trash hauling services to be rendered to residents within a specified area. City A then enters into a contract with the successful bidder in which the rates are established and the company is granted the exclusive right to furnish trash hauling services to residents in the area specified. The company bills the residents directly for the service rendered, under the rate schedule established by the contract with the city.

Issue. Is the trash hauling company who is the successful bidder a "public utility" within the Economic Stabilization Regulations?

Ruling. A trash hauling company which secures a city contract under the above circumstances and performs services under that contract is a "service organization" and not a "public utility," within the Economic Stabilization Regulations.

A "public utility," as defined by the regulations, is a person that furnishes utility services to the public or a recognized segment of the public; a "utility service" is defined as any commodity or service "affected with a public interest." Economic Stabilization Regulations 6 CFR 300.16, 37 F.R. 652 (January 14, 1972).

It is clear from the above facts that the prices for the company's services are determined under competitive circumstances, and that the services themselves are not subject to regulation beyond the restrictions normally imposed upon other ordinary businesses or professions. Therefore, the services provided are not "affected with a public interest"; see Price Commission Ruling 1972-37.

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

Dated: February 28, 1972.

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

Approved: February 28, 1972.

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

[FR Doc.72-3196 Filed 3-1-72;8:50 am]

[Price Commission Ruling 1972-86]

BASE PRICE

Price Commission Ruling

Facts. X Corporation, a manufacturer of Product A contracted during the "freeze base period" (July 16 to August 14, 1971) to sell and deliver A to customers of the same class at 100 different prices from $1 to $1.99 per unit. The highest 10 percent of the units were contracted for at a price of $1.90 to $1.99. Of the negotiated contracts, some specified delivery after November 14, 1971.

Issue. (A) What is the base price of Product A?

(B) At what price may the manufacturer deliver Product A under contracts calling for delivery after November 13, 1971?

Ruling. (A) The base price for Product A is $1.90. Economic Stabilization Regulation, 6 CFR 300.405, 36 F.R. 23979 (December 16, 1971), provides that the base price with respect to the sale of personal property is the "highest price charged by the seller to a specific class of purchasers in a substantial number of transactions involving that personal property during the freeze base period." Economic Stabilization Regulation, 6 CFR 300.5, 36 F.R. 23975 (December 16, 1971), defines "highest price in a substantial number of transactions" to mean the highest price at or above which at least 10 percent of the units were priced in transactions with any class of purchasers. Since 10 percent of the units were contracted for a price of $1.90 or higher, the base price is $1.90.

(B) Economic Stabilization Regulation, 6 CFR 300.101, 36 F.R. 23978 (December 16, 1971), provides that the price specified in any contract for the sale of personal property entered into before August 15, 1971, with respect to any delivery after November 13, 1971, shall be allowable if that contract price does not exceed that amount which would result in an increase in the person's profit margin over that prevailing during the base period. The manufacturer may charge the base price ($1.90) or may charge a higher price in accordance with the contract agreements. He may not charge more than the base price when it would cause him to exceed the base period profit margin limitation. He can deliver the product at less than base price in accordance with terms of the negotiated contracts.

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

Dated: February 28, 1972.

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

Approved: February 28,.1972.

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

[FR Doc.72-3197 Filed 3-1-72;8:50 am]

[Order 83 (Rev. 3)]

DISTRICT DIRECTORS, ET AL.

Authorization To Permit Inspection of Certain Returns and Related Documents

Pursuant to authority vested in the Commissioner of Internal Revenue by 26 CFR 301.6103(a)-1, District Directors, the Director of International Operations, Service Center Directors, and the Chief, Disclosure Staff, Office of Assistant Commissioner (Compliance), are authorized:

1. To permit inspection of returns in their custody by any applicant eligible therefor in accordance with paragraph (c) of § 301.6103(a)-1, including any applicant with respect to whom inspection is made discretionary with the Secretary or the Commissioner or the delegate of either, provided such applicant meets the requirements embodied by such paragraph. The authority delegated in this paragraph of this order is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists, and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

2. To permit inspection of returns in their custody by U.S. attorneys and attorneys of the Department of Justice in accordance with paragraph (g) of § 301.6103(a)-1, and to furnish returns, or copies thereof, to such attorneys in accordance with paragraph (h) of such section. The authority delegated in this paragraph of this order is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists, and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer, except that other records or reports containing information included or required by statute to be included in the return may be furnished (a) when the return or copy thereof is requested for official use in the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands

against the United States or officers and employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of the Treasury to the Department of Justice for such prosecution or defense, or (b) in cases not so referred, when so authorized by the Assistant Commissioner (Compliance), or Chief, Disclosure Staff.

3. The authority delegated in paragraph 1 may be redelegated, but not lower than to Division Chiefs. The authority delegated in paragraph 2 may not be redelegated.

4. This order supersedes Delegation Order No. 83 (Rev. 2), issued May 13, 1966.

Issued: February 28, 1972.

Effective February 28, 1972.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.72-3198 Filed 3-1-72;8:52 am]

[Order 15 (Rev. 3)]

DISTRICT DIRECTORS, ET AL.

Authorization for Inspection of Certain Returns by the Department of Health, Education, and Welfare

Pursuant to authority contained in 26 CFR 301.6103(a)-100 and 26 CFR 301.9000-1, District Directors, Service Center Directors, and the Director of International Operations are authorized:

1. To make available for inspection by any duly authorized officer or employee of the Department of Health, Education, and Welfare any individual income tax return made in respect of a tax imposed by chapter 1 or chapter 2 of the Internal Revenue Code, as may be needed in its administration of the provisions of Title II of the Social Security Act as amended (42 U.S.C. ch. 7).

2. To make available for inspection by any duly authorized officer or employee of the Department of Health, Education, and Welfare the retained portion of any employer's return of withheld Social Security taxes (e.g. Forms 941, 942, or 943) as may be needed in its administration of the provisions of Title II of the Social Security Act, as amended (42 U.S.C. ch. 7).

3. This authorization includes the furnishing of a copy or a certified copy of the return or any data on such return or retained portion.

4. The authority delegated herein may be redelegated, but not lower than to Division Chiefs.

5. This order supersedes Delegation Order No. 15 (Rev. 2), issued December 4, 1968.

Issued: February 28, 1972.

Effective: February 28, 1972.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.72-3199 Filed 3-1-72;8:52 am]

[Order 86 (Rev. 4)]

DISTRICT DIRECTORS, ET AL.

Authorization To Permit Inspection of Certain Returns by Certain Applicants

Pursuant to authority vested in the Commissioner of Internal Revenue, authority is hereby delegated to District Directors, Service Center Directors, and the Director of International Operations, to permit inspection of returns in their custody, inspection of which may be authorized by the Commissioner of Internal Revenue pursuant to 26 CFR 301.9000-1, to the same persons and subject to the same conditions as prescribed for such persons in 26 CFR 301.6103(a)-1(c).

The authority delegated herein is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists, and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

Whenever it is determined that a return or related document as defined above is available for disclosure in a particular case, a copy or certified copy may be furnished the party requesting the same.

The authority delegated herein may be redelegated, but not lower than to Division Chiefs.

This order supersedes Delegation Order No. 86 (Rev. 3), issued March 11, 1969.

Issued: February 28, 1972.

Effective: February 28, 1972.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.72-3200 Filed 3-1-72;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Idaho 010419]

IDAHO

Notice of Termination of Segregative Effect on Land Within Relinquished Airport Lease

FEBRUARY 23, 1972.

The segregative effect imposed by 43 CFR 2911, Airport Lease Idaho 010419, will terminate at 10 a.m. on March 15, 1972.

The land involved in this notice of termination is:

BOISE MERIDIAN

T. 14 S., R. 27 E.,
Sec. 30, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 31, NW¼NE¼.

The area described aggregates 200 acres of public land.

On date and time shown above, the land shall be open to application, petition, location, and selection generally, subject to valid existing rights and classifications.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room 398 Federal Building, 550 West Fort Street, Boise, ID 83702.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.72-3100 Filed 3-1-72;8:46 am]

[Wyoming 32043]

WYOMING

Notice of Classification

FEBRUARY 23, 1972.

Pursuant to 43 CFR 2462.1, the lands described below are hereby classified for disposal through exchange, under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) for lands within the Rawlins District.

The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

SWEETWATER COUNTY

T. 21 N., R. 91 W.,
Sec. 14, all;
Sec. 2, all;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, NE¼NE¼
Sec. 34, all.

The areas described aggregate 5,160.22 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2462.3).

DANIEL P. BAKER,
State Director.

[FR Doc.72-3099 Filed 3-1-72;8:45 am]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 25, 1972.

Notice of Bureau of Reclamation applications, W-055790, W-055807, and W-057669, for withdrawal and reservation of lands for reservoir purposes and development under reclamation law in connection with the Flaming Gorge Unit—Colorado River Storage Project, was published as F.R. Doc. No. 59-6905, on page 6788 of the issue for August 20, 1959. The applicant agency has canceled its applications insofar as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 106 W.,
Sec. 4, lots 5, 6, 7, 8, S½N½, N½S½, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and S½SE¼;
Sec. 5;
Sec. 7;
Sec. 8, lot 2, E½ of lot 3, W½E½, SE¼NE¼, S½NW¼, SW¼, and E½SE¼;
Sec. 9;

Sec. 16;
Sec. 17;
Sec. 18;
Sec. 19;
Sec. 20, S½ of lot 3, S½NE¼, and S½;
Sec. 29;
Sec. 30, W½ of lot 7, lots 8, 14, 15, and E½SW¼;
Sec. 31;
Sec. 32, E½, E½W½, E½W½NW¼, E½NW¼SW¼, SW¼SW¼.
T. 18 N., R. 106 W.,
Sec. 31.
T. 12 N., R. 107 W.,
Sec. 18, lot 5, E½, and NE¼NW¼;
Sec. 19, lots 11, 12, NE¼, and N½SE¼.
T. 13 N., R. 107 W.,
Sec. 6, lots 1, 2, S½NE¼, and SE¼;
Sec. 7, E½;
Sec. 18, E½;
Sec. 31, E½ and E½W½.
T. 14 N., R. 107 W.,
Sec. 19, E½ and E½W½;
Sec. 30.
T. 15 N., R. 107 W.,
Sec. 4, E½ of lot 3, E½SE¼NW¼, SW¼SE¼NW¼, S½SW¼NW¼, and SW¼;
Sec. 5;
Sec. 6;
Sec. 8, S½NE¼, W½NW¼NE¼, W½, and SE¼.
T. 16 N., R. 107 W.,
Sec. 1;
Sec. 2, lots 5, 6, 7, E½SW¼, and SE¼;
Sec. 3;
Sec. 10, W½;
Sec. 11;
Sec. 12, N½, N½NW¼SW¼, E½SW¼, and SE¼;
Sec. 14, SW¼NW¼, W½SE¼NW¼, W½SW¼, and W½E½SW¼;
Sec. 15;
Sec. 21;
Sec. 22, W½NW¼;
Sec. 23;
Sec. 26, E½NE¼NE¼, E½W½NE¼NE¼, and S½N½;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 5, 6, 7, 8, NE¼, E½W½, N½SE¼, and N½S½SE¼;
Sec. 31;
Sec. 32, N½N½;
Sec. 33;
Sec. 34, lots 4, 5, 6, 7, E½NE¼, SE¼NW¼NE¼, SW¼NE¼, NE¼SW¼, S½NW¼SW¼, and N½SE¼.
T. 17 N., R. 107 W.,
Sec. 1;
Sec. 24, W½E½ and W½;
Sec. 25;
Sec. 35;
Sec. 36.
T. 18 N., R. 107 W.,
Sec. 22;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 35;
Sec. 36.
T. 12 N., R. 108 W.,
Sec. 1, E½, E½W½, and E½W½W½;
Sec. 4, S½S½;
Sec. 9;
Sec. 12, E½, E½W½, and E½W½W½;
Sec. 13, N½NE¼, NE¼NW¼, and E½NW¼NW¼;
Sec. 16;
Sec. 19, lots 7, 8, E½, and E½NW¼;
Sec. 20, N½N½, SW¼NW¼, and W½SW¼.
T. 13 N., R. 108 W.,
Sec. 12, lot 8 and SE¼SW¼;
Sec. 13, lots 2, 3, and SE¼NW¼;
Sec. 21, W½;
Sec. 23, lots 3, 4, and 7;
Sec. 24, lots 1, 3, and NE¼NW¼;
Sec. 25, lots 2 and 3;
Sec. 26, lots 1 and 6;
Sec. 28, W½;
Sec. 32, NE¼;
Sec. 33, NW¼;
Sec. 36.
T. 14 N., R. 108 W.,
Sec. 1, lots 1, 2, 3, and 4;
Sec. 2, lots 1 and 2;
Sec. 5, W½ of lot 8, W½SE¼NW¼, SW¼NW¼, W½NE¼SW¼, and W½SW¼;
Sec. 6, lots 3, 4, 5, S½NE¼, and SE¼NW¼;
Sec. 11, lots 6, 7, 8, S½NE¼, SE¼NW¼, and SE¼;
Sec. 12, lots 2, 3, 6, and 7;
Sec. 13, lots 3, 6, 7, and SW¼SW¼;
Sec. 14, lots 1, 2, 5, 6, 7, and W½NE¼;
Sec. 16, S½;
Sec. 17, S½;
Sec. 21;
Sec. 23, lot 2, NW¼NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 24, lots 1, 5, 6, and 7;
Sec. 25, lots 2, 3, 4, and NW¼NW¼;
Sec. 26, lots 1 and 2;
Sec. 35, lot 37;
Sec. 36.
T. 15 N., R. 108 W.,
Sec. 1;
Sec. 3;
Sec. 10, W½E½, W½, S½NE¼SE¼, and SE¼SE¼;
Sec. 11;
Sec. 13;
Sec. 14, W½NW¼ and N½NW¼SW¼;
Sec. 22, lots 3, 4, 5, 6, and SE¼SE¼;
Sec. 23;
Sec. 24, lot 1, E½NE¼, SW¼NE¼, and SE¼;
Sec. 25;
Sec. 26, lots 2 and 37;
Sec. 27, lots 1 to 6 inclusive, and E½;
Sec. 28, NW¼;
Sec. 30, lot 1, N½NE¼, and NE¼NW¼;
Sec. 31, lots 1, 2, 3, 4, and E½W½;
Sec. 33, lots 3, 5, 6, SW¼NE¼, and SW¼SE¼;
Sec. 35.
T. 16 N., R. 108 W.,
Sec. 5;
Sec. 7;
Sec. 8, NE¼ and E½SE¼;
Sec. 9;
Sec. 15;
Sec. 16, S½;
Sec. 17;
Sec. 18, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, W½E½W½ and W½W½;
Sec. 21;
Sec. 22, E½NE¼, NE¼SE¼, and N½SE¼SE¼;
Sec. 25;
Sec. 26, E½;
Sec. 27;
Sec. 28, W½;
Sec. 33;
Sec. 35;
Sec. 36.
T. 17 N., R. 108 W.,
Sec. 16;
Sec. 17;
Sec. 18;
Sec. 19;
Sec. 20;
Sec. 21;
Sec. 28;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 33.
T. 12 N., R. 109 W.,
Sec. 14;
Sec. 15;
Sec. 22;
Sec. 23, lots 5, 6, 7, 8, 9, and N½NE¼;
Sec. 24, N½.
T. 16 N., R. 109 W.,
Sec. 12, N½, SW¼, N½SE¼, and N½S½SE¼;
Sec. 13;
Sec. 14;
Sec. 24.

The areas described aggregate 72,145.27 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5, such lands, at 10 a.m., on April 3, 1972, will be relieved of the segregative effect of the above-mentioned applications.

DANIEL P. BAKER,
State Director.

[FR Doc.72-3187 Filed 3-1-72;8:52 am]

National Park Service

ENVIRONMENTAL STATEMENTS

Notice of Issuance of Activity Standards for Preparation and Processing

Notice is given that the National Park Service is hereby issuing activity standards for the preparation and processing of environmental statements on actions by the Service to implement section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), and in accordance with the notice published in the FEDERAL REGISTER of October 2, 1971, at page 19343, by the Department of the Interior, which notice was signed by Richard S. Bodman, concerning environmental statement preparation. The National Park Service management system expresses itself through the management system of activity standards rather than through manual procedures.

Activity standards describe the conditions that will exist when the various activities of the National Park Service have been performed satisfactorily. Therefore, this notice takes the form of activity standards.

With respect to National Park Service Programs the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 shall have been followed adequately and properly when:

1. All applicable requirements of 516 DM 2 and the following amplifications thereof are complied with.

2. The official responsible for initiating each action has applied the criteria of 516 DM 2.5 and determined if the act would significantly affect the quality of the human environment and therefore require an environmental impact statement; except that he need not apply those criteria to the following actions all of which shall require such statements:

a. Legislative proposals bearing on the physical environment;

b. New area proposals;

c. Master Plans, Resource Management Plans and Development Concept Plans;

d. Actions within the purview of Section 106 of the National Historic Preservation Act of 1966 (80 Stat. 915; 16 U.S.C. 470); and

e. Actions likely to be highly controversial.

3. The official responsible for initiating the action has prepared the environmental impact statement. (The Directors of the Regions are responsible for determining which actions shall require statements and for the preparation of such statements for all actions pertaining to the parks in their regions. The preparation of statements for actions of a general nature or having an effect which is not confined to a particular region, is the responsibility of the Assistant Director, or Chief of Office in the Washington Office having program responsibility for the act.)

4. Officials responsible for preparing environmental statements have—

a. Performed the functions set out in 516 DM 2.4G;

b. Formulated the statements and attachments in accordance with 516 DM 2.6; and, in addition, included therein information as to the anticipated duration of the project, graphics illustrative of the narrative statement, and a concise statement of the legislative purpose of the National Park Service unit, together with any statutory constraints;

c. Achieved coordination as provided in 516 DM 2.7; and, in addition, have actively encouraged early input from other agencies concerning draft statements and have attached their comments to the final environmental statement. (This is especially important with respect to statements on action affecting properties on the National Register of Historic Places and Class VI lands in natural and recreational areas in view of the review requirements of the Advisory Council on Historic Preservation whose procedures for compliance and criteria for effect are published in the FEDERAL REGISTER, Volume 36, pages 3310–3340, February 20, 1971, and annually thereafter); and

d. Provided for public participation and information in accordance with 516 DM 2.8. In determining whether to hold a public hearing (516 DM 2.8B), the responsible official shall consider the extent of public interest, the possible controversial nature of the action, and whether a public hearing is otherwise provided; e.g., wilderness hearings and legislative hearings. A record shall be made of all public hearings held under 516 DM 2.8B. (Where action involves wilderness proposals, announcement of the availability of the draft environmental statement may be concurrent with announcement in the FEDERAL REGISTER of the public hearing under the Wilderness Act.)

5. Environmental statements for new areas, wilderness, design and construction projects, and master plans contain the input of all the disciplines involved, including the managerial and professional disciplines located in the Service Center and elsewhere.

6. Environmental statements have been concurred in and approved—as the case may be—by appropriate reviewers in the decisionmaking process. Draft statements are signed by the official responsible for their preparation and final statements are signed by the Director of the National Park Service on its behalf.

7. The action approved by the responsible manager is taken only after all environmental factors have been considered. (In some cases the given undertaking may need to be modified to minimize environmental impact or the best action may be to forego an undertaking, or critical portions thereof, when adverse aspects of environmental impacts cannot be satisfactorily minimized or removed.)

8. Environmental concerns are an ever present consideration in the planning, design and construction, management and decisionmaking processes of the National Park Service as well as in the repair, rehabilitation, restoration and reconstruction of existing facilities.

Environmental Statements of the National Park Service will have been processed satisfactorily when:

1. The requirements of 516 DM 2.9 and the following amplifications of specific sections have been complied with.

2. (See 516 DM 2.9A(2).) Environmental statements are prepared on the concept presented by master plans and also on their subsequent implementation through specific actions. (The master plans being source documents for the concepts and intent of most programs and projects which could affect the environment, environmental statements on master plans may answer the requirements for an environmental statement on annual budget estimates or assist in identifying which budget items (programs or projects) may require separate environmental statements.)

3. Officials responsible for preparing the draft environmental statements submit 20 copies of the draft statement and the notice of its availability to the Assistant Director, Cooperative Activities for transmission as prescribed by 516 DM 2.9F(3)(a).

4. After assignment of a control number by the Assistant Secretary—Program Policy, in accordance with 516 DM 2.9F(3)(b), the Assistant Director, Cooperative Activities notifies the officials responsible for the statement of the control number and date so assigned.

5. (See 516 DM 2.9F(3)(d).) Concurrent with clearance by the Department, the Assistant Director, Cooperative Activities notifies the officials responsible for the statement as to the date the FEDERAL REGISTER will publish the notice of availability of the statement and such officials make distribution of the draft statement to reviewing entities on the date of publication.

6. The official responsible for preparation of the draft environmental statement maintains a log in accordance with 516 DM 2.9F(4), such log to include a summary of responses by category of their content.

7. Officials responsible for preparing environmental statements submit 20 copies of the final statement to the Assistant Director, Cooperative Activities, for transmission as prescribed by 516 DM 2.9F(5)(a).

8. In furtherance of 516 DM 2.9F(5)(b) the Assistant Director, Cooperative Activities, notifies the responsible official of the assigned control number and date.

9. The Assistant Director, Cooperative Activities, Washington Office, exercises servicewide responsibility for preparation and implementation of policy relating to environmental statements, development of environmental statement work forecasts, and the monitoring of environmental statement work to assure proper follow through.

GEORGE P. HARTZOG,
Director, National Park Service.

[FR Doc.72-3095 Filed 3-1-72;8:45 am]

Office of the Secretary

[FES 72-4]

PROPOSED BI-GAS COAL GASIFICATION PILOT PLANT, HOMER CITY, PA.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a proposed BI-GAS Coal Gasification pilot plant at Homer City, Pa.

The proposed pilot plant will test out a process employing oxygen and steam at elevated pressures in a two-stage gasifier, to convert coal to pipeline quality gas, the exact equivalent of natural gas.

Copies are available for inspection at the following locations:

Office of Coal Research, Room 4654, Department of the Interior, Washington, D.C. 20240; telephone (202) 343-6891.
Governor's Office, State Planning Board, State Capitol, Post Office Box 191, Harrisburg, PA 17120; telephone (717) 787-8047.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, and enclosing $3. Please refer to the statement number above.

Dated: February 22, 1972.

WILLIAM W. LYONS,
Acting Assistant Secretary of the Interior.

[FR Doc.72-3101 Filed 3-1-72;8:46 am]

G. W. PUSACK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Purchased IPCO Hospital Stock.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 18, 1971.

Dated: February 7, 1972.

G. W. PUSACK.

[FR Doc.72-3102 Filed 3-1-72;8:46 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

YELLOWFIN TUNA

Increase in Catch Limit

At the annual meeting of the Inter-American Tropical Tuna Commission the annual catch limit (quota) of 120,000 short tons of yellowfin tuna was adopted for the 1972 season and published in the FEDERAL REGISTER (37 F.R. 2532).

In accordance with item 1(b) of the Commission's resolution, on February 11, the Director of Investigations of the Inter-American Tropical Tuna Commission increased the annual catch limit of yellowfin tuna by 10,000 short tons. On February 22, the Director of Investigations again increased the annual catch limit by an additional 10,000 short tons to a total amount of 140,000 short tons. These increases are based on a determination of the current catch rate projected for the entire year.

The open season § 280.4, Title 50, Code of Federal Regulations will be based on this new and larger catch limit of 140,000 short tons.

Issued at Washington, D.C., and dated February 28, 1972.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

[FR Doc.72-3147 Filed 3-1-72;8:51 am]

ATOMIC ENERGY COMMISSION

SAFETY ANALYSIS REPORTS FOR NUCLEAR POWER PLANTS

Proposed Standard Format and Content

The Atomic Energy Commission's regulations (§ 50.34 of 10 CFR Part 50) require that each application for a construction permit for, among other things, a nuclear reactor facility include a preliminary safety analysis report and that each application for a license to operate such a facility include a final safety analysis report.

To aid applicants in the preparation of Safety Analysis Reports, the Commission's regulatory staff has prepared and issued for comment a proposed "Standard Format and Content of Safety Analysis Reports." The new document identifies the principal information that is needed by the regulatory staff in evaluating applications for power reactor facility licenses and describes a format for presenting it. Use of the Standard Format will help to assure that information provided is complete, will assist the staff and others in locating information, and will aid in shortening the time needed for the review process.

The specific information identified and the detailed subdivisions of the standard format have been prepared for water-cooled nuclear power plants, but the general content and format are also applicable to safety analysis reports for power reactors of other types.

The information requested in the standard format incorporates information identified in two information guides previously issued and information that was being developed for issuance in other information guides. In the future, information guides will be used to publish additions or revisions to the contents of this standard format.

All interested persons who desire to submit comments or suggestions should send them to the Director, Division of Reactor Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of these comments in the FEDERAL REGISTER. Copies also are available from the Director, Division of Reactor Standards.

(5 U.S.C. 552(a)).

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

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72-3093 Filed 3-1-72;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

DIRECTOR, OFFICE OF FEDERAL ACTIVITIES

Delegation of Authority for Publication of EPA Comments

Section 309 of the Clean Air Act requires the Administrator to prepare written comments on the environmental impact of any matter relating to his duties and responsibilities contained in any Federal agency's proposed regulations or legislation, newly authorized construction projects, or major Federal action to which an environmental impact statement applies. Such written comment shall me made public at the conclusion of the review.

To implement section 309, the Administrator publishes biweekly in the FEDERAL REGISTER a notice which lists all reviews upon which written comments have been developed during the preceding 2 weeks.

Pursuant to the authority vested in the Administrator, the Director, Office of Federal Activities, or, in his absence, the official authorized to act in his behalf, is hereby delegated the authority of the Administrator of the Environmental Protection Agency to publish a notice which lists all reviews upon which written comments have been developed under section 309 of the Clean Air Act.

Effective date. This delegation of authority shall become effective on the date of its publication in the FEDERAL REGISTER (3-2-72).

Dated: February 25, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-3139 Filed 3-1-72;8:48 am]

VELSICOL CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additive

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, has withdrawn its petition (FAP OH2520), notice of which was published in the FEDERAL REGISTER of April 4, 1970 (35 F.R. 5596), proposing establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million for the combined residues of the insecticide heptachlor and its epoxide in the crude oil of soybeans resulting from application of the insecticide to growing soybeans.

Dated: February 25, 1972.

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

[FR Doc.72-3177 Filed 3-1-72;8:54 am]

CHEMAGRO CORP.

Notice of Renewal of Temporary Tolerances

Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, was granted temporary tolerances for negligible residues of the herbicide 4-amino-6-*tert*-butyl-3-(methylthio)-*as*-triazine-5-(4*H*)-one in or on the raw agricultural commodities potatoes and soybeans at 0.02 part per million on July 7, 1970 (notice was published in the FEDERAL REGISTER of July 17, 1970 (35 F.R. 11534). The tolerances expired July 7, 1971.

The firm requested renewal for 1 year to obtain additional efficacy data. Subsequently, the petitioner amended the petition by increasing the tolerance level from 0.02 part per million to 0.1 part per million on potatoes and 0.05 part per million on soybeans for residues of 4-amino-6-*tert*-butyl-3-methylthio-*as*-triazine-5-(4*H*)-one and its diketo metabolite. It is concluded that such renewal will protect the public health. A condition under which the temporary tolerance is renewed is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Chemagro Corp. name.

As renewed this temporary tolerance expires February 25, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: February 25, 1972.

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

[FR Doc.72-3173 Filed 3-1-72;8:54 am]

U.S. BORAX RESEARCH CORP.

Notice of Extension of Temporary Tolerances

U.S. Borax Research Corp., 412 Crescent Way, Anaheim, CA 92801, was granted temporary tolerances for residues of the herbicide N^3,N^3-diethyl 2,4-dinitro-6-trifluoromethyl - 1,3 - phenylenediamine in or on the raw agricultural commodities cottonseed and soybeans at 0.05 part per million on September 29, 1971 (notice was published in the FEDERAL REGISTER of October 6, 1971 (36 F.R. 19453)). These temporary tolerances expire September 29, 1972.

The firm has requested approval to use an additional amount of the herbicide on greater acreage and also an extension of time to obtain additional experimental data. A condition under which the temporary tolerances are extended is that the herbicide be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the U.S. Borax Research Corp. name.

These temporary tolerances expire November 30, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: February 25, 1972.

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

[FR Doc.72-3172 Filed 3-1-72;8:54 am]

E. I. DU PONT DE NEMOURS & CO., 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 2F1234) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodity bananas at 1 part per million of which not more than 0.2 part per million (negligible residue) shall be present in the pulp after the peel is removed and discarded from preharvest and postharvest application.

The analytical method proposed in the petition for determining residues of the fungicide is that of H. L. Pease and R. F. Holt, "Journal of the Association of Official Analytical Chemists", vol. 54, pp. 1399-1402 (1971).

Dated: February 25, 1972.

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

[FR Doc.72-3176 Filed 3-1-72;8:54 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19448-19450; FCC 72-162]

DOWRIC BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Dowric Broadcasting Co., Inc., Brunswick, Ga., requests: 1530 kc., 1 kw. (500 w. CH), Day, Docket No. 19448, File No. BP-18331; James Harry Moye, Waycross, Ga. requests: 1530 kc., 10 kw. (1 kw. CH), Day, Docket No. 19449, File No. BP-18469; Integrated Broadcasting Co., Inc., Jacksonville, Fla., requests: 1530 kc., 50 kw., DA, Day, Docket No. 19450, File No. BP-18493; for construction permits.

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

2. When measured against the "Primer",[1] the community survey submitted by Dowric fails to meet Commission standards. Our analysis finds that the applicant has not explained the methodology it used to contact the interviewees, nor has Dowric said which persons contacted are community leaders and which are members of the general public. Therefore, we cannot make a finding that the applicant has sought out and interviewed community leaders representative of the groups existing in the proposed service area. In light of the above, a "Suburban"[2] issue is required.

3. The Commission finds that designation of a staffing issue is necessary as to James Moye. An examination of his application reveals that a staff of three persons is proposed although it is unclear whether the applicant, who proposes to spend 50 percent of his time as the station's general manager, is included in the proposed staff of three. Therefore, a question arises as to the ability of such a small operational staff to conduct 84 hours of weekly programing, 23.5 percent of which will be news, public affairs, and all other programs exclusive of entertainment and sports. The applicant has not attempted to explain how his proposed staff can meet these programing goals. Accordingly, an issue must be added to determine whether the applicant's proposed staff is adequate to effectuate his proposal. "Clarkson Broadcasting Company, Inc.", 12 RR 2d 1203 (1963).

4. Section 73.188(b)(2) of the Commission's rules requires an applicant to place a minimum field intensity of 5 mv/m over the most distant residential area of the city of designation. The Commission has said the term "most distant residential section" as used in § 73.188(b)(2) refers to an urbanized residential area, and not to an essentially rural area which may exist within a city's political boundary. "Andy Valley Broadcasting System, Inc.", 12 FCC 2d 3 (1968). As noted in its engineering exhibit, the applicant's proposal does not provide a 5 mv/m coverage to the entire city of Jacksonville, Fla. However, Integrated has submitted data to show its substantial compliance with § 73.188(b)(2). These data point out that in 1968, a merger of the old city and Duval County created the consolidated city of Jacksonville. As a result, the corporate limits now encompass purportedly the largest land area of any city in the world.[3] They further show that the urbanized part of Jacksonville is significantly smaller than the area within the city limits. While the city's population is 437,097 (1960 census), the area of the present city limits not covered by the proposed 5 mv/m signal (146 square miles). has a population of only 12,025. Much of this area is rural.[4] Moreover, the entire area which comprised Jacksonville before consolidation will be covered by a 25 mv/m signal. We also note that the applicant's choice of a transmitter site and power would provide maximum coverage of the principal city. In view of the foregoing, the Commission finds that these factors are sufficient to demonstrate substantial compliance with § 73.188(b)(2) of the rules. "Broadcasting, Inc.", 20 FCC 2d 713 (1969).

5. 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:

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

[2] "Suburban Broadcasters," 20 RR 951 (1961).

[3] The area is over 40 miles across in one direction and contains 832 square miles.

[4] The applicant proffers that the population density in a "typical Jacksonville residential district" is 2,550 persons per square mile while in the area outside the 5 mv/m contour the density is only 89.2 persons per square mile (1960 census).

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

(2) To determine the efforts made by Dowric Broadcasting Co., Inc., 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 whether the staff proposed by J. Harry Moye is adequate to effectuate his proposal.

(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 light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

7. *It is further ordered,* That any grant of the application of Integrated Broadcasting Co., Inc., will be subject to the following conditions:

Before program tests are authorized, permittee shall file with the Commission sufficient field intensity measurements made on station WQIQ, Jacksonville, Fla., to satisfactorily demonstrate that the WQIQ radiation patterns have not changed as a result of permittee's construction. The minimum required measurements made prior and subsequent to said construction shall include at least ten (10) consecutive points for each of the radials included in the last complete WQIQ proof of performance on file with the Commission. Permittee shall assume responsibility for all costs involved in complying with this condition.

Permittee shall submit data made in accordance with §§ 73.48 and 2.579 of the rules for type acceptance of the proposed transmitter:

8. *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.

9. *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 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 24, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-3158 Filed 3-1-72;8:51 am]

[Dockets Nos. 18912-18913; FCC 72R-45]

FOLKWAYS BROADCASTING CO., INC., AND HARRIMAN BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Folkways Broadcasting Co., Inc., Harriman, Tenn., Docket No. 18912, File No. BPH-5495; F. L. Crowder, trading as HARRIMAN BROADCASTING CO., Harriman, Tenn., Docket No. 18913, File No. BPH-5537; for construction permits.

1. This proceeding involves the mutually exclusive applications of Folkways Broadcasting Co., Inc. (Folkways), and F. L. Crowder, trading as Harriman Broadcasting Co. (Crowder), for a construction permit to establish a new FM broadcast station on Channel 224A at Harriman, Tenn. By order, FCC 70-736, released July 14, 1970 (35 F.R. 11597, published July 18, 1970), the Commission designated the applications for consolidated hearing on several issues. In response to various petitions filed by the applicants herein, the Review Board added § 1.65[1] and false logging issues[2] against Folksways, and § 1.65[3] ex parte contacts, and lottery issues[4] against Crowder. Presently before the Review Board is a petition to enlarge issues, filed September 3, 1971, by Folkways, requesting misrepresentation and log falsification issues against Crowder.[5]

MISREPRESENTATION ISSUE

2. Folkways' request for a misrepresentation issue is premised on arguments advanced by Crowder in support of his untimely petition to enlarge issues, filed September 30, 1970.[6] (By memorandum opinion and order, released February 17, 1971, the Board granted Crowder's petition and enlarged the issues as requested. See note 2, supra.) In his September 1970 petition, Crowder justified the late filing on grounds that "the factual information which is being used to support the request was not readily available to petitioner and its counsel in the 15-day period (for filing petitions to enlarge) * * *" and did not come to his attention until provided by one Patrick Michael O'Shea[7] in an affidavit dated September 14, 1970. In fact, alleges petitioner, Crowder, who is president of Harriman Broadcasting Co., was aware of the "factual information" relied upon to support his petition a year or more prior to the commencement of this proceeding. In particular, Folkways asserts that Crowder relied upon tapes made by Crowder himself in 1967 and 1968, and tapes made in 1969 by O'Shea and one John W. Farnham, in preparing his untimely September 30, 1970, petition requesting a false logging issue against Folkways. As further indication that Crowder knew of the existence of the tapes, petitioner relates that O'Shea, in compliance with a subpoena duces tecum, produced two affidavits, both dated January 16, 1969, and signed by O'Shea and Farnham.[8] The affidavits state that the two men taped, off-the-air, broadcasts of Station WHBT on January 14 and 16, 1969.[9] O'Shea testified at a deposition taken in Harriman, Tenn., on August 12, 1971, that the tapes were made over a 2-month period in 1969 at Crowder's WXXL studios "on Crowder's tape machines using Crowder's tapes"; however, O'Shea states that Crowder was not involved in the taping nor were the tapes made for him. Petitioner relies on an affidavit[10] of Farnham to establish that Crowder did, in fact, know of the taping and the purpose for the taping. In his affidavit, Farnham states that he and O'Shea were "employed working on a background music system with Freeman Crowder as the head of the operations * * *" when the tapes were made; that an analysis of the tapes were made; and that Crowder was shown the analysis.

3. In opposition, Crowder argues that Folkways' petition is untimely because Folkways had knowledge of the tapes allegedly relied upon by Crowder in preparing its September 30th petition prior

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[5] Commissioners Johnson and H. Rex Lee absent.

[1] 26 FCC 2d 175, 20 RR 2d 528, released Oct. 28, 1970.

[2] 27 FCC 2d 619, 21 RR 2d 163, released Feb. 17, 1971.

[3] FCC 71R-63, 21 RR 2d 211, released Feb. 23, 1971.

[4] 30 FCC 2d 9, 21 RR 2d 1297, released June 4, 1971.

[5] Also, before the Review Board are: (a) Opposition, filed Sept. 29, 1971, by Crowder; (b) comments, filed Sept. 28, 1971, by the Broadcast Bureau; and (c) reply, filed Oct. 18, 1971, by Folkways.

[6] Folkways submits that depositions taken on August 10 to 13, 1971, in Harriman, Tenn., provide the bases for the issues requested in the instant petition, and, therefore, that there is good cause for the late filing.

[7] At different times, O'Shea has been an employee of both Station WHBT(AM), Harriman, Tenn., licensed to Folkways, and Station WXXL(AM), Harriman, Tenn., formerly licensed to Crowder.

[8] Folkways explains that Farnham was to be partners with O'Shea in a proposed background music business. He also has been associated with both Folkways and Crowder, and is presently an employee of Folkways.

[9] Folkways submits with its petition two affidavits by O'Shea and Farnham in which they explain the procedures used in monitoring WHBT. One affidavit applies to tapes made on January 14 and analyzed on Station WXXL's program log sheet, and the other affidavit applies to tapes made on January 16, which were also analyzed on a WXXL program log sheet.

[10] The affidavit (subscribed and sworn to on Aug. 21, 1971) appears as attachment 3 to Folkways' petition.

to the Harriman, Tenn., deposition. In support, Crowder submits that, in O'Shea's affidavit of September 14, 1970, which was attached to Crowder's September 30, 1970, petition, O'Shea explained that he made tapes of WHBT in 1969. Crowder further contends that the use of the depositions by Folkways for the purpose of enlarging issues is an abuse of the Commission's rules precluding such use. It is suggested in affidavits Folkways submitted in connection with the present petition, Crowder asserts, that two of Folkways' employees knew of the tapes Folkways used to support its log falsification issue. Crowder suggests that it is logical to assume that the employees would have discussed the tapes with Kenneth Crosthwait, Folkways' president, prior to the Harriman, Tenn., deposition. Crowder admits that he knew of the existence of the 1967 and the 1969 tapes;[11] however, he claims that he did not realize the significance of the tapes (i.e., that the tapes would reveal Folkways' improper logging procedures) because the 1967 tapes had been produced for the purpose of discovering Folkways' advertisers, and the O'Shea tapes and their analysis was not brought to Crowder's attention until after the issuance of the designation order. In response to Farnham's affidavit that Crowder knew of the 1969 tapes and their analysis, Crowder submits the affidavit of O'Shea who states that Crowder knew nothing of the taping or analysis.[12] Crowder further contends that Folkways fails to show that Crowder intended to deceive the Board. The Broadcast Bureau supports Crowder's request for a misrepresentation issue against Folkways on the basis of Farnham's August 1971, affidavit.

4. In reply, Folkways asserts that Crowder's attorney knew of the 1969 taping and the contents of the tapes and gave advice to O'Shea and Farnham on the taping activities. Folkways bases this assertion on O'Shea's testimony at the September 14, 1971, hearing. According to petitioner, O'Shea testified that, soon after the January 14, 1969, tape was made, a segment of it was sent to Crowder's Washington attorney for analysis to determine if the segment was a commercial spot. Folkways also relies upon an affidavit of Farnham's which alleges that Crowder knew Farnham and O'Shea were taping Folkways' station for the purpose of either using tapes against Station WHBT or to get Crowder's formerly licensed Station WXXL back on the air.[13]

5. The Board believes that Farnham's affidavit of September 17, 1971, presents sufficient facts to raise a question of whether Crowder intentionally misrepresented or concealed from the Review Board material matters utilized in support of his petition to enlarge issues, filed September 30, 1970.[14] In the affidavit, Farnham swears that he and O'Shea were working in Crowder's studios on the development of their background music business; however, when this proved impracticable, they redirected their efforts to aiding Crowder in his attempts to get Station WXXL back on the air,[15] and they discussed this possibility with Crowder. According to Farnham, Crowder encouraged O'Shea and Farnham to monitor Station WHBT for the purpose of providing evidence in an attempt to return Station WXXL to the air; that O'Shea and Farnham were instructed by Crowder's attorney to be conscious of overcommercialization as evidence for any subsequent proceeding; and, that Crowder instructed the two on what times were best to discover the commercial practices of Station WHBT. Furthermore, Crowder does not explain why he preserved to this day the tapes he made in 1967, if the sole purpose for making the tapes was, as he claims, to determine Station WHBT's advertisers in 1967. This raises a serious question as to Crowder's motivations. It also appears from Farnham's September 17, 1971, affidavit that the O'Shea/Farnham tapes were deliberately made and preserved to be utilized in just such proceedings as the present one and that Crowder may have been aware of the tapes and the purpose behind which they were made. In light of these facts, we conclude that further inquiry at hearing is warranted; therefore, the issue will be added.[16]

LOG FALSIFICATION ISSUE

6. In support of its request for the addition of a log falsification issue against Crowder, petitioner relies upon statements made by O'Shea at his August deposition and an affidavit of Ray Brown, an employee of Station WHBT. O'Shea, in his deposition, states that when he was an employee of Station WXXL, he observed that the logging practice of the station was to type logs in advance of actual broadcast time and then to make checkmarks when the item logged was actually aired. He further explained that commercials which were recorded as thirty (30) or sixty (60) second spots were, in fact, three or four seconds "off" the logged time. Following the August deposition, and as a result thereof, Brown revealed that he had made tapes of Station WXXL in May, July and August of 1967, petitioner states, and an analysis of these tapes reveals that Crowder had commercial spots running as long as one-hundred (100) seconds.[17]

7. In opposition, Crowder states that O'Shea's deposition indicates that the commercials ran "very close" to the logged time, and that commercials running too long were noted and reported to the front office. Crowder also contests the validity of Folkways' analysis of its commercial spots because Folkways failed to indicate who prepared the analysis, the analysis method used, and how the spots were recorded by WXXL on its logs. The Broadcast Bureau argues that, although Folkways submitted an affidavit from Crosthwait stating that Brown made tapes of Station WXXL, Folkways did not comply with § 1.229(c) which requires an affidavit from one with personal knowledge. In other words, Folkways relies upon the personal knowledge possessed by Brown without submitting an affidavit by him. In reply, Folkways responds to the Bureau's objection by submitting an affidavit by Brown, explaining the circumstances under which he made tapes of Station WXXL in 1967.

8. The Review Board will grant Folkways' request for a log falsification issue. We note that petitioner has complied with § 1.229(c) by submitting an affidavit of one having personal knowledge of the facts asserted and we believe that official notice may be taken of O'Shea's discovery deposition of August 12, 1971, in Harriman, Tenn. According to Brown's analysis of the WXXL tapes, Crowder allegedly logged commercial spots as running thirty (30) or sixty (60) seconds which may have in fact run fifteen (15) to forty (40) seconds over the logged time. Commission §§ 73.111–73.116 require the licensee of a standard broadcast station to maintain program logs. Failure to accurately maintain these logs is a serious violation of Commission Rules and has, in the past, led to forfeitures, short-term renewals, and denial of license renewal. See, e.g., "KOKA Broadcasting Co., Inc.," FCC 71–232, 21 RR 2d 981 (1971); "Continental Broadcasting, Inc.," 15 FCC 2d 120, 14 RR 2d 813 (1968), reconsideration denied 17 FCC 2d 485, 16 RR 2d 30 (1969), affirmed 142 U.S. App.

[11] Crowder denies that any tapes of Station WHBT were made in 1968.

[12] O'Shea's affidavit (subscribed and sworn to on Sept. 22, 1971), appears as attachment D to Crowder's opposition.

[13] Farnham's affidavit (subscribed and sworn to on Sept. 17, 1971), appears as attachment 1 to Folkways reply.

[14] The Review Board is persuaded that good cause has been shown for the acceptance of the instant petition. In any event, Folkways' petition raises serious public interest questions which warrant consideration of the petition on its merits. See "The Edgefield-Saluda Radio Co.", 5 FCC 2d 148, 8 RR 2d 611 (1966).

[15] The Commission found Crowder guilty of trafficking in broadcast stations and, as a result thereof, ordered Crowder to cease operation of Station WXXL. See "Harriman Broadcasting Co. (WXXL)", 9 FCC 2d 731, 10 RR 2d 981 (1967), affirmed "sub nom. Crowder v. FCC", 130 U.S. App. D.C. 198, 399 F. 2d 569, 13 RR 2d 2073 (1968).

[16] Crowder's argument, that Folkways abused the Commission's processes by using discovery to determine whether grounds existed for enlargement of issues, does not go to the merits of Folkways' petition. Furthermore, the argument does not persuade us to deny Folkways' petition in light of the "substantive" arguments made by the petitioner. We agree with Crowder that discovery depositions are not to be used as "fishing expeditions", report and order on "Discovery Procedures", 11 FCC 2d 185, 11 RR 2d 1691 (1968); however, if counsel believes that opposing counsel at discovery is pursuing a line of questioning which counsel believes constitutes a "fishing expedition", then he should object and instruct his client not to answer opposing counsel's questions. In this case, Crowder's counsel objected, but allowed the questioning to continue.

[17] Folkways submits as an attachment to its petition an analysis of tapes Brown allegedly made and an affidavit, dated Aug. 27, 1971, by Crosthwait, alleging that the analysis was made under his supervision.

D.C. 20, 439 F. 2d 580, 20 RR 2d 2126, cert. denied 402 U.S. 904 (1971). In light of the significance the Commission places on accurate logging, we believe that, on the facts presented, petitioner has raised substantial questions as to whether Crowder falsified the logs of Station WXXL. Furthermore, we are confronted with conflicting affidavits, as well as conflicts in interpretation of testimony. This confirms a need for a hearing on the issue requested. See our memorandum opinion and order, supra, 27 FCC 2d 619, 21 RR 2d 163:

9. *Accordingly, it is ordered,* That the petition to enlarge issues, filed September 3, 1971, by Folkways Broadcasting Co., is granted; and that the issues in this proceeding are enlarged to include the following:

(a) To determine whether F. L. Crowder misrepresented to or concealed from the Commission material matters in a petition to enlarge issues filed on September 30, 1970, and, if so, whether such conduct reflects on the applicant's basic or comparative qualifications.

(b) To determine whether F. L. Crowder, trading as Harriman Broadcasting Co. has falsified the program logs of standard broadcast Station WXXL, and, if so, whether such conduct reflects on the applicant's basic or comparative qualifications.

10. *It is further ordered,* That the burden of proceeding, with the introduction of evidence under issues (a) and (b) above shall be on Folkways Broadcasting Co. and that burden of proof under issues (a) and (b) shall be on F. L. Crowder, trading as Harriman Broadcasting Co.

Adopted: February 23, 1972.

Released: February 25, 1972.

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

[F.R. Doc.72-3161 Filed 3-1-72;8:52 am]

[Dockets Nos. 18912-18913; FCC 72R-44]

FOLKWAYS BROADCASTING CO., INC., AND HARRIMAN BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Folkways Broadcasting Co., Inc., Harriman, Tenn., Docket No. 18912, File No. BPH-5495; F. L. Crowder, trading as Harriman Broadcasting Co., Harriman, Tenn., Docket No. 18913, File No. BPH-5537; for construction permits.

1. This proceeding involves the mutually exclusive applications of Folkways Broadcasting Co., Inc. (Folkways), and F. L. Crowder, trading as Harriman Broadcasting Co. (Crowder) for a construction permit to establish a new FM broadcast station on Channel 224A at Harriman, Tenn. By order, FCC 70-736, released July 14, 1970 (35 F.R. 11597, published July 18, 1970), the Commission designated the applications for consolidated hearing on several issues, including financial qualifications issues against both applicants. In response to various petitions filed by the applicants herein, the Review Board specified Rule 1.65[1] and false logging issues[2] against Folkways, and § 1.65,[3] ex parte contacts, and lottery issues[4] against Crowder. Presently before the Review Board is a petition to enlarge issues, filed October 12, 1971, by Crowder,[5] requesting § 1.613, § 1.65, and misrepresentation issues against Folkways.[6]

RULE 1.613 ISSUE

2. Crowder first seeks a § 1.613 issue against Folkways to inquire into that applicant's alleged failure to report: (1) A pledge of 1,500 shares of its common stock as security for a bank loan; and (2) a time brokerage arrangement for a 30-minute radio program.[7] In support of its request to inquire into Folkways' alleged failure to report a stock pledge, Crowder recites that the cross-examination testimony at the September 10, 1971, hearing of Russell S. Simmons, Executive Vice President and Head Cashier of First National Bank of Rockwood, Tenn., revealed that Folkways had pledged 1,500 shares of its stock to the First National Bank and Trust Company of Rockwood, Tenn., as security for a loan. The loan was utilized by Folkways to purchase the 15 percent ownership interest of Grant E. Roberts in Folkways. Crowder avers that, although Folkways reported the purchase from Roberts, and that the purchased stock became nonvoting treasury shares, it failed to report that the 1,500 shares had been pledged to the bank. Crowder argues that Folkways' failure to report the pledge violated Commission § 1.613 (b) (3), which requires the reporting of pledges.[8] Crowder argues that Folkways also violated § 1.613(c) by failing to file a time brokerage agreement.[9] Relying upon the hearing testimony of Kenneth Crosthwait, Folkways' President, Crowder alleges that one Shelby Isham, who had a 30-minute program on Folkways' Station WHBT called "The Shelby Isham Show," sold commercial announcements to outside advertisers. Crowder claims that this arrangement constituted a time brokerage agreement which had to be reported to the Commission.

3. In opposition, Folkways asserts that the bank has a mere "security interest" in the stock and that the bank is not entitled to vote the shares; therefore, Folkways argues, it was not required to report the security interest under § 1.613 (b) (3). Folkways also notes that § 1.615 (a) (3) (iv), requires information with respect to: "The interest and identity of any persons having any direct, indirect, fiduciary, or beneficiary interest in the licensee or any of its stock."[10] Folkways argues that a bank's security interest in stock does not constitute a "direct, indirect, fiduciary, or benefic(ial) interest." Folkways also submits that it promptly reported to the Commission the stock transfer from Roberts to the corporate treasury. Even if the Board should conclude that the reporting of the stock falls within the parameters of §§ 1.613 and 1.615, Folkways argues, it had no intention to withhold the information; therefore, due to the de minimis nature of the matter it failed to report, a § 1.613 issue should not be added. As for the alleged time brokerage matter, Folkways asserts that Isham's selling of time for his own program did not constitute a time brokerage arrangement. In support of this claim, Folkways submits the following: Folkways received no money from Isham; Isham received a 15 percent commission for the time sold on his program; Isham was in effect a "part time salesman"; the commercials were logged on Station WHBT logs; regular copy was prepared by the station's continuity department; and advertisers paid the station directly. In light of these facts, Folkways asserts, the selling of time by Isham does not fall within the definition of a time broker as set out in United Broadcasting Co. of New York, Inc.," FCC 65-52, 4 RR 2d 167, 173 (1965).

4. With regard to the pledge, the Broadcast Bureau asserts that § 1.613(b) (3) requires a licensee to report to the Commission any pledges of its stock; therefore, since it appears that Folkways did not report the stock pledge, a full inquiry surrounding the circumstances should be made at an evidentiary hearing. The Bureau further argues that Crowder has not alleged sufficient facts to demonstrate that the time sales arrangement between Station WHBT and Isham constituted a time brokerage agreement.

5. In reply, Crowder asserts that § 1.613(b) (3) clearly calls for the reporting of "pledges." In Folkways' opposition pleading, petitioner avers, although Folkways claims that the stock is "security" for the loan, it admits in fact that the

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[1] 26 FCC 2d 175, 20 RR 2d 528, released Oct. 28, 1970.

[2] 27 FCC 2d 618, 21 RR 2d 163, released Feb. 17, 1971.

[3] FCC 71R-63, 21 RR 2d 211, released Feb. 23, 1971.

[4] 30 FCC 2d 9, 21 RR 2d 1297, released June 4, 1971.

[5] Also before the Review Board are: (a) Opposition, filed Oct. 28, 1971, by Folkways; (b) comments, filed Oct. 28, 1971, by the Broadcast Bureau; and (c) reply, filed Nov. 3, 1971, by Crowder.

[6] As for the timeliness of its petition, Crowder explains that the facts upon which the petition is premised emerged from testimony at the hearing, and that this petition was filed promptly after transcripts of the hearing were made available to counsel between Sept. 27, 1971, and Oct. 8, 1971.

[7] Folkways is the licensee of standard broadcast Station WHBT, Harriman, Tenn.

[8] The pertinent provision of § 1.613(b) (3) states:

Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed * * *

[9] In his petition, Crowder also alleged that Folkways had given broadcast time to an agency in exchange for "certain musical jingles"; however, Crowder, in his reply pleading, withdrew this allegation because he could not support it with a record citation.

[10] Rule 1.615 requires the filing of an ownership report by a licensee at renewal time

bank "holds" the stock, which, Crowder maintains, is an essential element of a pledge. Petitioner also notes that the Commission, in its public notice on "Ownership Reports," 13 RR 2d 1631 (1968), stated the necessity of reporting "all aspects of the ownership of the stock" in order for the Commission to carry out its regulatory mandate from Congress.

6. Section 1.613(b)(3) explicitly states, without exception, that pledges of stock are to be reported to the Commission. (See note 8, supra.) The rule is intended to keep the Commission informed of all arrangements between the licensee and others which could either directly or indirectly affect the licensee's control over the station. See "WMGS, Inc.," 13 FCC 2d 226, 13 RR 2d 255 (1968). "Cf. 1400 Corp. (KBMI)," 11 FCC 2d 321, 12 RR 2d 1 (1968). In its opposition, Folkways offers no explanation at all for its failure to report the pledge. The matter is not "de minimis," as Folkways argues, and the pledge should have been reported. The Commission must be apprised of such facts, especially where, as here, a substantial amount of stock is pledged, i.e., 1,500 of the 10,000 common shares of the corporation, or 15 percent. Therefore, an appropriate issue will be added.

7. With respect to the alleged violation of § 1.613(c) (time brokerage agreements), we note that the rules require a licensee to file with the Commission any "(C)ontracts relating to the sale of broadcast time to 'time brokers' for resale." One who buys time from the broadcaster and resells the time to advertisers or others is a time broker. "United Broadcasting Co. of New York, Inc., supra." The Board concurs with the Broadcast Bureau that Crowder has not alleged sufficient facts to raise a question as to whether Isham had a time brokerage agreement with Folkways. As the rule states, and as further clarified in "United Broadcasting," the crux of a time brokerage arrangement is the sale of time by the station to the time broker.[11] Petitioner has not presented any facts which would suggest that Folkways sold time to Isham or that Isham bought time from Folkways. See "Radio Station KAYE," 2 FCC 2d 440, 7 RR 2d 313 (1966). Crowder asserts that Isham sold time for his program; however, Folkways does not deny that Isham sold time and further states that he did so as a "part time" salesman and received a 15 percent commission for the success of his efforts. The mere selling of time by Isham did not constitute a time brokerage arrangement. Another characteristic of a time brokerage agreement is that the buyer of the time bears the risk for its resale, that is, he is directly liable to the licensee for payment of the time. "WGOK, Inc.," 2 FCC 2d 245, 6 RR 2d 441 (1965). Again, Crowder presents no facts suggesting that Isham would be liable to Folkways for any time he was unable to sell.[12] As Crowder correctly points out, the purpose of the § 1.613 filing requirements is to assure that the Commission is aware of all persons who directly or indirectly have control over the station. The station licensee is charged with full control over program content. A potential of loss of control arises when the licensee sells time to a time broker who resales the time to advertisers and who, thereby, may control programming content. Crowder, however, has not raised sufficient facts indicating that Folkways has surrendered any control over programming content. See "1400 Corp. (KBMI), supra."

[11] See also "Trans America Broadcasting Corporation," FCC 72-94, released Feb. 8, 1972, —— FCC 2d ——, —— RR 2d ——.

[12] We note that Folkways stated in its opposition pleading that advertisers paid the station directly.

RULE 1.65 ISSUE

8. Crowder next requests that the existing § 1.65 and/or § 1.514 issue, which was added against Folkways[13] should be broadened to include an inquiry into Folkways' alleged failure to report a change in FM antennas. According to Crowder, Crosthwait testified at the hearing that the antenna he was going to use, was not the type specified in his application; therefore, Folkways replaced the antenna with a newer model. Although Folkways amended its application to reflect the change, Crowder requests that the existing § 1.65 issue be broadened to allow an inquiry into why Folkways waited so long before amending its application. Crowder believes that such delay is particularly noteworthy in light of the financial qualifications issue against Folkways.[14]

9. In opposition, Folkways alleges that the Hearing Examiner accepted its amendment specifying the new antenna, and that the Examiner noted on the record that Crowder failed to file any opposition to the motion for leave to amend. Folkways further explains that, as of September 1971, it fully intended to use the antenna specified in its amended application; then, an inquiry was made about equipment costs in relation to the financial issue at which time Folkways decided to substitute the newer antenna for the one previously specified in its application. An affidavit of Folkways' president is attached to the opposition to support these contentions. The Broadcast Bureau expresses the view that Folkways' failure until September 1971, to amend its application to reflect a change in antenna models is not so serious as to warrant further inquiry under the Rule 1.65 issue. The Bureau premises its position on the ground that the antenna change would decrease the cost of technical equipment to Folkways rather than increase it; therefore, the failure to amend has, in the Bureau's opinion, no detrimental effect on Folkways' financial standing.

10. In the Board's opinion, Crowder has not raised sufficient facts to warrant the broadening of the existing Rule 1.65 issue to allow inquiry into Folkways' failure to amend at an earlier date to reflect changes in its antenna. The changes are neither substantial nor of decisional significance. Thus, Crowder has submitted no facts which would contradict Folkways' explanation for the antenna change. As the Bureau points out, it is to Folkways' advantage under the financial issue against it to report the change of antennas to the new, less expensive one.[15] Further, shortly after Folkways learned of the newer model antenna from its equipment supplier, it orally requested permission at the hearing to amend its application. The request for leave to amend was granted by the Hearing Examiner, by order, released September 27, 1971 (FCC 71M-1552).[16] It therefore acted as diligently as possible under the circumstances. Consequently, we believe that further inquiry at the hearing would be fruitless. "Lester H. Allen," 17 FCC 2d 439, 16 RR 2d 19 (1969). See "Reporting of Changed Circumstances" (Docket 14867), 29 FR 15516, 3 RR 2d 1622 (1964). "Cf. Aljir Broadcasting Co., Inc.," 12 FCC 2d 163, 12 RR 2d 986 (1968); "Long Island Video, Inc.," 13 FCC 2d 104, 13 RR 2d 333 (1968). In sum, Crowder's argument seems directed more to whether good cause existed for the Examiner to accept the amendment, rather than to whether Folkways failed to amend its application as a result of substantive changes material to its application; therefore, Crowder's request for broadening the existing Rule 1.65 issue will be denied. "Lester H. Allen supra."

[13] See our memorandum opinion and order, supra, 26 FCC 2d 175, 20 RR 2d 528.

[14] The issue reads as follows:

To determine whether Folkways Broadcasting Co., Inc., has available $18,780 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

[15] Based on letters from its equipment supplier, Folkways' equipment expenses prior to the change in antennas were to total $13,900. After the change in antennas, the total proposed equipment costs decreased to $13,500.

[16] Folkways discovered the change in antennas in early September 1971 (the exact date is not shown), and requested permission to amend its application to reflect this fact on Sept. 22, 1971.

MISREPRESENTATION ISSUE

11. Lastly, petitioner requests a misrepresentation issue against Folkways premised on the arguments advanced by Folkways for the late filling of its petition to enlarge issues, filed September 3, 1971.[17] Crowder recites that Folkways alleged in its September 3 petition that it did not become aware of allegedly false logging practices by Crowder until after a deposition of Patrick O'Shea in August 1971. Petitioner argues, however, that Folkways relied upon tapes, made in 1968 by O'Shea to substantiate its allegations against Crowder, which in fact, Folkways knew existed prior to the August deposition. Crowder claims that he disclosed the existence of the tapes in an affidavit filed on September 30, 1970, as part of Crowder's petition to enlarge issues filed the same date; therefore, Folkways misrepresented its knowledge of the existence of the tapes. Crowder further argues that Folkways abused the Commission's processes by using discovery to

[17] In a companion document, adopted this date, we are granting Folkways' petition and are adding misrepresentation and log falsification issues against Crowder.

obtain information to support the addition of an issue.

12. Petitioner also urges that a misrepresentation issue is warranted on the basis of Crosthwait's allegation that he WXXL by a Station WHBT employee until after August 1971. In support of this allegation, petitioner asserts that: It is only logical to assume that immediately after the log falsification issue against WHBT was raised by Crowder in 1970, Crosthwait talked with his employee about tapes the employee had made of WHBT; the questions put to O'Shea at his deposition suggest that Folkways had tapes of WXXL and had derived certain conclusions from those tapes; and since Folkways' petition to enlarge issues, filed August 1970, requesting a lottery issue, inter alia, was supported by an affidavit with reference by affiant to a tape allegedly including a lottery announcement, it is difficult to believe that other tapes were not reviewed at the same time.

13. In opposition, Folkways asserts that Crowder has not presented any factual information which would indicate that Crosthwait did have knowledge of the content of the tapes prior to 1971. Folkways further asserts that Crowder's request is premised upon mere "hypothesis, speculation and suspicion" which is not the basis for adding issues. The Broadcast Bureau also argues that Crowder's request is based upon "mere speculation and conjecture," and that no factual showing has been made by Crowder to suggest that Folkways had knowledge of any of the tapes it relied upon prior to 1971.

14. We agree with both Folkways and the Broadcast Bureau that Crowder has not presented sufficient facts to warrant the addition of a misrepresentation issue. Crowder's allegations appear to be based merely on speculation and surmise and therefore do not meet the specificity requirements of § 1.229 of the rules. See also "First Illinois Cable T.V., Inc.", 14 FCC 2d 232, 13 RR 2d 1121 (1968). Crowder claims that Folkways had knowledge of Crowder's tapes from O'Shea's affidavit attached to Harriman's petition to enlarge issues, filed September 30, 1970, but O'Shea's affidavit does not mention the Crowder tapes; therefore, Folkways could not have known the tapes existed from the O'Shea affidavit. As for the O'Shea/Farnham tapes, it is unclear whether Crosthwait did know of their existence, but whether he did or did not is not particularly significant because Folkways in its September 3 petition stated that it did not become aware that the "logs of WHBT's commercial continuity were made" until the O'Shea deposition; in other words, Folkways did not assert that it did not know the tapes existed. If Folkways, in its untimely petition of September 3, perpetrated a material misrepresentation, then it would have been that it knew Station WXXL was allegedly falsifying its logs prior to the time it claims this knowledge came to its attention. Crowder presents no facts to contradict either Crosthwait's or his employee's testimony that the employee did not inform Crosthwait of the 1967 WXXL tapes until after the O'Shea deposition in August 1971, nor has Crowder shown that Folkways knew of the information disclosed by O'Shea prior to his deposition; therefore, an issue is not warranted:

15. *Accordingly, it is ordered*, That the petition to enlarge issues, filed October 12, 1971, by F. L. Crowder, trading as Harriman Broadcasting Co., is granted to the extent herein indicated, and is denied in all other respects; and that the issues in the proceeding are enlarged to include the following:

To determine whether Folkways Broadcasting Co., Inc., has complied with the provisions of § 1.613 of the Commission's rules which requires the filing of information concerning the pledge of stock, and, if not to determine the effect of noncompliance on the basic or comparative qualifications of the applicant to be a Commission licensee;

16. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the foregoing issue shall be on F. L. Crowder, trading as Harriman Broadcasting Co., and the burden of proof shall be on Folkways Broadcasting Co., Inc.

Adopted: February 23, 1972.

Released: February 25, 1972.

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

[FR Doc.72-3160 Filed 3-1-72;8:52 am]

[FCC 72-184]

NATIONAL BROADCASTING CO., INC.

Memorandum Opinion and Order Regarding Prime Time Waiver in Connection With Academy Awards and Miss America Programs

In the matter of request by National Broadcasting Co., Inc. (NBC), for waiver of the "prime time access rule" in connection with Academy Awards and Miss America programs.

1. The Commission here considers a petition for reconsideration filed by National Broadcasting Co., Inc. (NBC), on November 11, 1971, seeking reconsideration of a Commission action of October 6, 1971, denying its request for waiver of the "prime time access rule", § 73.658(k) of the Commission's rules, in connection with its annual "Academy Awards" and "Miss America" telecasts, which occur 1 night each in April and September each year.[1]

2. These programs are unique among NBC's prime time offerings (except perhaps for a very few sports events) in that they are presented "live" and simultaneously throughout the 48 conterminous States, rather than being broadcast at different hours. They start at 10 p.m., e.t., which means 9 p.m. c.t., 8 p.m. m.t., and 7 p.m. p.t. The purpose of NBC's request, which was denied as mentioned above, is to present these programs, which run slightly more than 2 hours themselves, and in addition 2 hours of regular network prime time material. This presents no problem in the Eastern and Central zones, since only the first hour of the special program is in prime time and it may thus be preceded by 2 hours of other network material. However, in the Pacific and mountain zones, a problem is created, because 2 hours or more of these special programs themselves occur during "prime hours", and thus 2 additional later hours of network material would exceed considerably the 3-hour maximum per night permitted by the rule.

3. NBC makes three main lines of argument in support of its request: (1) The "extraordinary" character of these programs, as indicated by the fact that they are virtually the only nonsports prime-time programs which are carried live and simultaneously throughout the 48 States; (2) the "newsworthy" character of these events and the high interest of viewers, shown by Nielsen ratings for 1970–71 (65.6 percent and 58 percent of homes watching TV for the Academy Awards and Miss America respectively, and 39 and 33 percent respectively of all TV homes); (3) the asserted undesirability, from a public-interest standpoint, of any of the four choices that NBC has if it does not receive a waiver. In the last connection, it is said that absent a waiver NBC can do one of the following: (a) Give up "live" coverage in the West, delaying the broadcasts along the lines of normal program scheduling, which would deprive west coast audiences of the chance to view the events as they occur, particularly important in California where they originate, and raising the possibility that TV or radio news would present the results there before the covering TV show does (as well as requiring a change in the customary contractual provision for live coverage); (b) start its event coverage earlier, so as to begin at 6 p.m. P.t., which would be inconvenient for west coast viewers, would leave likely "runover" problems in the Pacific zone, and may not be possible anyhow because NBC cannot unilaterally change the starting time of these events; (c) continue its other regular programing but with the knowledge that it cannot be carried in the major Western markets, which would result in denial to these audiences of regular network fare and possibly viewer dissatisfaction, as well as reducing the advertising revenue and, with reduced coverage to advertisers, jeopardize carriage of the regular programs elsewhere in the country; or (d) reduce regular network programs throughout the country on these evenings, which would save NBC the financial burden but deny the entire U.S. public 2 hours of regular network material and require stations elsewhere to program the time themselves. The latter is said to be "carrying enforcement of the rule to an absurd extreme." NBC claims

[1] FCC 71-1037, released Oct. 12, 1971; 32 FCC 2d 58, 62-63.

that the waiver requested would not involve any conflict with the objective of the rule—diversifying the sources of television programing—and that the public interest which the rule is intended to promote would be served by the waiver.[2]

DISCUSSION AND CONCLUSIONS

4. Upon further consideration, we are of the view that our earlier decision denying the request should be reversed, and that waiver in these two cases is warranted. In reaching this conclusion, we note the very exceptional and special nature of these programs (evidenced by the fact that, unlike others, they are presented simultaneously throughout the country), and the fact that waiver is required only in two time zones of the country, including only 9 of the top 50 markets and about the same proportion of the prime time homes in the nation's top 50 markets. It does not appear that, for this year, the audiences in these 9 markets should be denied the possibility of seeing these programs live, as they occur, or that they should be deprived of their regular network fare on these evenings, which will be available to the rest of the nation.

5. However, one other circumstance which impels us to this conclusion is the fact that the "prime time access rule" is not yet in full effect. Until October 1, 1972, stations may fill the time from which network programs are excluded with "off-network" material, and movies shown in the market in the recent past, which will not be permitted under the rule after that date. Thus, the small impingement on prime time availability to non-network sources does not have the same significance now that it will in future years. If waiver for these events is sought in future seasons, when the rule is in full effect and is really receiving a full and fair test, it may well not be appropriate to consider favorably deviations of this sort. Thus, our action here is not of precedential significance as far as seasons after this one are concerned.

6. In view of the foregoing: *It is ordered*, That, affiliates of (and stations owned by) the National Broadcasting Co., in the mountain and Pacific time zones only, may present during prime time the NBC Academy Award program on April 10, 1972, and the NBC Miss America telecast on 1 night in September 1972, along with two additional hours of NBC prime time programing on those evenings.

Adopted: February 23, 1972.

Released: February 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-3162 Filed 3-1-72;8:52 am]

[2] It should be noted that the two Western time zones involved include only 9 of the "top 50" markets, and less than 20 percent of the total prime time TV homes in the top 50 markets, about 4,400,000 out of 24,500,000 or 18 percent.

[3] Commissioners Robert T. Bartley and Nicholas Johnson dissenting. Commissioner H. Rex Lee absent.

[Dockets Nos. 18759-18761; FCC 72-145]

RKO GENERAL, INC., ET AL.

Redesignation Order

In regard applications of RKO General, Inc. (WNAC-TV), Boston, Mass., Docket No. 18759, File No. BRCT-63, for renewal of broadcast license; Community Broadcasting of Boston, Inc., Boston, Mass., Docket No. 18760, File No. BPCT-4198; The Dudley Station Corp., Boston, Mass., Docket No. 18761, File No. BPCT-4277; for construction permit for new television broadcast station.

1. The Commission has under consideration: (1) An order of the U.S. Court of Appeals for the District of Columbia Circuit (adopted January 21, 1972, in Cases Nos. 24,471 and 24,491) directing the Commission to comply with the mandate of that court in "Citizens Communications Center, et al. v. F.C.C.," 447 F 2d 1201 (1971), "* * * forthwith by redesignating the Hampton Roads case for hearing," and (2) our order, adopted this date, complying with the Court of Appeals' mandate by redesignating for hearing the Hampton Roads proceeding.

2. The above captioned applications were originally designated for hearing by our order (FCC 69-1335, 20 FCC 2d 846, released December 11, 1969) as subsequently amended (FCC 71-818, 36 F.R. 16708, released August 20, 1971). The issues upon which the applications are to be heard, the reasons for their designation, and the matters of fact and law involved have been adequately set forth in prior orders and are hereby incorporated by reference. In conformity with our action in the Hampton Roads proceeding, we shall redesignate the above applications for hearing on the issues heretofore specified for determination in this proceeding.

3. Since the existing participants in this case have already filed with the Commission written notices of appearance, pursuant to § 1.221 of the rules, we deem the filing of additional notices to be unnecessary. Moreover, to insure fair and equitable treatment of all parties, we believe that each applicant herein should be allowed a period of thirty (30) days from the date of release of this order within which to amend its application as a matter of right subject to the limitations of § 1.522(a) of the rules.[1]

4. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of RKO General, Inc.; Community Broadcasting of Boston, Inc., and the Dudley Station Corp. are redesignated for hearing in a consolidated proceeding upon the issues heretofore specified for determination and hereby incorporated by reference.

5. *It is further ordered*, That the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

6. *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 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.

7. *It is further ordered*, That the above-captioned applicants may amend their applications as a matter of right subject to the limitations of § 1.522(a) of the rules within a period of time ending thirty (30) days from the release date of this order.

Adopted: February 16, 1972.

Released: February 24, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-3159 Filed 3-1-72;8:51 am]

[1] In view of our action herein, we believe that it would be appropriate for each of the parties to give earnest consideration to the question of the acceptability of those aspects of the record already completed in this proceeding. Thus, the parties will be accorded 45 days following the release of this order within which to attempt to reach a stipulation concerning the validity of those portions of the existing record which may be admitted into evidence in the ensuring proceeding in this case.

[Dockets Nos. 19367-19372; FCC 72R-48]

WEST INDIES COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In the matter of application of West Indies Communications, Inc., for a Class II-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19367, File No. 301-M-L-81; Application of Robert L. Smith and William K. Beer doing business as Virgin Islands Radio for a Class II-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19368, File No. 115-M-L-71; application of Command Communications for a Class II-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19369, File No. 498-M-L-111; application of West Indies Communications, Inc., for a Class III-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19370, File No. 156-M-L-71; application of Robert L. Smith and William K. Beer doing business as Virgin Islands Radio for a Class III-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19371, File No. 116-M-L-71; application of Command Communications for a Class III-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19372, File No. 977-M-L-61.

1. This proceeding involves the mutually exclusive applications of West Indies Communications, Inc. (West Indies), Virgin Islands Radio, and Command Communications (Command), for authorization to construct and operate

[2] Commissioners Johnson and H. Rex Lee absent.

Class II–B and Class III–B public coast stations at St. Thomas, U.S. Virgin Islands. The applications were designated for hearing by Commission memorandum opinion and order, FCC 71–1250, 37 F.R. 155, published January 6, 1972, on site availability and comparative issues. Presently before the Review Board is a petition to enlarge issues, filed January 21, 1972, by West Indies, which requests the addition of a financial qualifications issue against Command.[1]

2. In its petition, West Indies challenges the ability of Command to finance the construction and operation of the proposed public coast stations. Specifically, West Indies argues that, by Command's own computation in its application, it will require an aggregate amount of at least $2,950 to establish the two separate stations; however, Command's most recent balance sheet shows cash on hand of only $153.36, and accounts receivable of only $187.73. Petitioner further asserts that Command's application shows inventory of $6,124.77, of which $3,999.77 is allocated to "Equipment, Parts for Sale" and "Test Equipment," but, argues West Indies, there is no indication that any of this equipment is suitable or available for the construction of the proposed public coast facilities. West Indies also contends that Command has made no showing of funds available to cover the costs of operation during the initial period after construction, e.g. legal fees, insurance, and sales. West Indies urges that the test used to determine the financial qualifications of applicants for commercial broadcast stations [2] be applied to applicants for public coast stations. Thus, under West Indies' proposal, an applicant for a public coast station would be required to demonstrate his financial ability to construct his station and operate it for a period of 1 year thereafter. West Indies bases this proposal on the alleged "similarity between the under-capitalized early UHF failures [referred to in 'Ultravision'] and the history of prior Virgin Islands' public coast service." Petitioner states that such a test is necessary to provide this essential service "indefinitely and without interruption" to the Virgin Islands.

3. In its opposition, Command argues that a financial issue is already implicitly contained in paragraph 6 of the designation order,[3] and will be reviewed at the time of the hearing "on the basis of evidence submitted at such hearing." Command also contends that if a financial issue is to be added against it, such an issue should also be added against the other two applicants. In reply, West Indies argues that the issue in paragraph 6 of the designation order is comparative only, and therefore does not inquire into Command's basic qualifications. West Indies also contends that Command's request for a financial issue against the other applicants is not properly filed pursuant to § 1.229(c) of the Commission's rules.

4. The request for a financial issue against Command will be granted. In our view, petitioner has raised substantial questions concerning Command's ability to construct, and possibly to operate, its proposed stations. See "Niagara Communications, Inc.," 27 FCC 2d 500, 21 RR 2d 49 (1971). In its applications, Command estimates that it will need $2,950 to establish its two stations. Yet, Command has provided no information as to how it will finance either the construction or the operation of the stations. The only financial information Command has supplied is two balance sheets, the most current of which shows cash on hand in the amount of $153.36 and accounts receivable of $187.73, for a total of $341.09. There is no indication as to what is included within the $3,999.77 allocated to "Equipment, Parts for Sale" or "Test Equipment." Therefore, on the basis of the information supplied by Command, there do not appear to be sufficient funds available to it to establish the stations.[4] In reference to Command's opposition, the Board notes that, with the exception of a site availability issue, paragraph 6 of the designation order specifies only a general comparative issue (see note 3, supra); and financial qualifications are "a basic rather than a comparative factor * * *." "Contact," 19 FCC 566, 587, 10 RR 660, 682 (1954). See also "Scripps Howard Radio, Inc. v. FCC," 89 U.S. App. D.C. 13, 189 F. 2d 677, 7 RR 2001, cert. denied 342 U.S. 830 (1951). Furthermore, it would clearly be inappropriate to grant Command's alternate request for a financial issue against the other two applicants because the request is, in effect, an untimely petition to enlarge issues, and, therefore, procedurally defective. Section 1.229 of the Commission's rules. As for the test to be used to determne the financial qualifications of an applicant for a public coast station, the Board believes that such an applicant should be required to show: (1) That it has available sufficient funds for construction; and (2) that the operation can be financed for a period of 1 year after construction. This 1-year test is in accordance with the principle enunciated in "Ultravision, supra," where the Commission established that "all applicants for commercial broadcast facilities * * * [must] demonstrate their financial ability to operate for a period of 1 year after construction of the station." 1 FCC 2d at 548, 5 RR 2d at 348. This 1-year requirement has since been extended to applicants for facilites in the Domestic Public Land Mobile Radio Service. See "Arlington Telephone Company," 27 FCC 2d 1 (1971); "Long Island Paging," 30 FCC 2d 405, 22 RR 2d 309, review denied 32 FCC 2d 235 (1971). We believe it reasonable that the test should also be applied to applicants for public coast stations.[5] Therefore, an appropriate issue will be added.

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed January 21, 1972, by West Indies Communications, Inc., is granted; and

6. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Command Communications is financially qualified to construct and operate its proposed stations at St. Thomas, Virgin Islands.

7. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Command Communications.

Adopted: February 23, 1972.

Released: February 25, 1972.

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

[FR Doc.72-3163 Filed 3-1-72;8:52 am]

[1] Other related pleadings before the Board are: (a) Opposition, filed Feb. 1, 1972, by Command; and (b) reply, filed Feb. 7, 1972, by West Indies. No responsive pleadings have been filed by the Safety and Special Radio Services Bureau or by the Common Carrier Bureau.

[2] "Ultravision Broadcasting Co.," 1 FCC 2d 544, 5 RR 2d 343 (1965).

[3] Paragraph 6 is the ordering clause of the designation order. The issue apparently alluded to by Command reads as follows: "To determine 'comparatively' which applicant will provide the public with the best public coast station service in each class of service based on the following considerations: * * * (4) rates and charges * * *.".

[4] "Cf. Niagara Communications, Inc., supra."

[5] In this regard, we note that there is presently no public coast station service being provided in this area of the Virgin Islands, and that West Indies argues that this service has a local history of "precarious economic viability."

FEDERAL POWER COMMISSION

[Docket No. E-7225]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

FEBRUARY 24, 1972.

Take notice that Arizona Public Service Co. (applicant), incorporated under the laws of the State of Arizona with its principal place of business at Phoenix, Ariz., filed an application in Docket No. E-7225 on January 6, 1972, for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which Applicant may transmit from the United States to Mexico.

By Commission order issued April 7, 1969 in the above-entitled proceeding (41 FPC 461), applicant was authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 3,957,000 kw.-hr. per year at a transmission rate not to exceed 750 kw. for sale and delivery to Commission Federal de Electricidad (CFE), an agency of the Republic of Mexico, over certain 12/21-kv. facilities of applicant located at the international border between the United States and Mexico near Lukeville, Ariz., and covered by applicant's permit

signed by the Acting Chairman of the Federal Power Commission on October 20, 1965, Docket No. E–7224.

Applicant now requests that the authorization granted by Commission order issued April 7, 1969, referred to above, be modified so as to authorize Applicant to export electric energy in an amount not to exceed 5,270,400 kw.-hr. per year at a transmission rate not to exceed 1,000 kw. to CFE over the above-mentioned facilities for the purpose of meeting the growth in the electric service requirements of CFE's customers in the town of Sonoyta, Sonora, Mexico, and vicinity.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-3135 Filed 3-1-72;8:48 am]

[Docket No. RI72-161]

NORTHERN NATURAL GAS PRODUCING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 25, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supple No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-161	Northern Natural Gas Producing Co.	25	[1] 19	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	$674	1-28-72		2-3-72	14.2343	21.33	RI69-856.
	do	26	[2] 18	do	9,868	1-28-72		2-3-72	14.2343	21.33	RI69-432.
	do	27	[1] 19	do	13,839	1-28-72		2-3-72	14.2343	21.33	RI69-432.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Does not include gas from acreage added by Supplement Nos. 3, 4, and 5.
[2] Does not include gas from acreage added by Supplement Nos. 2, 3, and 4.

The proposed substitute increases for sales by Northern Natural to El Paso in San Juan Basin are based on favored-nation clauses which were allegedly activated indirectly by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71–744 on August 1, 1971. The purchaser, El Paso is expected to protest these favored-nation increases on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearings herein shall concern themselves with the contractual basis for these favored-nation filings, as well as the justness and reasonableness of the proposed increased rates.

Northern Natural has requested permission to substitute 21.33 cents per Mcf rates, in lieu of the originally proposed 29.23 cents rates, and to have the suspension period shortened to 1 day from 60 days after its original filing.[1] Northern has waived its right to file for a higher rate for a period of 1 year from the date of filing unless the Commission establishes a higher area rate for the San Juan Basin or El Paso agrees to a higher contract rate during such period.[2] A 1-day suspension is therefore appropriate for Northern's substitute increases.

Northern's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR 300 (1972), the Federal Power Commission certifies the abbreviated suspension period in this case as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61–1 et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the rate limit for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the Commission decides to suspend such rate change under section 4(e) of the Act (15 U.S.C. 717c(e)).

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) The Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet

[1] The 21.33-cent rates do not exceed the corresponding rate filing limitations imposed in southern Louisiana.

[2] See order issued Dec. 17, 1971, in Amoco Production Company, Docket No. RI72–70.

present and future requirements of natural gas.

[FR Doc.72-3137 Filed 3-1-72;8:48 am]

[Docket No. E-7710]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

FEBRUARY 24, 1972.

Take notice that on February 15, 1972, the Iowa Electric Light and Power Co. (applicant) filed an application pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding $20 million principal amount of first mortgage bonds and $20 million of sinking fund debentures.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 51 counties in the State of Iowa.

The first mortgage bonds which are to mature May 1, 2002, will be issued on approximately May 4, 1972, under the applicant's indenture of mortgage and deed of trust, dated August 1, 1940, as heretofore amended and supplemented by 38 supplemental indentures and as to be further supplemented by a 39th supplemental indenture to be dated May 1, 1972, between the company and The First National Bank of Chicago, as trustee. The rate of interest to be paid by the applicant will be determined by competitive bidding in accordance with the Commission regulations under the Federal Power Act.

The sinking fund debentures which are to mature May 1, 1997, will be issued on approximately May 4, 1972, under the company's indenture to be dated May 1, 1972, between the company and The Northern Trust Company of Chicago, as trustee. The debentures will be subordinate to the company's first mortgage bonds now outstanding or to be issued concurrently with the debentures or which hereafter may be issued. The rate of interest to be paid by the applicant will be determined by competitive bidding in accordance with the Commission regulations under the Federal Power Act.

The purposes for which the said securities are to be issued include the construction, completion, extension, and improvement of facilities, the repayment of short-term borrowings from commercial banks aggregating $24,600,000 at January 31, 1972, and the redemption and refunding of the company's outstanding $9,870,000 principal amount of 6⅜ percent sinking fund debentures (out of an original issue of $10 million), issued as of July 1, 1967, and due July 1, 1992. The estimated construction program for 1972 totals $61,600,000 and includes the expenditure of $45,600,000 for its share of the cost of construction of a 550,000-kw. nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative will have a 20 percent and 10 percent undivided ownership, respectively, in this plant and its generating capacity. The reason for redeeming the 6⅜ percent sinking fund debentures, which under the terms of the indenture securing same may be redeemed at the option of the company at a redemption price of 106.63 percent of the principal amount thereof, together with accrued interest, if redeemed during the 12-month period ended July 1, 1972, is that said indenture contains unduly restrictive provisions with respect to interest coverage requirements on additional debt securities issued by the company which have become unworkable in view of the company's present and continuing needs for additional capital.

Any person desiring to be heard or to make any protest with reference to this application should on or before March 13, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-3136 Filed 3-1-72;8:48 am]

[Docket No. G-4579, etc.]

CITIES SERVICE OIL CO. ET AL.

Findings and Order

FEBRUARY 23, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, redesignating proceeding, accepting FPC gas rate schedules for filing, terminating certificates and rate proceedings, making successor co-respondent, and canceling FPC gas rate schedules and docket number.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to FPC gas rate schedules on file with the Commission and propose to initiate, continue, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Atlantic Richfield Co., applicant in Docket No. CI62-606, proposes to continue the sale of natural gas from its own interest which was heretofore authorized in said docket to be made pursuant to Emerald Oil Co. (Operator), agent for Lamson & Bennett, Inc., et al., FPC Gas Rate Schedule No. 3 at a rate in effect subject to refund in Docket No. RI71-689. Emerald Oil Co. has been granted a small producer certificate of public convenience and necessity in Docket No. CS71-473, effective May 2, 1971. Therefore, Atlantic Richfield Co. will be made a co-respondent in the proceeding in Docket No. RI71-689 and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on February 16, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public

convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessary require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) Applicant in Docket No. CI71–30 has collected no money subject to refund in Docket No. RI70–1304 insofar as said proceeding pertains to its Rate Schedule No. 217.

(7) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated and the related rate schedules canceled.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Atlantic Richfield Co. should be made a co-respondent in the proceeding pending in Docket No. RI71–689 and that said proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to Shell Oil Co. in Dockets Nos. G–18441 and G–19189 should be amended by deleting therefrom authorization to sell natural gas from the acreage assigned to Longhorn Service and Drilling Co., a small producer certificate holder.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–4579, G–13103, G–18441, G–19189, CI64–976, and CI68–676 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates of public convenience and necessity in Dockets Nos. CI62–606, CI69–404, CI70–383, and CI70–957 are amended by substituting the successors in interest as certificate holders as more fully described in the application and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) Applicant in Docket No. CI70–1104 is not relieved of any refund obligations in Docket No. RI67–424 as a result of the abandonment permitted and approved herein.

(G) Applicant in Docket No. CI71–30 is not relieved of any refund obligations in Docket No. RI65–599 as a result of the abandonment permitted and approved herein. The proceedings in Docket No. RI70–1304 are terminated insofar as they pertain to the sale under applicant's Rate Schedule No. 217.

(H) Atlantic Richfield Co. is made a co-respondent in the proceeding pending in Docket No. RI71–689 and said proceeding is redesignated accordingly. Atlantic shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(I) The certificate of public convenience and necessity granted in Docket No. CI72–69 determines the rate which legally may be paid by the buyer to the seller but is without prejudice to any action which may be taken by the Commission in any rate proceeding involving either applicant or its affiliate, Cities Service Gas Co.

(J) The certificate granted in Docket No. CI72–69 is subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(K) Within 90 days from the date of this order, applicants in Dockets Nos. CI71–864 and CI71–871 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 468.

(L) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulations, are granted.

(M) The certificates of public convenience and necessity issued in Dockets Nos. G–5676, G–5677, G–5678, G–11814, G–19460, CI63–44, CI65–264, and CI71–30 are terminated and the related rate schedules are canceled.

(N) Applicant in Docket No. CI71–864 shall charge and collect 16.5 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(O) Within 90 days from the date of this order applicant in Docket No. CI72–69 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(P) Applicant in Docket No. CI71–871 shall charge and collect 22 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(Q) Docket No. CI71–887 is canceled.

(R) The order issuing a certificate of public convenience and necessity in Docket No. CI64–559 is amended by deleting authorization to sell natural gas from which applicant in Docket No. CI72–80 is herein authorized to continue service, and in all other respects said order shall remain in full force and effect.

(S) Applicant in Docket No. CI72–80 shall charge and collect 13.9033 cents per Mcf at 15.025 p.s.i.a. Within 30 days from the date of this order applicant shall file three copies of a billing statement reflecting such rate, as required by the regulations under the Natural Gas Act.

(T) The certificates granted in Dockets Nos. CI71–864 and CI71–871 are subject to § 2.71 of the Commission's General Policy and Interpretations establishing charges for transporting liquids and liquefiable hydrocarbons.

(U) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
G-4579 [2] D 9-25-70	Cities Service Oil Co. (Operator) et al.	Northern Natural Gas Co., acreage in Texas County, Okla.	Assignment [3] 9-1-70	169	15
			(Effective date: 9-1-70)		
G-13103 C 7-27-71	Aztec Oil & Gas Co	Southern Union Gathering Co., Basin Dakota Pool, County, N.Mex.	Assignment [4] 12-18-70	7	40
			(Effective date: Date of initial delivery).		
G-18441 [2] D 8-7-70	Shell Oil Co	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Assignment [5] 5-1-70	302	6
			(Effective date: Date of this order).		
G-19189 D 8-7-70 [2]	do	El Paso Natural Gas Co., Scarbough Field, Winkler County, Tex.	Assignment [5] 5-1-70	313	5
			(Effective date: date of this order).		
CI62-606 [11] F 7-12-71	Atlantic Richfield Co	Michigan Wisconsin Pipe Line Co., Lawtell Field, St. Landry Parish, La.	Emerald Oil Co. (Operator), agent for Lawson & Bennet, Inc., et al., FPC Gas rate schedule No. 3.	643	1
			Supplement Nos. 1-5 thereto.	643	1-5
			(Effective date: 5-2-71)		
CI64-976 [2] D 8-10-71	Texaco, Inc	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Area, Hamilton County, Kans.	Amendment [5] 1-12-71	327	9
			(Effective date: Date of this order).		
CI65-264 B 5-10-71	Continental Oil Co	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	Assignment [6] [7] 1-22-71	288	9
			(Effective date: 1-22-71)		
CI68-676 [9] D 7-28-71	Mobil Oil Corp	El Paso Natural Gas Co., Flora Vista Field, San Juan County, N. Mex.	Notice of partial cancellation [10] 7-26-71	427	13
			(Effective date: Date of this order).		
CI69-404 [12] E 8-2-71	McCulloch Gas Processing Corp.	Montana-Dakota Utilities Co., Richland Fairview Gas Plant, Richland County, Mont.	McCulloch Oil Corp. FPC Gas Rate Schedule No. 16 and Supplement No. 1 thereto.	1 / 1	1
			Notice of succession 7-28-71.		
			Assignment [13] 7-29-71	1	2
			(Effective date: 1-1-71)		
CI70-383 [14] E 8-2-71	do	Montana-Dakota Utilities Co., Ute Gas Plant, Campbell County, Wyo.	McCulloch Oil Corp. FPC Gas Rate Schedule No. 17 and Supplement No. 1 thereto.	2	
			Notice of succession 7-28-71	2	1
			Assignment [13] 7-29-71	2	2
			(Effective date: 1-1-71)		
CI70-773 [15] B 2-24-70	Marathon Oil Co	Phillips Petroleum Co., East Sweet Field, Gray County, Tex.	Notice of cancellation [16] 10-23-68.	9	5
			(Effective date: Date of this order).		
CI70-957 [17] E 8-2-71	McCulloch Gas Processing Corp.	McCulloch Interstate Gas Corp., Various Plants, Powder River Basin, Campbell County, Wyo.	McCulloch Oil Corp. FPC Gas Rate Schedule No.18 and Supplements Nos. 1 and 2 thereto.	3 / 3	1-2
			Notice of succession 7-28-71.		
			Assignment [13] 7-29-71	3	3
			(Effective date: 1-1-71)		
CI70-1104 [18] B 6-16-70	H. L. Hunt et al	Transcontinental Gas Pipe Line Corp., Bear Field, Beauregard Parish, La.	Notice of cancellation [19] [20] 6-12-70.	29	8
			(Effective date: date of this order).		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
CI71-30 [22] B 7-12-71	Gulf Oil Corp	Lone Star Gas Co., Manziel Field, Wood County, Tex.	Notice of cancellation 7-9-71.	217	4
			[19] [20]		
			(Effective date: Date of this order).		
CI71-839 [21] B 5-24-71	Wrightsman Investment Co.	Texas Gas Transmission Corp., South Rayne Field, Acadia Parish, La.	Notice of cancellation [19] [20] 5-20-71.	2	4
			(Effective date: Date of this order).		
CI71-864 A 1 6-7-71	Atlantic Richfield Co	Northern Natural Gas Co., Northeast Oates Field, Pecos County, Tex.	Contract 12-19-67	640	
CI71-871 A 6-12-71	Pennzoil United, Inc	Transwestern Pipeline Co., Aid Area, Eddy County, N. Mex.	Contract 6-4-71	30	
CI72-52 [23] B 7-23-71	Jack W. Grigsby (Operator) et al.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	[20]		
			(Effective date: Date of this order).		
CI72-54 [23] [26] B 7-21-71	W. B. Osborn, Jr., Executor of the Estate of W. B. Osborn, Sr.	Tennessee Gas Pipe Line Co., a division of Tenneco Inc., Zim Field, Starr County, Tex.	[20]		
			(Effective date: Date of this order).		
CI72-55 [23] B 7-21-71	W. B. Osborn, Jr	do	[20]		
			(Effective date: Date of this order).		
CI72-56 [24] B 7-21-71	Delia Minton	do	Notice of cancellation [20]	1	5
			(Effective date: Date of this order).		
CI72-57 [25] B 7-21-71	Winnie Lou Jones	do	Notice of cancellation [20] 7-20-71.	1	5
			(Effective date: Date of this order).		
CI72-58 [23] B 7-21-71	Charlotte Osborn Barrett	do	[20]		
			(Effective date: Date of this order).		
CI72-59 [27] B 7-21-71	Lee Minton	do	Notice of cancellation [20] 7-20-71.	1	5
			(Effective date: Date of this order).		
CI72-60 [23] B 7-21-71	Jewel Osborn	do	[20]		
			(Effective date: Date of this order).		
CI72-61 [23] B 7-21-71	Betty Osborn Biedenharn.	do	[20]		
			(Effective date: Date of this order).		
CI72-65 [23] B 7-27-71	Rex Monahan	Kansas-Nebraska Natural Gas Co., Inc., Columbine Field, Logan County, Colo.	[19] [20]		
			(Effective date: Date of this order).		
CI72-66 [23] B 7-27-71		Kansas-Nebraska Natural Gas Co., Inc., Surveyor's Creek, Washington County, Colo.	[19] [20]		
			(Effective date: Date of this order).		
CI72-67 [23] B 7-27-71		Kansas-Nebraska Natural Gas Co., Inc., Pinto Field, Washington County, Colo.	[19] [20]		
			(Effective date: Date of this order).		
CI72-69 [23] F 7-22-71	Cities Service Oil Co	Cities Service Gas Co., acreage in Harper County, Okla.	Contract 8-1-64	344	
			(Effective date: 6-15-71)		
CI72-75 [29] B 7-30-71	W. H. Smith Construction Co.	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	Letter agreement [19] 2-12-71.		
			Letter agreement [30] 5-5-71.		
			Letter agreement [31] 5-19-71.		
			(Effective date: N/A)		
CI72-80 [32] F 6-4-71	Miles Kimball Co	Arkansas Louisiana Gas Co., Hodge Field, Jackson Parish, La.	Contract [33] 10-28-63	8	
			Letter agreement 5-17-66	8	1
			Contract 5-20-66	8	2
			Assignment [34] 1-10-69	8	3
			Assignment [35] 11-19-70	8	4
			(Effective date: 11-1-70)		

[1] Where no effective date is shown the rate schedule filing has heretofore been accepted.
[2] No related certificate application necessary since acreage was assigned to a small producer.
[3] From Cities Service Oil Co. to Donald Jackson who is the holder of a small producer certificate in Docket No. CS71-177.
[4] Assigns purchase rights from Southern Union Gas Co. to Southern Gathering Co. Subject gas was previously sold in intrastate commerce.
[5] Application to delete released or expired leases.
[6] From Continental Oil Co. to W. H. Smith Construction Co. which is the applicant for a small producer certificate in Docket No. CS71-324.
[7] Cancels FPC Gas Rate Schedule No. 288.
[8] From Shell Oil Co. to Longhorn Service and Drilling Co. which is holder of a small producer certificate in Docket No. CS71-419.
[9] Application to delete acreage which has been assigned to small producer.
[10] Includes assignment dated June 14, 1971, conveying nonproducing acreage to Robert L. Bayless and J. Gregory Merrion who are holders of small producer certificates in Dockets Nos. CS71-413 and CS71-548 respectively.
[11] Applicant proposes to cover its own interest in a sale of gas heretofore covered by Emerald Oil Co. (Operator), agent for Lawson & Bennet, Inc. et al., which is holder of a small producer certificate in Docket No. CS71-473.
[12] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI69-404, to be made pursuant to McCulloch Oil Corp. FPC Gas Rate Schedule No. 16.
[13] From McCulloch Oil Corp. to applicant.
[14] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI70-383 to be made pursuant to McCulloch Oil Corp. FPC Gas Rate Schedule No. 17.
[15] Application to abandon the sale of natural gas heretofore authorized in Docket No. G-11814 due to assignment to a small producer.
[16] Includes assignment conveying interest to Milton Carpenter who is the holder of a small producer certificate in Docket No. CS71-1059.
[17] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI70-957 to be made pursuant to McCulloch Oil Corp. FPC Gas Rate Schedule No. 18.
[18] Applicant proposes to abandon the sale of natural gas heretofore authorized in Docket No. G-19460.
[19] Includes buyer's concurrence.
[20] Source of gas depleted.
[21] Applicant proposes to abandon the sale of natural gas authorized in Docket No. CI63-44.
[22] Amends pending application filed in subject docket on July 13, 1970.
[23] Application to abandon a sale of natural gas covered under small producer certificate.
[24] Application to abandon the sale of natural gas heretofore authorized in Docket No. G-5677.
[25] Application to abandon the sale of natural gas heretofore authorized in Docket No. G-5678.
[26] Docket No. CI71-887 erroneously assigned to application.
[27] Application to abandon the sale of natural gas heretofore authorized in Docket No. G-5676.
[28] Cities Service Oil Co. proposes to cover its own interest in a sale of gas heretofore covered by Thomas N. Berry & Co., which is holder of a small producer certificate in Docket No. CS71-1083.
[29] Application to abandon the sale of natural gas and to resell low pressure gas to Mobil Oil Corp. Sale to Mobil will be covered under applicant's application for a small producer certificate in Docket No. CS71-324.
[30] Advises that Continental Oil Corp. has assigned the subject acreage to applicant.
[31] Indicates Mobil's willingness to purchase the low pressure gas. Mobil resells the gas to Panhandle Eastern Pipe Line Co. under its FPC Gas Rate Schedule No. 434.
[32] Applicant proposes to continue in part a sale of natural gas as heretofore authorized in Docket No. CI64-559 to be made pursuant to W. C. Feazel Estate (Operator) et al., FPC Gas Rate Schedule No. 7.
[33] Also on file as W. C. Feazel Estate (Operator) et al., FPC Gas Rate Schedule No. 7.
[34] From W. C. Feazel Estate to Machin Oil, Ltd.
[35] From Machin Oil, Ltd., to applicant.

[FR Doc.72-3052 Filed 3-1-72;8:45 am]

FEDERAL RESERVE SYSTEM

STOCKGROWERS STATE BANK CO., INC.

Formation of Bank Holding Company

Stockgrowers State Bank Co., Inc., Worland, Wyo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to remain a bank holding company through retention of 92.6 percent or more of the voting shares of The Stockgrowers State Bank, Worland, Wyo.

In its application, applicant indicates that it has already made the acquisition for which Board approval is sought. By order dated June 22, 1971, the Board authorized any company which, between December 31, 1970, and June 22, 1971, took action requiring prior Board approval, without such approval, to apply to the Board for subsequent approval of that action if certain conditions are present. Whether these conditions are met in this case is currently under study.

The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 16, 1972.

Board of Governors of the Federal Reserve System, February 24, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-3097 Filed 3-1-72;8:45 am]

VALLEY OF VIRGINIA BANKSHARES, INC.

Formation of Bank Holding Company

Valley of Virginia Bankshares, Inc., Harrisonburg, Va., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Rockingham National Bank, Harrisonburg, Va., and The Commercial and Savings Bank, Winchester, Va. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 16, 1972.

Board of Governors of the Federal Reserve System, February 24, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-3098 Filed 3-1-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-776]

AMERICAN INCOME FUND, INC.

Notice of Proposal To Terminate Registration

FEBRUARY 24, 1972.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that American Income Fund, Inc. (American), 401 Broadway, New York, N.Y., a Maryland corporation, registered under the Act as a management, open-end, nondiversified investment company, has ceased to be an investment company.

American registered under the Act on May 24, 1957. Information available to

the Commission indicates that as of January 31, 1971, American had total assets of $15,367 and that four shareholders own American's 6,065 shares of outstanding capital stock. In addition, American has not made a public offering of its securities for the past 5 years and no such offering is 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 finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 16, 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 reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon American 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 matter herein may be issued by the Commission upon the basis of the information stated in this notice, unless an order for a hearing upon this matter 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.72-3104 Filed 3-1-72;8:46 am]

[812-3005]

BOSTON FINANCIAL REHABILITATION PARTNERSHIPS-I AND BOSTON FINANCIAL TECHNOLOGY GROUP, INC.

Notice of Filing of Application for Exemption From All Provisions

FEBRUARY 24, 1972.

Notice is hereby given that Boston Financial Rehabilitation Partnerships-I (Boston), a Massachusetts limited partnership, and Boston Financial Technology Group, Inc. (Management), 70 Federal Street, Boston, MA 02110, a Massachusetts corporation and Boston's general partner (both collectively referred to as "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from all provisions of the Act and the rules and regulations promulgated thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicants state that Boston was organized on September 22, 1971, and is designed to implement the policy of Title IX of the Housing and Urban Development Act of 1968 to provide investors a means to acquire equity interests in governmentally assisted low and moderate income housing. Boston will acquire equity interests in governmentally assisted rental housing projects (Subsidized Projects) which are, or are about to be, rehabilitated pursuant to section 221(d)(3) or section 236, or both, of the National Housing Act, and which are administered by the Federal Housing Administration (FHA).

Boston has filed a registration statement on Forms S-11 and an amendment thereto under the Securities Act of 1933 covering $5 million of its limited partnership interests which are to be sold only to qualified investors in units of $5,000.

Applicants state that Boston was organized as a limited partnership because applicable legislation limits the cash return to investors in Subsidized Projects to an amount less than can be had in other investments, and the principal advantages to investors are operating losses which can be passed through only by a partnership to investors as an offset against taxable income. Applicants state that each investor accordingly will be required to represent that he has a net worth of $50,000, and that he anticipates that for a period sufficient to allow utilization of the tax benefits afforded, he will have, after giving effect to his investment in Boston, income subject to taxation at a rate which will result in an effective saving of income taxes in an amount equal to 50 percent or greater of any tax losses that may be generated by Boston's investments. Applicants state that a limited partnership structure is necessary in order to provide the centralization of management necessary for a publicly-held partnership, and to insure that investors are protected from personal liability for any obligations of the partnership.

Applicants state that Boston will invest in Subsidized Projects by becoming a limited partner in a subsidiary partnership in which the sponsor or developer of the Subsidized Project will be the general partner. This subsidiary partnership will own the entire equity interest in the Subsidized Project and will be liable for the mortgage loan on the project. Applicants state that Boston will always have a majority and usually 90 percent to 95 percent of the interest in the subsidiary partnership. Applicants state, however, that Boston's interests in the subsidiary partnership will be tantamount to direct ownership of the property. Boston's interest will have no value other than the value of the project itself, and no income will be generated other than from the operation of the project.

Applicants assert they have no intention of disposing of interests in subsidiary partnerships; when it is determined to dispose of an invesment, the Subsidized Project itself will be sold and the partnership liquidated. Thus, Applicants assert that Boston will be primarily engaged in the business of planning, developing, constructing and operating Subsidized Projects, and that the use of subsidiary limited partnerships is but an incident to the conduct of this business, designed to minimize Boston's risk and to permit tax savings to be returned to investors in Boston.

Applicants state that for Boston to preserve its limited partner status in the subsidiary partnership, it cannot participate in the management of the project. However, the terms of the subsidiary partnership agreement, which will govern all aspects of management of the Subsidized Project, will be negotiated by Boston prior to its investment. Applicants state that Boston will, among other things, reserve the right in each case to remove the developer or sponsor from the subsidiary partnership if such developer or sponsor becomes insolvent or fails to observe applicable statutes and regulations. In addition, the subsidiary partnership will not be permitted to sell or assign any interest in the project, or withdraw, substitute or add a general partner without the consent of Boston.

Boston's investments will be governed by policies which may not be changed without the vote of the holders of at least two-thirds of its outstanding interests. Limited partner investors in Boston will have voting rights with respect to, among other things, the dissolution or transfer of assets, and the withdrawal, substitution or addition of any general partner.

Management will keep Boston's books and records, and annually furnish reports containing audited financial statements and information requested by investors for preparation of their income tax returns. Management will also be responsible for the conduct of Boston's operations including the origination, investigation and supervision of investments.

Management will receive an origination fee with respect to each Subsidized Project acquired by Boston, and an annual management fee. Management may also receive a portion of the proceeds from the sale or refinancing of a Subsidized Project. Management will pay subsidiary partnership organizational expenses to the extent they exceed in the aggregate a stated limit, and will pay all general administrative expenses except those incurred directly by Boston. Shareholders of management will receive no compensation from any source in respect to Boston's activities other than through their interest in management.

Applicants state they do not concede that Boston is an investment company as defined by the Act, and believe sufficient cause exists for finding Boston not to be an investment company. Applicants further submit that in any event the requested exemption is both necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the conditions imposed by Boston's Articles of Incorporation and by the FHA, which regulates, among other things, debt, asset and financing arrangements and supervises construction of the project, afford at least as much protection to investors as is provided in the Act.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities or transaction, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than March 17, 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 hereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a 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.72–3105 Filed 3–1–71;8:46 am]

[File No. 500–1]

COATINGS UNLIMITED, INC.

Order Suspending Trading

FEBRUARY 23, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Coatings Unlimited, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 25, 1972, through March 5, 1972.

By the Commission.

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

[FR Doc.72–3106 Filed 3–1–72;8:46 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 23, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being trading otherwise on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 25, 1972, through March 5, 1972.

By the Commission.

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

[FR Doc.72–3107 Filed 3–1–72;8:46 am]

[File No. 500–1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

FEBRUARY 23, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 26, 1972, through March 6, 1972.

By the Commission.

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

[FR Doc.72–3108 Filed 3–1–72;8:46 am]

[812–3073]

NEW AMERICA HOUSING PARTNERSHIPS (SERIES I) AND NEW AMERICA CAPITAL CORP.

Notice of Filing of Application for Unconditional Exemption From All Provisions

FEBRUARY 24, 1972.

Notice is hereby given that New American Housing Partnerships (Series I), a New York limited partnership (Partnership), and New America Capital Corp., 551 Fifth Avenue, New York, NY 10017, its general partner ("General Partner" and collectively referred to with Partnership as "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting them from all sections of the Act and the rules and regulations promulgated thereunder. The General Partner is a wholly owned subsidiary of New America Industries, Inc. (New America), a publicly held Delaware corporation. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Partnership was organized on September 9, 1971, and is designed to implement the policy stated by Congress in the Housing and Urban Development Act of 1968 to provide private investors a means to acquire equity interests in low- and moderate-income housing units.

The Partnership has filed a registration statement (File No. 2–41730) pursuant to the Securities Act of 1933 with respect to a public offering of $8 million of limited partnership interests. Applicants state that the cash returns available to investors in governmentally assisted housing projects (Subsidized Projects) is limited by applicable legislation, and, therefore, investment in subsidized projects is attractive only to the extent that net tax losses these projects may generate can be made available for offset against an investor's income from other sources. Tax losses resulting primarily from mortgage loan interest expense and depreciation deductions are available to investors in high tax brackets to offset taxable income from other sources. For this reason Partnership will not accept a subscription for a limited

partnership interest unless the subscriber represents that he has currently, and anticipates that he will continue to have for the foreseeable future, income, some part of which is subject to Federal income tax at a marginal rate of at least 50 percent. The limited partnership interests will be offered in units of $5,000. Applicants state that a limited partnership is the only vehicle which provides (1) the passing through, without taxation, of both the cash and the net operating profits and losses generated by the project; and (2) the centralization of management necessary for a publicly held investment vehicle, and which protects the investors from the unacceptable risk of personal liability.

The Partnership normally will, for each Project, assume the position of a limited partner in a local partnership in which a developer is the general partner. This local partnership will generally own the entire equity interest in the Project which will be subject to a nonrecourse mortgage loan on the Project. Where the Partnership becomes a limited partner, it will obtain legal opinions as to the absence of liability for permanent financing. If it is a general partner, it will also seek to insure or otherwise guarantee against other potential loss to the Partnership.

To preserve its limited partner status, the Partnership must not participate in the management of the project. However to the extent consistent with its limited partner staus the Partnership will obtain a right to oversee and to establish requirements with respect to the operations of the local partnership.

The Partnership has entered into a management agreement with New America Capital Management Corp. (Management), a subsidiary of New America Industries, Inc., Management will, under the supervision of the General Partner, manage the business and operations of the Partnership and maintain its books and records. Management will retain Karp, Nestler & Co., a firm providing advice and services to investors and developers, to assist it in its management function, and will rely initially on employees of New America and of Karp, Nestler & Co. to provide services.

Applicants state they do not concede Partnership is an investment company as defined by the Act, and believe sufficient cause exists for finding Partnership not to be an investment company as therein defined. In any event, they submit, further, that denial of the exemption under 6(c) would eliminate the only feasible type of vehicle for attracting private equity capital for the publicly assisted housing market and would frustrate national policy. Applicants further submit the requested exemption would be consistent with the public interest and the protection of investors.

Section 6(c) of the Act provides, as herein pertinent, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from the provisions of the Act and the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than March 17, 1972, 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 hereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued 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.72-3109 Filed 3-1-72;8:46 am]

[70-5147]

OHIO POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

FEBRUARY 24, 1972.

Notice is hereby given that Ohio Power Co. (Ohio Power), 301 Cleveland Avenue SW., Canton, OH 44701, an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transactions.

Ohio Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $25 million aggregate principal amount of first mortgage bonds. The proposed series of bonds will bear a single maturity date within the range of from 5 to 30 years, such maturity date to be determined not less than 72 hours prior to the opening of the bids. The interest rate on the bonds (which shall be a multiple of one-eight of 1 percent) and the price to be paid to Ohio Power (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the Mortgage and Deed of Trust, dated as of October 1, 1938, made by Ohio Power to Manufacturers Hanover Trust Co., as trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture to be dated as of the first day of the month in which the bonds are issued and which includes a prohibition until April 1, 1977, against refunding the issue with the proceeds of funds borrowed at an effective interest cost lower than that of such bonds.

Ohio Power also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 350,000 shares of a new series of cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be expressed in a multiple of 0.04 of 1 percent) and the price, exclusive of accrued dividends, to be paid Ohio Power (which shall be not less than $100 per share and shall not exceed $102.75) will be determined by the competitive bidding. The terms of this new series of the preferred stock include a prohibition until April 1, 1977, against refunding such preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest rate or other preferred stock at a lower effective dividend cost.

Ohio Power will apply the proceeds from the sale of the bonds and the preferred stock to the payment of unsecured short-term notes payable to banks and commercial paper. It is estimated, at the time of the sale of the bonds and preferred stock, $100 million in short-term notes will be outstanding, which were issued in connection with Ohio Power's construction program, estimated at approximately $200 million for 1972, exclusive of construction costs to be incurred in connection with the General James M. Gavin Plant, which is proposed to be transferred to the Ohio Electric Co., a subsidiary company of Ohio Power (File No. 70–5142).

It is stated that the Public Utilities Commission of Ohio has jurisdiction over the issue and sale of the bonds and preferred stock and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Ohio Power in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than March 20, 1972, request in writing that a hearing be held on such matter, stating the

nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[F.R. Doc.72-3110 Filed 3-1-72;8:47 am]

[812-3108]

REAL PROPERTY SECURITIES, INC.

Notice of Filing of Application for an Order of Exemption

FEBRUARY 25, 1972.

Notice is hereby given that Real Property Securities, Inc. (Applicant), 900 Wilshire Boulevard, Los Angeles, CA 90017, in connection with a proposed public offering of shares of common stock of 1st Real Property Securities Fund (currently registered as First Real Property Fund) (Company), a registered, closed-end, nondiversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting certain transactions from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Company is a closed-end, nondiversified management investment company and is proposing to offer for sale to the public 1 million shares of its common stock at a price of $20 per share. A registration statement on Form S-4 under the Securities Act of 1933 (Registration Statement) with respect to such securities is on file with the Commission.

Applicant proposes to act as the managing underwriter of a group of underwriters to be formed in connection with the above public offering. Two hundred fifty thousand shares will be offered by the underwriters on a "firm basis" and the remaining seven hundred fifty thousand shares are to be offered by the underwriters, as agents for the Company, on a "best efforts" basis.

Applicant contemplates that each underwriter, including Applicant, will execute an agreement among underwriters and that Applicant acting both for itself and as managing underwriter, will execute an underwriting agreement with the Company. It is also contemplated that one or more dealers will offer and sell certain of the shares and in connection therewith will enter into selected dealer agreements.

Applicant states that under the proposed underwriting arrangements each underwriter will be obligated to offer to the public, respectively, its expected underwriting commitment as soon as or after the effective date of the Company's Registration Statement as Applicant may deem advisable. Such shares are initially to be offered to the public in accordance with the formula for the determination of the per share offering price and underwriting commissions (which vary based upon the number of shares purchased in a single transaction) set forth in the prospectus incorporated in the Registration Statement. Although 1 million shares have been included for registration in the Registration Statement, the ultimate number of shares which may be the subject of the proposed public offering may be increased or decreased by Applicant and the Company shortly before the effective date of the registration and the proposed public offering.

Applicant states that it is possible that the underwriting commitment of any one or more of the underwriters, including each of the representatives, will exceed 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the closing of the initial public offering of the shares. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act, such underwriter or underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain underwriters from the operation of section 16(b). Applicant states that the purpose of the purchase of the shares by the underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

Applicant states that although it is anticipated that the requirements of Rule 16b-2(a) (1) and (2) will be met, one or more of the underwriters, through their participation in the distribution of the shares of the Company, may not be entitled to rely upon Rule 16b-2 to exempt them from section 16(b) of the Exchange Act. The requirements in Rule 16b-2(a)(3) that the aggregate participation of underwriters not within section 16(b) of the Exchange Act be at least equal to the participation of underwriters exempted therefrom under Rule 16b-2 may not be met because it is possible that one or more of the underwriters may purchase more than 10 percent of the aggregate number of the shares of the Company's common stock to be outstanding after the closing, as a result of obligations to purchase additional shares due to defaults by other underwriters. Moreover, one or more of the underwriters who are obligated through the underwriting agreement to purchase more than 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the closing, may, as underwriters and as selected dealers, distribute more than 50 percent of the aggregate number of shares being offered. Such a distribution would not meet the requirement of Rule 16b-2(a)(3).

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that although the president, treasurer, director, and vice president and director of Applicant are respectively the chairman of the board, treasurer and director and president and director of the Company, there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the prospectus pursuant to which the shares will be offered and sold. During the offering period, the Company's assets will consist of bank deposits, certificates of deposit, short-term government securities or high grade commercial paper.

Applicant maintains that the requested exemption from the provisions of Section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It further asserts that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to apply.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act

and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person, may not later than March 17, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address 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.72-3111 Filed 3-1-72;8:47 am]

[811-2161]

UNITED CONTINENTAL GROWTH EXCHANGE PROGRAMS

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 24, 1972.

Notice is hereby given that United Continental Growth Exchange Programs (Applicant), 1 Crown Center, Post Office Box 1343, Kansas City, MO 64141, registered under the Investment Company Act of 1940 (Act) as a unit investment trust, 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 February 1, 1971, by filing a notification of registration on Form N-8A. Applicant's registration statement under the Securities Act of 1933 on Form S-6 was also filed with the Commission on February 1, 1971. Applicant represents that it has not issued or made any public offering or sale of its securities and does not intend to do so in the future. Applicant has filed an amendment to its S-6 to in effect, withdraw it. Applicant further represents that it has no shareholders.

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 16, 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 anytime 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.72-3112 Filed 3-1-72;8:47 am]

[812-3071]

VOYAGER VARIABLE ANNUITY FUND

Notice of Application for Exemption From Provisions

FEBRUARY 25, 1972.

Notice is hereby given that Voyager Life Insurance Co. (Insurance Company) and Voyager Variable Annuity Fund (Separate Account) (hereinafter collectively "Applicants"), 2255 Phyllis Street, Jacksonville, FL 32203, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicants from the provisions of section 22(d) of the Act. Separate Account has been established for the purpose of maintaining assets accruing from the sale of individual and group variable annuity contracts provided by Insurance Company. Separate Account is an open-end diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

In connection with the sale of variable annuity contracts, charges for payments are deducted in order to cover sales and administrative expenses. Applicants seek exemption from section 22(d) to permit the offering and sale of (1) individual payment deferred annuity contracts and (2) group annuity contracts containing provisions as hereinafter described.

The purchaser (contract owner) of either contract may elect that his purchase payments, after deduction of sales and administrative charges, be maintained in Separate Account. In the alternative, the contract owner may elect that all or any portion of his purchase payments, after applicable deductions, be allocated to Insurance Company to provide a fixed return during the annuity payment period.

Applicants purpose to permit the contract owner to transfer funds between Separate Account and Insurance Company without the necessity of adidtional sales charges. Such transfers from a fixed to a variable annuity contract are limited to 1 per year.

Applicants assert that the proposed elimination of such charges is justified inasmuch as deductions from purchase payments under the annuity contracts, whether such payments are allocated to Separate Account or Insurance Company, are identical.

Applicants also assert that the elimination of additional charges is in the interest of investors and the public; and that such elimination of charges would be consistent with the policies of the Act.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 17, 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 moret han 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued 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.72-3113 Filed 3-1-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0011]

SCHOONER CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the SBA rules and regulations (13 CFR § 107.701) for approval of the transfer of control of Schooner Capital Corp. (SBIC), 441 Stuart Street, Boston, MA 02116, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 01/01–0011.

The SBIC was licensed on May 4, 1971. Its present paid-in capital and paid-in surplus is $1,524,554. The licensee is presently a wholly owned subsidiary of Asset Purchase and Management Co. (APM), a Massuchusetts limited partnership consisting of Studley, Shupert Appraisals, Inc. (SSA), a Massachusetts corporation (45 percent), as general partner and the limited partners consisting of: Memorial Drive Trust (40 percent), G. H. Walker Co. (5 percent), Eugene B. Doggett (5 percent), and James Murray Howe (5 percent). SSA in turn, is a wholly owned subsidiary of Studley, Shupert & Co. of Boston (Studley), also a Massachusetts corporation.

Upon consummation of the proposed merger Studley will be a wholly owned subsidiary of Fidelity Corp., 9th and Main Streets, Richmond, VA 23218. In turn, the subsidiary will wholly own the general partner of APM and control 45 percent of the outstanding shares of the licensee. The proposed merger will not result in any material changes in the organization, capitalization, management, policies or operations of the licensee.

Fidelity Corp. is a financial holding company traded over-the-counter nationally with assets, including its subsidiaries, in excess of $460 million. No individual owns 10 percent or more of its outstanding stock. The principal officers of Fidelity are as follows:

Harold J. Richards, Chairman of the Board and President.
Richard H. Guilford, Executive Vice President.
Donald N. Davis, Senior Vice President.
Charles D. Robinson, Senior Vice President and Secretary.
Thomas S. Nardo, Vice President and Treasurer.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners and the probability of successful operations of the SBIC under its control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is hereby given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the transfer of control. Any such communications should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Boston, Mass.

Dated: February 23, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-3123 Filed 3-1-72;8:47 am]

[Declaration of Disaster Loan Area 877; (Class B)]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of a certain disaster, damage resulted to homes and business property located in Texas;

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

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

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Bowie, Fannin, Rains, Delta, Lamar, and Red River Counties, Tex., suffered damage or destruction resulting from heavy rains and floods occurring on December 3, 1971.

OFFICE: SMALL BUSINESS ADMINISTRATION REGIONAL OFFICE, 1100 COMMERCE STREET, DALLAS, TX 75202.

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

Dated: February 11, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-3125 Filed 3-1-72;8:47 am]

[Declaration of Disaster Loan Area 880; Class B]

WEST VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of West Virginia;

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

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

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended,

may be received and considered by the office below indicated from persons or firms whose property situated in War, West Virginia, suffered damage or destruction resulting from a fire on February 4, 1972.

OFFICE: SMALL BUSINESS ADMINISTRATION DISTRICT OFFICE, 109 NORTH THIRD STREET, CLARKSBURG, WV 26301.

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

Dated: February 18, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-3126 Filed 3-1-72;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

BIBB MANUFACTURING CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of November 9, 1971, the U.S. Tariff Commission made its report of the results of its investigation (TEA-W-112) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of workers of the Bibb Manufacturing Co. of Macon, Ga. In this report, the Commission found that articles like or directly competitive with the yarns, fabrics, and other articles manufactured by the Bibb Manufacturing Co. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of workers of the Bibb Manufacturing Co.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation. Following this, the Director made a recommendation relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 21921; 29 CFR Part 90). In the recommendation, he noted that the ratio of imports of cotton textile products like or directly competitive with those produced at Bibb to consumption, in the aggregate, more than doubled between 1964 and 1970. The Company, in an attempt to remain competitive, diversified its product lines. However, Bibb suffered losses during 1969-71 and was forced to close four of its plants, beginning in September 1971. The threat of significant layoffs of Bibb workers (except those at Lubbock, Tex., and Fort Valley, Ga.) in anticipation of these plant closings began the week ending January 9, 1971. After due consideration I make the following certification:

All hourly and salaried workers of the following plants of the Bibb Manufacturing Co., Macon, Ga., who became or will become unemployed or underemployed after January 3, 1971, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Plant:	*Location*
Anderson No. 1	Columbus, Ga.
Anderson No. 2	Do.
Anderson No. 3	Do.
Arnall and Arnco	Newnan, Ga.
Bellevue	Macon, Ga.
Camellia	Percale, Ga.
Coliseum	Macon, Ga.
Columbus	Columbus, Ga.
Dye House	Macon, Ga.
Forsyth No. 1	Forsyth, Ga.
Forsyth No. 2	Do.
Hawthorne	Macon, Ga.
Laurel	Reynolds, Ga.
Osprey No. 1	Porterdale, Ga.
Osprey No. 2	Do.
Payne	Macon, Ga.
Porterdale	Porterdale, Ga.
Taylor	Potterville, Ga.
Welaunee	Porterdale, Ga.
Corporate Headquarters	Macon, Ga.

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

HERBERT N. BLACKMAN,
Deputy Assistant Secretary for Trade and Adjustment Policy.

[FR Doc.72-3103 Filed 3-1-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 28, 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 128383 Subs 9 and 10, Pinto Trucking Service, Inc., now assigned March 13, 1972, at Washington, D.C., postponed to March 20, 1972, same time and place.

MC 119493 Sub 67, Monkem Co., Inc., assigned March 7, 1972, will be held in Room 829, Courthouse Building, 811 Grand Avenue, Kansas City, MO.

MC-F-11131, MC 118142 Sub 36, M. Bruenger — Purchase (Portion) — The Luper Transportation, assigned March 13, 1972, MC 120737 Sub 20, Star Delivery & Transfer, assigned March 15, 1972, will be held in Room 140, 601 East 12th Street, Kansas City, MO.

MC 117375 Sub 8, Branson Truck Line, assigned March 16, 1972, MC 119493 Sub 74, Monkem Co., assigned March 9, 1972, will be held in Room 666, 601 East 12th Street, Kansas City, MO.

MC 123407 Sub 88, Sawyer Transport, now assigned March 14, 1972, at Washington, D.C., is postponed to April 18, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 135620, Hjalmer W. Lappalainen, doing business as Viking Coach Lines, assigned for hearing May 1, 1972, at Duluth, Minn., in a hearing room to be later designated.

MC 16831 Sub 16, Laverne W. Simpson, doing business as Mid Seven Transportation Co., and MC 61231 Sub 63, Ace Lines, Inc., assigned for hearing May 1, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 53965 Sub 75, Graves Truck Line, Inc., assigned for hearing May 2, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 134063 Sub 3, Frank R. Chullino, doing business as Midwest Transportation Co., assigned for hearing May 4, 1972, at Omaha, Nebr., in a hearing room to be later designated.

FD 26803, Chicago and North Western Railway Co., Abandonment Between Emerson and Thurston, Dakota and Thurston Counties, Nebr., assigned for hearing May 11, 1972, at Pender, Nebr., in a hearing room to be later designated.

FD 26804, Chicago and North Western Railway Co., Abandonment Between Wakefield and Crofton in Dixon, Cedar and Knox Counties, Nebr., assigned for hearing May 8, 1972, at Harlington, Nebr., in a hearing room to be later designated.

MC 119395 Sub 2, William's Chemical Transport, Inc., and MC 135109, Seco, Inc., reassigned for hearing on March 20, 1972, at the ICI America, Inc., Concord Pike and Murphy Road, Wilmington, Del.

MC 133655 Sub 49, Trans-National Truck, Inc., now assigned February 28, 1972, at Chicago, Ill., canceled and application dismissed.

MC 73165 Sub 293, Eagle Motor Lines, now assigned March 1, 1972, at Los Angeles, Calif., is canceled and application dismissed.

MC-F-11122, Duff Truck Lines, Inc.—Purchase—Vernon R. Doering, doing business as Michigan Ohio Motor Freight, now assigned March 13, 1972, at Columbus, Ohio, transferred to the Ramada Inn, North I-71 and Ohio Highway 161, 1213 East Dublin-Granville, Columbus, OH.

MC 115491 Sub 122, Commercial Carrier, now assigned March 27, 1972, will be held in Room 411, Federal Building, 500 Zack Street, Tampa, FL.

MC 134113 Sub 6, Hi-Ball Trucking, Inc., now assigned March 6, 1972, at Denver, Colo., postponed indefinitely.

MC-F-11193, Midwest Emery Freight System—Control—Laskas Motor Lines, now assigned March 6, 1972, at Washington, D.C., is canceled and transfered to modified procedure.

MC 51146 Sub 227, Schneider Transport & Storage, now assigned March 7, 1972, at Chicago, Ill., canceled and application dismissed.

MC 62499 Sub 11, Hagerstown Motor Express, now assigned March 13, 1972, at Washington, D.C., postponed to March 20, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 61048 Sub 12, Leonard Express, Inc., now assigned March 15, 1972, at Washington, D.C., postponed to May 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35524, Little Audrey's Transportation Co., Inc., Armour & Co., Dubuque Packing Co., Inc., The Rath Packing Co., now assigned March 15, 1972, at Chicago, Ill., is canceled.

MC 113678 Sub 434, Curtis, Inc., now assigned March 15, 1972, at Chicago, Ill., canceled and the application is dismissed.

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

[FR Doc.72-3203 Filed 3-1-72;8:53 am]

[Notice 29]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 23, 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 20894 (Sub-No. 17 TA), filed February 14, 1972. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, PA 19135. Applicant's representative: Terrence L. Bowers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as definied by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse site of the Singer Co. at Franklin, Somerset County, N.J.; to points in those parts of Pennsylvania and Delaware and east of U.S. Highway 202 from New Hope, Pa., to and including Wilmington, Del.; and returned shipments of the above-described commodities, from the above-named destination points, to the warehouse site of the Singer Co. at Franklin, Somerset County, N.J., for 180 days. Supporting shipper: The Singer Co., 313 Underhill Boulevard, Syosset, NY 11791. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 61955 (Sub-No. 16 TA), filed February 10, 1972. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, MO 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer materials*, from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma, for 150 days. Supporting shipper: Willchemco, Inc., Tulsa, Okla. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 78228 (Sub-No. 31 TA), filed February 11, 1972. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, PA 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from the facilities of Luria Bros., Inc., Poughkeepsie, N.Y., to Danbury, Conn., for 180 days. Supporting shipper: Luria Brothers & Co., Inc., subsidiary of the Ogden Corp., 20521 Chagrin Boulevard, Post Office Box 796, Cleveland, OH 44122. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 87720 (Sub-No. 126 TA), filed February 10, 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household cleaning products* (except commodities in bulk), from Bristol, Pa., to New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in Bergen, Essex, Hudson, Passaic, Union, and Middlesex Counties, N.J., and *returned shipments* of the above-named commodities (except commodities in bulk), in the reverse direction. Restriction: The above service to be performed under contract with Purex Corp., Ltd., of Bristol, Pa., for 180 days. Supporting shipper: Purex Corp., Ltd., 1414 Radcliffe Street, Bristol, PA 19007. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 108633 (Sub-No. 9 TA), filed February 4, 1972. Applicant: BARNES FREIGHT LINE, INC., Post Office Box 369, Bankhead Highway, Carrollton, GA 30117. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Tucker-Stone Mountain Industrial District (Park), Ga., as an off-route point to applicant's presently authorized regular route operations to and from Atlanta, Ga., for 180 days. NOTE: Applicant states tacking will be at Atlanta, Ga., in order to provide interstate service. Supporting shippers: Perma Pipe Corp., 1609 Stone Ridge Drive, Stone Mountain, GA 30083; M.K.S. Warehouse Co., 1989 Tucker Industrial Road, Tucker, GA 30084; Armstrong Paint Co., 4538 Hugh Howell Road, Tucker, GA 30084; Ford Motor Co., 2000 Mountain Industrial Boulevard, Tucker, GA 30084; Raybestos-Manhattan, 5682 East Ponce de Leon Avenue, Stone Mountain, GA 30083. 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 110525 (Sub-No. 1026 TA), filed February 14, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, dry, in bulk, in tank vehicles, from Peabody, Mass., to points in Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: Eastman Gelatine Corp., Peabody, Mass. 01966. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 119777 (Sub-No. 233 TA), filed February 14, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Highway 85 East, Madisonville, KY 42431. Applicant's representative: Ralph Ligon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard, wallboard, insulation board, and paneling*, from the plantsite of the Permaneer Corp. in Calhoun County, Ark., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Dan A. Gaw, Truck Traffic Manager, Permaneer Corp., 145 Weldon Parkway, Maryland Heights, MO 63043. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 123634 (Sub-No. 10 TA), filed February 14, 1972. Applicant: K. N. DISTRIBUTORS, INC., 360 Park Avenue South, New York, NY 10010. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lafrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such*

merchandise as is dealt in by general department stores, between storage facilities and stores of S. Klein Department Stores, Inc., its subsidiaries and concessionaires located at New York, Yonkers, East Farmingdale, Commack, West Hempstead, Hicksville, New Hyde Park, and Valley Stream, N.Y., Philadelphia, York, Levittown, Glenolden, and points in Marple Township, Pa., Greenbelt, Md., Boston, Mass., and Alexandria, Va., for 180 days. Supporting shipper: S. Klein Department Stores, Inc., 360 Park Avenue South, New York, NY 10010. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 124673 (Sub-No. 15 TA), filed February 14, 1972. Applicant: FEED TRANSPORTS, INC., Post Office Box 2167, Pullman Road South, Amarillo, TX 79105. Applicant's representative: Larry M. Maples (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, in bulk and/or in bags, in hopper-type trailers with special unloading devices, from points in Hale County, Tex., to points in Kansas, that portion of Colorado on and east of U.S. Highway 287 to Denver, thence points on and east of Interstate 25 south to the New Mexico border, and also the county of Rio Grande in Colorado, and points in New Mexico on and east of U.S. Highway 85, for 90 days. NOTE: Applicant states it does intend to tack with the authority in MC 124673. Supporting shipper: Mike Gonzales, Traffic Analyst, Occidental Chemical Co., Post Office Box 1185, Houston, TX 77001. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H–4395, Herring Plaza, Amarillo, TX 79101.

No. MC 126102 (Sub-No. 12 TA), filed February 11, 1972. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington Street, Plainville, MA 02762. Applicant's representative: Gerard J. Donovan, 7 Pin Oak Way, Falmouth, MA 02540. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nails, iron or steel*, in packages; *steel sheets, hot rolled*, in packages; *wooden staves*, for nail kegs, in packages, between the manufacturing plant of Tremont Nail Co., in Tremont and Wareham, Mass., and points in Alabama, Delaware, District of Columbia, Florida, Illinois, Indiana, Maryland, Michigan, New Jersey, Ohio, Pennsylvania South Carolina, and Virginia for 180 days. Supporting shipper: Tremont Nail Co., 21 Elm Street, Post Office Box 111, Wareham, MA 02571. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, RI 02903.

No. MC 136371 (Sub-No. 1 TA), filed January 31, 1972. Applicant: CONCORD TRUCKING CO., INC., 33 West 11th Street, Bayonne, NJ 07002. 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: *Such commodities* as are dealt in or used by discount on department stores, between the facilities of Unishops, Inc., their divisions and subsidiaries located in Jersey City, N.J., and Bayonne, N.J., on the one hand, and, on the other, Jonesboro, Ark.; Pueblo, Colo.; Dalton, and Rome, Ga.; Belleville, Carbondale, Collinsville, Monmouth, Quincy, Taylorville, and Woodriver, Ill.; Elwood, Kokomo, and South Anderson, Ind.; Hutchinson and Topeka, Kans.; Ann Arbor, Mich.; Duluth, Grand Rapids, Thief River Falls, Crockston, and Red Wing, Minn.; Columbia, Joplin, Sedalia, and Springfield, Mo.; Great Falls, Mont.; Beatrice, Nebr.; Cleveland, Tenn.; Reno, Nev.; East Brunswick, Edgewater, Hamilton Township, Lodi, and Shrewsbury, N.J.; Santa Fe, N. Mex.; Astonia, East Meadow, Flushing, Commack, Massapequa, New York, and Valley Stream, N.Y., Akron, Ashland, Ashtabula, Bedford, Canton, Cleveland, Cuyahoga Falls, Elyria, Euclid, Kent, Youngstown, and Knoxville, Ohio; Ada, Ardmore, Atoka, and Durant, Okla.; Beaverton, Eugene, Milwaukie, Portland, and Salem, Oreg.; Gainsville and McKinney, Tex.; Richmond, Herndon, and Pickett, Va.; Bellingham, Bellevue, Everett, Greenwood, North Spokane, Richland, Seattle, Spokane, Tacoma, Kent, Vancouver, and Yakima, Wash.; Brookfield, Hales Corner, and Milwaukee, Wis.; Gillette and Sheridan, Wyo.; Lynn, Quincy, Dedham, and Malden, Mass.; Oskaloosa, Iowa; Huron, S. Dak.; Waldorf, Silver Hill, Bryans Road, Parole, and Enterprise, Md.; for 150 days. Supporting shipper: Unishops, Inc., 21 Caven Point Avenue, Jersey City, NJ 07305. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136409 TA, filed Febuary 14, 1972. Applicant: M. A. ELLEFSON & SON, INC., doing business as ACME MOVING & STORAGE, 1615 Nixon Road, Post Office Box 5444, Augusta, GA 30906. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* in containers, restricted to traffic having a prior or subsequent movement beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, or containerization, or unpacking, uncrating or decontainerization of such traffic between points in the following counties of Burke, Emanuel, Jefferson, Lincoln, Richmond, Taliaferro, Wilkes, Columbia, Glascock, Jenkins, McDuffie, Screven, and Warren, Ga., and the counties of Aiken, Barnwell, Hampton, Allendale, Edgefield, and McCormick, S.C., for 180 days. Supporting shippers: Sunpak International Movers, 534 Westlake Avenue North, Seattle, WA 98109; Mitchell Overseas Movers, Inc., Seattle, Wash. 98109. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

By the Commission.

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

[FR Doc.72-3201 Filed 3-1-72;8:53 am]

[Notice 30]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 24, 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 989 (Sub-No. 18 TA), filed February 15, 1972. Applicant: IDEAL TRUCK LINES, INC., 912 North State Street, Norton, KS 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in the Kansas City, Mo., commercial zone and points in the Omaha, Nebr., commercial zone; from Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 36 to its intersection with U.S. Highway 75, thence over U.S. Highway 75 to Omaha, Nebr., and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, serving no intermediate points, for 180 days. NOTE: Applicant intends

to tack the authority here applied for to other authority held by it and to interline with other carriers at Kansas City, Mo., and Omaha, Nebr., and to tack at Omaha, Nebr., for service to western Nebraska under base authority No. MC 989 and with 989 Sub 11, Sheet 3. Supported by: This is an alternate route application, supported by operating economies, as set forth in applicant's supporting statement; no supporting shippers' statements are submitted. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 26396 (Sub-No. 46 TA), filed February 14, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Applicant's representative: David Kemp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed, dry animal and poultry mineral mixtures;* and (2) *animal and poultry tonics, insecticides* (other than agricultural), *livestock and poultry feeders and equipment, premiums and advertising matter* relating to such products when moving in mixed loads with the commodities in No. 1 above, from the plantsite of the Moorman Manufacturing Co., near Columbus, Nebr., to points in Colorado, Wyoming, Montana, and that portion of South Dakota, west of the Missouri River, for 180 days. Supporting shipper: Moorman Manufacturing Co., 1000 North 30th Street, Quincy, IL 62301. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 258 TA), filed February 10, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298, 54306, Green Bay, WI 54304. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and gift packs*, from Marshfield, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Figi's, Inc., Marshfield, Wis. 54449 (James E. Coleman, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 54203.

No. MC 59640 (Sub-No. 27 TA), filed February 11, 1972. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, for the account of Supermarkets General Corp., between Woodbridge Township and Cranford, N.J., on the one hand, and, on the other, Harrisburg, Pa., for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, NJ 07016. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 106400 (Sub-No. 85 TA), filed February 10, 1972. Applicant: KAW TRANSPORT COMPANY, North Kansas City, Mo. 64116, Post Office Box 8525, Sugar Creek, MO 64054, Highway 10, Pleasant Valley, Mo. Applicant's representative: Harold D. Holwick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma, for 150 days. Supporting shipper: Willchemco, Inc., Tulsa, Okla. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut, Kansas City, MO 64106.

No. MC 110563 (Sub-No. 80 TA), filed February 9, 1972. Applicant: COLDWAY FOOD EXPRESS INC., Ohio Building, Post Office Box 747, 113 North Ohio Avenue, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Meats, meat products and meat byproducts* as described in section A of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides, skins and commodities in bulk), from the plantsite and storage facilities of Swift & Co., Scottsbluff & Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia for 180 days. Supporting shipper: Swift Fresh Meats Co., Division of Swift & Co., 111 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 111545 (Sub-No. 168 TA), filed February 15, 1972. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born (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 the plantsite of Boise Cascade Corp. in Floyd County, Ga., to points in Alabama, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, 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 115648 (Sub-No. 26 TA), filed February 10, 1972. Applicant: LUTHER LOCK, doing business as LUTHER LOCK TRUCKING, 974 Gilchrist, Post Office Box 290, Wheatland, WY 82201. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Light weight aggregate*, from the Idealite Co. plant at or near Rocky Flats, Colo., to Cheyenne, Wyo., for 180 days. Supporting shipper: Concrete West Corp., Post Office Box 1027, Cheyenne, WY 82001. Send protests to: District Supervisor Paul A. Naughton, Room 1006, Federal Building and Post Office, Interstate Commerce Commission, Bureau of Operations, 100 East B Street, Casper, WY 82601.

No. MC 115975 (Sub-No. 15 TA), filed February 14, 1972. Applicant: C.B.W. TRANSPORT SERVICE, INC., Post Office Box 48, Wood River, IL 62095, Old Edwardsville Road and Hedge Road, South Roxana, IL 62087. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lard and blends and vegetable oil and blends*, in bulk, in tank vehicles, from the plantsite of Drew Foods, a division of Pacific Vegetable Oil Corp., in St. Louis, Mo., to Osceola, Ark., for 180 days. Supporting shipper: Joseph R. Masterson, Traffic and Distribution Manager, Drew Foods, a division of Pacific Vegetable Oil Corp., Post Office Box 5440, St. Louis, MO 63160. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 117565 (Sub-No. 55 TA), filed February 14, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Route 3, Coshocton, OH 43812. Applicant's representative: Hala Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service, from Cincinnati, Ohio, to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Wayfarer Motor Homes, Inc., 2530 Spring Grove Avenue, Cincinnati, OH 45214. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117779 (Sub-No. 1 TA), filed February 14, 1972. Applicant: RICHARD

JACOB, JR., AND JOSEPH G. JACOB, doing business as R. J. FRUIT AND PRODUCE TRUCKING, 423 North 18th Street, 6 North 19th Street, Richmond, VA 23223. Applicant's representative: William J. Fair, 408 Penn Lane, Springfield, PA 19064. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in bulk, or in boxes, from Charleston, S.C., to points in Connecticut, Delaware, District of Columbia, Illinois (except Chicago), Indiana, Maryland (except Baltimore), Massachusetts, Michigan (except Detroit, Ohio (except Cleveland), New Hampshire, New Jersey, New York (except Buffalo, Menands, New York City, and Waterford), Rhode Island, Tennessee, West Virginia (except Huntington), and Wisconsin, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 119872 (Sub-No. 10 TA), filed December 27, 1971. Applicant: GULF TRANSPORT LIMITED, 61 St. Peters Road, Charlottetown, PE, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points on the international boundary between the United States and Canada at or near Houlton and Calais, Maine, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, ME 04112.

No. MC 127840 (Sub-No. 28 TA), filed February 11, 1972. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple Street, Willow Springs, IL 60480. Applicant's representative: William Towle, 127 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog mucosa* (squeezings from hog intestines used in the manufacturing of heparin, a heart drug), from Philadelphia, Pa., to Chicago, Ill., for 180 days. Supporting shipper: Cohelfred Laboratories, Inc., 3432 West Henderson Street, Chicago, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 129386 (Sub-No. 10 TA), filed February 15, 1972. Applicant: REFRIGERATED TRUCKS, INC., 1007 Mullowney Lane, Billings, MT 59102. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, salted, cooked, or preserved*, from the plantsite and storage facilities of Midland Empire Packing Co., Inc., Billings, Mont., to storage facilities of Best Meats, Inc., Tampa, Fla., for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, MT 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 129516 (Sub-No. 4 TA), filed February 10, 1972. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* and agricultural commodities otherwise exempt from regulation under section 203(b)(6) of the Act, when moving in mixed shipments with bananas, from points in California to the port of entry on the United States-Canada boundary line in Idaho and Montana, for 180 days. Supporting shipper: Scott National Co., Ltd., Box 970, Calgary, AB, Canada. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 129973 (Sub-No. 5 TA), filed February 11, 1972. Applicant: FIELD MARKETING SERVICE, INC., 825 Third Avenue, 466 Lexington Avenue, New York, NY 10022. Applicant's representative: Lawrence E. Masoner, Suite 960, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, educational materials, equipment, and supplies*, from Jersey City, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., for 180 days. Supporting shipper: Encyclopedia Britannica, 425 North Michigan Avenue, Chicago, IL 60611. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 133316 (Sub-No. 6 TA), filed February 9, 1972. Applicant: FRANK R. GIVIGLIANO, doing business as GIVIGLIANO TRANSPORT, Post Office Box 22, 1513 San Pedro, Trinidad, CO 81082. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk, those requiring special equipment, those of unusual value, and those injurious or contaminating to other lading), between Trinidad, Colo. and Springfield, Colo., serving all intermediate points, via Highways 350 and 160, for 180 days. NOTE: Applicant intends to tack the authority here applied for at Trinidad and Springfield, Colo. under MC–133316. Supporting shippers: Kim Mercantile Co., Kim, Colo. 81049; Kim Oil Co., Kim, Colo. 81049; and Kim School District R–88, Kim, Colo. 81049. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133425 (Sub-No. 2 TA), filed February 17, 1972. Applicant: BAYLESS & ROBERTS, INC. Copper Center, Alaska 99573. Applicant's representative: Roger A. McShea, 425 G Street, Anchorage, AK 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except household goods as defined by the Commission, between Seattle, Wash., and Portland, Oreg., on the one hand, and points in Alaska, except points south of Haines, Alaska, on the other, including service via the Alaska Marine Highway, for 180 days. NOTE: Applicant intends to interline with other carriers at Seattle, Wash., and/or Portland, Oreg. under MC 133425 (Sub-No. 1) also interline wherever convenient on or about the United States-Canadian boundary line. Supporting shippers: Randy Acord Co., Box 437, Fairbanks, AK 99707; Santa's Bake Shop, 805 Airport Way, Fairbanks, AK 99701; Central Supply Co. of Alaska, Inc., Post Office Box 440, Fairbanks, AK 99701; Yukon Supply Co., Inc., Box 2250, Fairbanks, AK 99701; Independent Lumber, Inc. Post Office Box 1030, Fairbanks, AK 99701; Surfcote, Northwest, 558 Gaffney Road, Fairbanks, AK 99701. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, AK 99510.

No. MC 133436 (Sub-No. 16 TA), filed February 11, 1972. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, 121 East Second Street, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel* articles, for the account of NII Metal Services Corp., a division of National Industries, Inc., from Chicago, Ill., and its commercial zone and Detroit, Mich., and its commercial zone to points in Mississippi, for 180 days. Supporting shipper: Bernard J. Senelick, NII Metal Services Corp., a division of National Industries, Inc., 1919 West 74th Street, Chicago, IL 60636. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 133967 (Sub-No. 11 TA), filed February 16, 1972. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Catawba, Wis. 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Park Falls, Wis., to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Illinois, Michigan, Indiana, and Ohio; and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in item 1, from the destination points named in item 1 to Park

Falls, Wis., restricted to transportation to be performed under contract with Flambeau Paper Co., a division of the Kansas City Star Co., Park Falls, Wis., for 180 days. Supporting shipper: Flambeau Paper Co., a division of the Kansas City Star Co., Park Falls, Wis. 54552. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Comsion, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 134094 (Sub-No. 1 TA), filed February 15, 1972. Applicant: HEIGHTS' SERVICE, INC., 521 East Nevada Street, St. Paul, MN 55101. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* used in the manufacture of industrial or commercial cleaning, scouring, washing, sanitizing and lubricating products, in drums, bags, or boxes, from points in Chicago, Ill., commercial zone as defined by the Commission, Utica, Ill., and Joliet, Ill., to Savage, Minn., for the account of Chaska Chemical Co., Inc., of Savage, Minn.; (2) *chemicals* used in the manufacture of industrial and commercial detergents, soaps, and cleaning and washing compounds, in drums, bags, or boxes, from points in the Chicago, Ill., commercial zone as defined by the Commission, Utica, Ill., and Joliet, Ill., to Minneapolis, Minn., for the account of Stewart Chemicals, Inc., of Minneapolis, Minn., for 180 days. Supporting shippers: Chemical Co., Inc., Savage, Minn.; Stewart Chemical, Inc., Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135871 (Sub-No. 6 TA), filed February 11, 1972. Applicant: H.G.M. TRANSPORT COMPANY, 1079 West Side Avenue, Jersey City, NJ 07306. 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: *Such commodities* as are dealt in by department stores, *and supplies and equipment* used in the conduct of such business (except commodities in bulk), between New York, N.Y., and Jersey City, N.J. (including the commercial zones of these points as prescribed by the Interstate Commerce Commission), on the one hand, and, on the other, Warsaw and Huntington, Ind., Sturgis, Mich., Fort Madison and Muscatine, Iowa, under contract with F.B.C. Stores, Inc., for 150 days. Supporting shipper: F.B.C. Stores, Inc., 742 James Street, Syracuse, NY 13203. Send protests to: District Supervisor R. E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136264 (Sub-No. 1 TA), filed February 14, 1972. Applicant: LEWIS A. STRAW, doing business as ACME MOVERS, 21st and Boas Streets, Harrisburg, PA 17105. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Pennsylvania, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Garrett Forwarding Co., Post Office Box 4408, Pocatello, ID 83201, Imperial Household Shipping Co., Inc., 9675 Fourth Street North, Post Office Box 20124, St. Petersburg, FL 33742; Interstate World Forwarders, Inc., Post Office Box 4168, Torrance, CA 90510. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 136334 (Sub.-No. 2 TA), filed February 14, 1972. Applicant: KENDRICK MOVING AND STORAGE, INC., Post Office Box 209, Lebanon, OH 45036. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, sink tops, and sink bowls*, in shipper-owned trailers, from the plantsite and warehouse facilities of Valley Kitchens, Inc., located at Lebanon and Mason, Ohio, to points in Georgia, Illinois, Indiana, Iowa, Maryland, Minnesota, New Jersey, New York, Pennsylvania, Virginia, and Wisconsin, for 180 days. Supporting shipper: Valley Kitchens, Inc., 123 West Main Street, Lebanon, OH 45036. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 136391 (Sub-No. 1 TA), filed February 15, 1972. Applicant: BILL'S MOVING, INC., doing business as PIONEER MOVING & STORAGE, 471 West Fifth South Street, Salt Lake City, UT 84101. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Salt Lake City, Utah, to Park City, Utah, for 180 days. Supporting Shipper: Sears, Roebuck and Co., 2650 East Olympic Boulevard, Los Angeles, CA 90054 (Maurice J. Parker, Assistant to the Regional Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 136405 (Sub-No. 1 TA), filed February 11, 1972. Applicant: COLOSSAL CARRIERS LTD., 400 Wright Street, Montreal 9, PQ Canada. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points of entry on the international boundary between Canada and the United States at Champlain, N.Y., and Highgate Springs, Vt., for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602. NOTE: Applicant will tack with complementary authority from the Quebec Transport Board to provide through service to Montreal, Quebec.

No. MC 136406 TA, filed February 8, 1972. Applicant: LUCIEN PAQUET, St. Come (Beauce), Quebec, Canada. Applicant's representative: Charles H. Veilleux, Court Street-Strand Building, Skowhegan, Maine 04976. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumbering equipment and machinery*, such as skidders and tractors, between ports of entry on the international boundary lines between the United States and Canada located in Maine, on the one hand, and, on the other, points in Maine, for 180 days. Supporting shippers: Dumas, Inc., Post Office Box 296, Jackman, ME 04945; Alexandre Gagne, Rue Principale, St. Come (Beauce) Quebec, Canada; Maranda Equipment, Inc., Route Kennedy, St. George (Beauce), Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 136407 TA, filed February 11, 1972. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite of the Adolph Coors Co. at Golden, Colo., to points in Arizona and California, under a continuing contract with Adolph Coors Co. of Golden, Colo., for 180 days. Supporting shipper: Adolph Coors Co., Golden, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo.

No. MC 136410 TA, filed February 14, 1972. Applicant: NORRIS SAMPLER, Route 2, Hart, Tex. 79403. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, TX 79401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuff* limited to alfalfa pellets, from points in Barton and Pawnee Counties, Kans., to points in Texas, for 180 days. Supporting shipper: Leo Boor, General Manager, Alfalfa Pellets, Inc., Great Bend, Kans. 67530. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of

Operations, Interstate Commerce Commission, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

MOTOR CARRIER OF PASSENGERS

No. MC 117575 (Sub-No. 2 TA), filed February 16, 1972. Applicant: MOUNTAINEER BUS LINE, INC., 1056 University Avenue, Post Office Box 365, Morgantown, WV 26505. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage in charter bus service*, between points in Tucker, Randolph, Upshur, Barbour, and Marion Counties, W. Va., on the one hand, and, on the other, points in the United States of America (except the States of Alaska and Hawaii), for 180 days. Supporting shippers: Judith A. Miller, B. Extension Agent, Home Demonstration, Tucker County, W. Va.; Edward McFarlane, Director of Athletics, Davis & Elkins College, Elkins, W. Va.; Frank J. Feola, Principal, Upshur County, W. Va.; Leonard LoBello, Business Manager Alderson-Broaddus College, Philippi, W. Va.; Fairmont Travel Service, Fairmont, W. Va. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 134410 (Sub-No. 3 TA), filed February 15, 1972. Applicant: INTERNATIONALE BEGEGNUNGSFAHRTEN, doing business as ROTEL TOURS, c/o Karl Hardock Travel Service, Inc., 500 Fifth Avenue, 3622, New York, NY 10036. Applicant's representative: Karl Hardock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Only German passengers and their baggage*, moving in the same vehicle and at the same time in personally conducted, all expenses included round-trip, special operations, beginning and ending at New York, N.Y., and extending to points in the United States (except Hawaii and Alaska), in a completely self-contained bus with cabins for the passengers to sleep in, bathroom, showers, and kitchen as well as a lounge for the passengers. Service is scheduled to start April 1, 1972, for 180 days. Supporting shipper: Internationale Begegnungsfahrten, Mr. George Holtl, 8391 Tittling, Germany. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

By the Commission.

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

[FR Doc.72–3202 Filed 3–1–72;8:53 am]

[Notice 16]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 25, 1972.

The following applications are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, 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.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 76 (Sub-No. 1), filed January 20, 1972. Applicant: MAWSON & MAWSON, INC., Post Office Box 125, Old Lincoln Highway, Langhorne, PA 19047. 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: *Axle assemblies, wheel rims, tires, and parts*, from Pine Grove, Pa., to Fair Haven, Vt. NOTE: Applicant states that the requested authority can be joined but there is no present intention to do so, therefore, does not identify the points which can be served. Persons interested in the tacking information 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 Philadelphia, Pa.

No. MC 730 (Sub-No. 335), filed February 3, 1972. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). 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 Riverside, Calif., and Harrisburg, Pa., as an alternate route for operating convenience only, serving no intermediate points, with service at the junction of Interstate Highway 10 (U.S. Highway 60) and California Highway 86, junction of U.S. Highways 64 and 70, junction of Interstate Highways 40 and 65, and Harrisburg, Pa., for the purpose of joinder only: From Riverside over Interstate Highway 10 (U.S. Highway 60) to Quartzsite, Ariz., thence over U.S. Highway 60 to Arizona Highway 71, thence over Arizona Highway 71 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Interstate Highway 40 (U.S. Highway 66), thence over Interstate Highway 40 (U.S. Highway 66) to junction U.S. Highway 64, thence over U.S. Highway 64 (Interstate Highway 40) to junction U.S. Highway 70, thence over Interstate Highway 40 to junction Interstate Highway 65, thence over Interstate Highway 40 to junction U.S. Highway 11E, thence over U.S. Highway

11E (Interstate Highway 81) to junction U.S. Highway 11, thence over U.S. Highway 11 (Interstate Highway 81) to Harrisburg, Pa., and return over the same route;

(2) Between San Diego, Calif. and Washington, D.C., as an alternate route for operating convenience only, serving no intermediate points, with service at the junction of U.S. Highway 80 (Interstate Highway 8) and California Highway 86, junction of U.S. Highways 80 and 82, and the junction of U.S. Highway 67 (Interstate Highway 30) and U.S. Highway 80 (Interstate Highway 20) for the purpose of joinder only: From San Diego, Calif., over U.S. Highway 80 (Interstate Highway 8) to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highways 80 and 82, thence over U.S. Highway 82 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction U.S. Highway 180, thence over U.S. Highway 180 to junction of U.S. Highway 80 (Interstate Highway 20) and U.S. Highway 67 (Interstate Highway 30), thence over U.S. Highway 80 (Interstate Highway 20) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 29, thence over U.S. Highway 29 (Interstate Highway 85) to junction U.S. Highway 70 (Interstate Highway 85) thence over Interstate Highway 85 to junction Interstate Highway 95, and thence over Interstate Highway 95 to Washington, D.C., and return over the same route; (3) between the junction of Interstate Highway 40 and 65 and Louisville, Ky., as an alternate route for operating convenience only, serving no intermediate points, with service at the junction of Interstate Highways 40 and 65 for the purpose of joinder only: From the junction of Interstate Highways 40 and 65 over Interstate Highway 65 to Louisville, Ky., and return over the same route; (4) between the junction of U.S. Highways 80 and 82 and the junction of U.S. Highway 67 (Interstate Highway 30) and U.S. Highway 80 (Interstate Highway 20), as an alternate route for operating convenience only, serving no intermediate points, with service at the termini for the purpose of joinder only: From the junction of U.S. Highways 80 and 82 over Interstate Highway 10 to junction U.S. Highway 80, thence over U.S. Highway 80 (Interstate Highway 10) to junction of U.S. Highway 290 and Interstate Highway 20, thence over U.S. Highway 80 (Interstate Highway 20) to junction of U.S. Highway 67 (Interstate Highway 30), and return over the same route;

(5) Between the junction of U.S. Highway 67 (Interstate Highway 30) and U.S. Highway 80 (Interstate Highway 20) and the junction of U.S. Highways 64 and 70, as an alternate route for operating convenience only, serving no intermediate points, with service at the termini for the purpose of joinder only: From the junction of U.S. Highway 67 (Interstate Highway 30) and U.S. Highway 80 (Interstate Highway 20) over U.S. Highway 67 (Interstate Highway 30) to junction U.S. Highway 70 (Interstate Highway 40) thence over U.S. Highway 70 (Interstate Highway 40) to junction U.S. Highway 64, and return over the same route; and (6) between the junction of Interstate Highway 10 (U.S. Highway 60) and California Highway 86 and the junction of U.S. Highway 80 (Interstate Highway 8), as an alternate route for operating convenience only, serving no intermediate points with service at the termini for the purpose of joinder only: From the junction of Interstate Highway 10 (U.S. Highway 60) and California Highway 86 over California Highway 86 to junction U.S. Highway 80 (Interstate Highway 8), and return over the same route. NOTE: 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 966 (Sub-No. 24), filed January 21, 1972. Applicant: CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, KS 66603. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO. 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, commodities requiring special equipment and those injurious or contaminating to other lading, between Coffeyville and Caney, Kans.; from Coffeyville over U.S. Highway 166 to junction U.S. Highway 75, thence over Highway 75 to Caney and return over the same route, between Independence, Kans., and Caney, Kans.; from Independence over U.S. Highway 75 to Caney and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Coffeyville, Kans.

No. MC 1328 (Sub-No. 10), filed January 28, 1972. Applicant: MGS TRANSPORTATION, INC., Post Office Box 270, Alexandria, IN 46001. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool, mineral wool, and rock wool and mineral wool products, building, roofing, and insulating materials*, from Alexandria, Ind., and Richmond, Ind., to points in Ohio, Indiana, Illinois, Michigan, Missouri, Kentucky, Tennessee, Wisconsin, Minnesota, North Dakota, South Dakota, Florida, Arkansas, Alabama, Delaware, Georgia, Kansas, Louisiana, Maryland, Mississippi, New Jersey, New York, Texas, Oklahoma, Iowa, South Carolina, North Carolina, Pennsylvania, Nebraska, Virginia, West Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, and the District of Columbia, under contract with Johns-Manville Corp.; National Gypsum Co.; Susquehanna Corp. NOTE: Applicant presently holds considerable duplicating authority to serve Johns-Manville Products Corp. and National Gypsum Co., but the authority is limited to plantsites, and in some instances is restricted against certain counties in portions of the States involved herein. Applicant agrees that any new authority granted, in the event it duplicates its existing authority, will constitute only one operating right, and not be separable from the other authority by sale or otherwise. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 2862 (Sub-No. 59), filed February 9, 1972. Applicant: ARROW TRANSPORTATION CO. OF DELAWARE, doing business as ARROW TRANSPORTATION COMPANY, 3125 Northwest 35th Avenue, Portland, OR 97210. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in Oregon, Idaho, and Montana. 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. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 4483 (Sub-No. 17), filed February 1, 1972. Applicant: MONSON DRAY LINE, INC., Route 1, Red Wing, Minn. 55066. 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: *Newsprint paper*, from the port of entry on the international boundary line between the United States and Canada at or near Grand Portage, Minn., to points in Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, 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 Minneapolis, Minn.

No. MC 4687 (Sub-No. 11), filed January 27, 1972. Applicant: BURGESS & COOK, INC., 21 North Second Street, Fernandina Beach, FL 32034. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, stains, or lacquers*, from Covington, Ga., 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 Atlanta, Ga.

No. MC 5619 (Sub-No. 5), filed February 9, 1972. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, NY 10310. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum*

and gypsum products, and materials and supplies, used in the installation and distribution thereof, from Buchanan, N.Y., to points in Maine, New Hampshire, and Vermont, under contract with Georgia-Pacific Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 13250 (Sub-No. 114), filed January 12, 1972. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery and equipment* (including pneumatic and hydraulic machinery and equipment), used in road construction, mining, milling, smeltering, tunneling, drilling, sewage disposal, and pollution control; and (2) *parts, attachments, and accessories* for the commodities in (1) above, between Denver, Colo., and points in Adams County, Colo., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority. However, it has no present intention to tack. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 21227 (Sub-No. 7), filed January 20, 1972. Applicant: MIDLAND TRUCK LINES, INC., 311 Marion Street, St. Louis, MO 63104. Applicant's representative: Fred F. Bradley, Box 773, Courthouse, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except livestock and commodities requiring special equipment); (1) From Evansville, Ind., over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 68 to Elkton, Ky., and return over the same route, serving all intermediate points; and (2) from Hopkinsville, Ky., over U.S. Highway 68 to Cadiz, Ky., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hopkinsville, Ky., Nashville, Tenn., or Louisville, Ky.

No. MC 22195 (Sub-No. 143), filed January 26, 1972. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, SD 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer and liquid fertilizer ingredients,* in bulk, from Crookston, Minn., to points in North Dakota; and (2) *fertilizer and fertilizer ingredients,* in bulk, from Fergus Falls, Minn., to points in Minnesota, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 28956 (Sub-No. 16), filed February 9, 1972. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, 908 North Pacific Highway, Albany, OR Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* in bulk, in tank or hopper-type vehicles, between points in Oregon and Washington. 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 32948 (Sub-No. 20), filed January 13, 1972. Applicant: P.A.K. TRANSPORT, INC., Meadow Road, Newport, N.H. 03773. Applicant's representative: Robert A. Peirce (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Junk, salvage, scrap, waste materials, and reprocessed scrap and salvaged materials,* between Ashburnham, Belchertown, Boston, Clinton, Framingham, Gardner, Haverhill, Holyoke, Lawrence, Lowell, Springfield and Worcester, Mass, and South Windham, Maine, on the one hand, and, on the other, Providence, R.I., and New Haven, Conn. NOTE: Applicant also holds contract carrier authority under MC 21945 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 41749 (Sub-No. 1), filed January 31, 1972. Applicant: CHARLES NOEDING TRUCKING CO., INC., 16 Central Avenue, Tenafly, NJ 07670. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Boston and Avon, Mass., on the one hand, and, on the other, points in the counties of Barnstable, Bristol, Essex, Middlesex, Norfolk, Plymouth, and Suffolk, Mass. Restriction: Restricted to shipments moving on bills of lading of freight forwarders. 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 51146 (Sub-No. 256), filed January 31, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products,* from Sibley, Iowa, to Evansville, Ind., and points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Oklahoma, and Texas and those portions of Illinois in the St. Louis, Mo.-East St. Louis, Ill., commercial zone and on and south of U.S. Highway 460; (2) *plastic bags, liners and films, and textile bags,* from Sibley, Iowa, to points in North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, Iowa, Illinois, Kansas, Missouri, Oklahoma, Texas, Arkansas, Indiana, Michigan, Kentucky, and Colorado; and (3) *returned and rejected shipments and materials, equipment, and supplies* (except commodities in bulk), from the destination territories described in (1) and (2) above, to Sibley, Iowa. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack where feasible. It further states it has various duplicative items of authority under various subs, but does not seek duplicating authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 52858 (Sub-No. 108), filed February 2, 1972. Applicant: CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Post Office Box 10185, Portland, OR 97210. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New imported automobiles and light-duty trucks and used automobiles and light-duty trucks* in secondary movements in truckaway service, between points in Colorado on the one hand, and, on the other, points in Nebraska, Kansas, New Mexico, Utah, Wyoming, and Nevada. NOTE: Common control may be involved. Applicant states that the only tacking possible would be with respect to shipments moving to or from Canada by interchange or interline at ports of entry on the boundary line of the United States and Canada. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61825 (Sub-No. 49), filed January 31, 1972. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Applicant's representative: George S. Hales (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers and closures* for glass containers and corrugated cartons, from Fairmont and Huntington, W. Va., to points in North Carolina and South Carolina. NOTE: Applicant is now authorized to perform the service by combining certain

authorities and operating through the gateway of Lynchburg, Va. The purpose of the instant application is to eliminate the Lynchburg, Va., gateway. Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76032 (Sub-No. 290), filed January 20, 1972. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Ira E. Neal (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses* and in connection therewith, *materials, equipment, and supplies* used in the conduct of such business, except in bulk, from points in Idaho, Oregon, Utah, and Washington, to Denver, Colo., and its commercial zone. 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 Denver, Colo.

No. MC 82492 (Sub-No. 65), filed January 28, 1972. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic and plastic products*, from points in the Lower Peninsula of Michigan, and Elkhart, Mishawaka, and South Bend, Ind., to points in Iowa, Nebraska, and those in Illinois in the Davenport, Iowa, commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 83539 (Sub-No. 328), filed January 18, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiators, air heating or cooling; water coolers and cooling or freezing apparatuses; generators or motors; generators and engines combined; air cleaners; humidifiers and heaters; coolers; heat exchangers or equalizers; feed water heaters and purifiers; cooling or freezing machines; and refrigeration evaporators or condensers;* from the Bohn Heat Transfer Division plantsites at Beardstown, Ill.; Danville, Ill.; and Riverside, Calif., 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 may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 87720 (Sub-No. 125), filed February 9, 1972. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household cleaning products, swimming pool chemicals, and materials and supplies* used in the manufacture, sale, or distribution of the above-named commodities (except in bulk); (1) between plant and warehouse sites of Purex Corp., Ltd., Tampa, Fla., on the one hand, and, on the other, points in Georgia, South Carolina, North Carolina, Alabama, and Mississippi; and (2) between plant and warehouse sites of Purex Corp., Ltd., at Tampa, Fla., New Orleans, La., and Dallas, Tex. Restriction: The proposed service to be under contract with Purex Corp., Ltd. NOTE: Applicant now has pending an application for common carrier authority under No. MC 135684 Sub-No. 1. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No MC 100666 (Sub-No. 210), filed January 28, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th Street, 280 National Foundation Life Center, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Windows and doors* from Tap City, Ark., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; and (2) *materials, supplies, and accessories* used in the manufacture and installation of windows and doors, from points in the United States (except Alaska and Hawaii) to Tap City, Ark. 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 Little Rock, Ark.

No. MC 100666 (Sub-No. 211), filed January 31, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead, lead residues, lead scrap, junk batteries, and battery lead;* (a) from Dallas, Tex., to points in Arkansas, Louisiana, Mississippi, and Oklahoma; and (b) from Heflin, La., to points in Arkansas, Mississippi, Oklahoma, and Texas; and (2) *zinc, zinc alloy, and spelter*, from points in Texas to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, and Tennessee. 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 Dallas or Houston, Tex.

No. MC 105007 (Sub-No. 27), filed January 31, 1972. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, and hardware and accessories therefor*, from Albert Lea, Minn., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kentucky, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 106398 (Sub-No. 584), filed January 31, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 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: *Trailer* designed to be drawn by passenger automobiles, in initial movements, from points in Kossuth County, Iowa, 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 Des Moines or Sioux City, Iowa.

No. MC 106497 (Sub-No. 63), filed January 13, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, wall sections, and parts thereof*, from points in Indiana County, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. 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., or Columbus, Ohio.

No. MC 106497 (Sub-No. 64), filed January 13, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic and hydraulic machinery, equipment, materials, and supplies and parts thereof*, used or useful in road construction,

mining, tunneling, and drilling, from Denver, Colo., and points in Adams County, Colo., on the one hand, and, on the other, points in the United States (including Alaska but excepting Hawaii). NOTE: Applicant states it can tack with its Sub No. 4 although tacking is not intended. 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 Denver, Colo., or Washington, D.C.

No. MC 106497 (Sub-No. 65), filed February 2, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing;* (1) from Lone Star, Tex., to Hamlet, Ind.; and (2) from Hamlet, Ind., to points in Iowa, Nebraska, Kansas, Texas, Oklahoma, and Colorado. NOTE: Applicant states it can tack with its lead and Subs-Nos. 3, 4, and 35 although tacking is not intended. 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 Washington, D.C., or Chicago, Ill.

No. MC 107295 (Sub-No. 600), filed February 7, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, 100 South Main Street, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, particleboard composition board, and veneer*, from Suffolk, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its authority in MC 107295, Subs-Nos. 119, 128, 135, 183, 184, 185, 186, 382, and 404. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 107295 (Sub-No. 601), filed February 7, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Max Stephenson, 100 South Main Street, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceiling suspension systems, including furring, studding, lathing and ribbing, and accessories, materials, and supplies*, used in the installation of furring, studding, lathing, and ribbing (except lumber and commodities in bulk), from Glen Burnie, Md., to points in Delaware, Florida, Georgia, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, and (2) *ceiling suspension systems, including furring, studding, lathing and ribbing, accessories, materials, and supplies*, used in the installation of furring, studding, lathing, and ribbing (except lumber and commodities in bulk); and *materials* used in the manufacture of the foregoing commodities, between Glen Burnie, Md., and Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 602), filed February 7, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, 100 South Main Street, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, netting, wire, fence stretchers, gates, and posts* (except commodities which because of size or weight require the use of special equipment), from Mount Sterling, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nebraska, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107515 (Sub-No. 791), filed January 12, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff* and *animal feed* (except in bulk) in vehicles equipped with mechanical refrigeration, from Wilkesboro, Hiddenite, and Monroe, N.C., and Glen Allen and Temperanceville, Va., to points in Arizona, California, Oregon, Washington, Nevada, and Utah. 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 may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108207 (Sub-No. 341), filed February 3, 1972. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, TX. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Wichita, Kans., to Berkeley, 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 San Francisco, Calif., or Dallas, Tex.

No. MC 108297 (Sub-No. 22), filed February 1, 1972. Applicant: FOX TRANSPORT SYSTEM, 21 South Fifth Street, Philadelphia, PA 19106. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food preparations* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Kraftco Corp. at or near Allentown and Fogelsville, Pa., to points in Delaware, District of Columbia, Maryland, New Jersey, and New York. NOTE: Applicant states it will tack the proposed authority with present authority serving points in Connecticut, New Jersey, New York, and Pennsylvania, the physical operations to connect at the origin point of the proposed authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 108393 (Sub-No. 58), filed January 26, 1972. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and retail stores and in connection therewith *such equipment, materials, and supplies*, used in the conduct of such business, between Albany, Colonie, Schenectady, and Amsterdam, N.Y., on the one hand, and, on the other, points in Vermont (except Bennington County), under continuing contract or contracts with Sears, Roebuck & Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 339), filed February 9, 1972. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from terminal sites and loading facilities located on the ammonia pipeline of Gulf Central Pipeline Co. located at or near Algona and Iowa Falls, Iowa, to points in Iowa,

Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Missouri, and Illinois. NOTE: Applicant states joinder could be made with Subs 136, 193, 199, 206, 207, 257, 309, and 313 at Fort Madison, Iowa; Fremont, Nebr.; Fort Dodge, Iowa; Albany, Ind.; Pine Bend, Minn.; Bellevue, Iowa; Van Wert, Ohio; and Frankfort, Ind.; to provide through service to points in Indiana, Michigan, Ohio, West Virginia, Kentucky, and Kansas. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 108633 (Sub-No. 8), filed January 31, 1972. Applicant: BARNES FREIGHT LINE, INC., Post Office Box 369, Carrollton, GA 30117. 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, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading); (1) Serving the Tucker-Stone Mountain Industrial District (Park), Ga., as an off-route point to applicant's presently authorized regular-route operations to and from Atlanta, Ga.; and (2) serving plant Yellowdirt of the Georgia Power Co. located near Glenloch, Ga. (east of U.S. Highway 27) in Heard and Carroll Counties, Ga., being approximately 10 miles south of Carrollton, Ga., over unnumbered road, as an off-route point to applicant's presently authorized regular route operations to and from Carrollton, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108676 (Sub-No. 42), filed February 9, 1972. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage pumping stations;* (2) *equipment and parts* for sewage pumping stations; and (3) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacturing of sewage pumping stations, equipment, and parts, between the plantsite of Hydro Systems, Inc., located in Sumner County, Tenn., on the one hand, and, on the other, points in the United States (including Alaska but except Hawaii). Restriction: Restricted to traffic originating at or destined to the plantsite of Hydro Systems, Inc., located in Sumner County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110420 (Sub-No. 648), filed January 31, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics and latex*, in bulk, from Midland, Mich., to Rhinelander, Wis. 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 Milwaukee, Wis.

No. MC 111860 (Sub-No. 3), filed February 2, 1972. Applicant: WEST YEN EXPRESS CO., a corporation, 625 Grove Street, Elizabeth, NJ 07202. 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: *Frozen foods*, from points in the New York, N.Y., commercial zone as defined by the Commission, to points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, Sullivan, and Greene Counties, N.Y.; Fairfield County, Conn.; Bergen, Passaic, Hudson, Essex, Union, Morris, Middlesex, and Monmouth Counties, N.J.; restricted to shipments having a prior movement in interstate or foreign commerce and further restricted to shipments moving under contract with the Kitchens of Sara Lee. NOTE: Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 113651 (Sub-No. 152), filed November 19, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Tama, Iowa, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Michigan, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, South Carolina, Mississippi, Louisiana, and Washington, D.C. 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 did not specify a location.

No. MC 114273 (Sub-No. 114), filed January 30, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., 52406, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Items* dealt in by retail sales stores, between York, Pa., on the one hand, and, on the other, points in Texas, New Mexico, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 124), filed January 27, 1972. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Northbrook, Ill., to points in Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked to serve Montana on preserved foodstuffs. However, tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114486 (Sub-No. 25), filed February 1, 1972. Applicant: A. F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, TX 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products, and equipment, materials, and supplies* (except in bulk in tank vehicles) used in the installation thereof, from the plantsite of W. S. Dickey Clay Manufacturing Co. at Pittsburg, Kans., to points in Arizona, under contract with W. S. Dickey Clay Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Shreveport, La.

No. MC 115113 (Sub-No. 29), filed February 8, 1972. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate at a *common carrier*, by motor vehicle, over irreglar routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denison, Fort Dodge, Le Mars, and Mason City, Iowa; Dakota City and West Point, Nebr.; Luverne, Minn.; and Emporia, Kans.; to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors, Inc., at or near the named origins. 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 Sioux City, Iowa, or Omaha, Nebr.

No. MC 115826 (Sub-No. 237), filed January 26, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carnivorous-animal feed*, in packages, from points in California to points in Arizona, Colorado, Wyoming, New Mexico, Utah; and points in Cheyenne, Banner, Kimball, Scotts Bluff, Sioux, Morrill, Box Butte, and Dawes Counties, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 115841 (Sub-No. 425), filed February 1, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, 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) in vehicles equipped with mechanical refrigeration, from points in Kentucky, to points in States on and east of the Mississippi River, Wisconsin, North Dakota, South Dakota, Nebraska, Louisiana, Oklahoma, Texas, and Kansas. NOTE: Applicant states tacking is possible but not intended at this time; also applicant feels that any of those combinations that would be available would not be feasible to operate. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Memphis, Tenn., or Washington, D.C.

No. MC 115841 (Sub-No. 426), filed February 2, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, 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: *Candy and confectionery products* (except in bulk), and *advertising equipment, materials and supplies and advertising premiums;* (1) from Covington, Tenn., to points in Mississippi, Louisiana, Georgia, Alabama, Texas, Missouri, Kansas, Oregon, Kentucky, Indiana, Illinois, Florida, California, and Colorado; and (2) from Bloomfield, N.J., to Covington, Tenn. NOTE: Common control may be involved. 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 New York, N.Y.; Washington, D.C., or Nashville, Tenn.

No. MC 116073 (Sub-No. 218), 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 *buildings* in sections mounted on wheeled undercarriages, from points in Pickens County, Ala., 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 Birmingham, Ala.

No. MC 116073 (Sub-No. 221), filed February 2, 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 *buildings* complete or in sections; from points in Broward County, 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 Miami, Fla.

No. MC 116073 (Sub-No. 222), filed February 2, 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 *buildings* complete or in sections; from Bossier Parish, La., to points in the United States (including Alaska but 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 Shreveport, La.

No. MC 116073 (Sub-No. 224), filed February 4, 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 *buildings*, complete or in sections, from points in Lincoln County, Wis., 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 Madison, Wis.

No. MC 116142 (Sub-No. 18), filed February 8, 1972. Applicant: BEVERAGE TRANSPORTATION, INC., 1154 Lafayette Street, Post Office Box 423, York, PA 17403. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages, and related advertising materials*, from Winston-Salem, N.C., to points in Maryland, Pennsylvania, New Jersey, Delaware, and the District of Columbia; and *empty malt beverage containers*, on return. NOTE: Applicant states tacking would be possible at Baltimore, Md., to points in Pennsylvania, New Jersey, and New York, but this would be applicable only to New York since direct authority is sought to New Jersey and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 117799 (Sub-No. 28), filed February 1, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Room 205, Minneapolis, MN 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, and (2) *agricultural commodities and commodities* the transportation of which falls within the partial exemption of section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with commodities specified in (1) above, from Traverse City, Mich., to points in Arkansas, Colorado, Iowa, Illinois, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 117799 (Sub-No. 29), filed February 1, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed, inedible meat, poultry, and fish products;* and (2) *agricultural commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act when moving in mixed loads with (1) above (except commodities in bulk), between 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 St. Louis or Kansas City, Mo.

No. MC 118535 (Sub-No. 50), filed January 31, 1972. Applicant: JIM TIONA, JR., 803 West Ohio, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 208 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and fertilizer materials*, in bulk, from Atlas, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Nebraska, Oklahoma, and Texas; and (2) *feed and feed ingredients*, from points on the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that tacking possibilities exist with presently held authority, although not feasible. 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 Oklahoma City, Okla., or Memphis, Tenn.

No. MC 118776 (Sub-No. 15), filed February 8, 1972. Applicant: C. L. CONNORS, INC., 2700 Gardner Expressway, Quincy, IL 62301. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dump truck bodies and dump truck body hoists*, from Milwaukee, Wis., to Quincy, Ill. NOTE: Applicant holds contract carrier authority under MC 124459 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 118851 (Sub-No. 5), filed January 24, 1972. Applicant: KEY EXPRESS, INC., 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 points in New York on and west of U.S. Highway 11. 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 Buffalo, N.Y.

No. MC 119777 (Sub-No. 234), filed January 31, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Highway 85 East, Madisonville, KY 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Grant and Jefferson Counties, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 129670, therefore dual operations and common control may be involved. 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 Cincinnati, Ohio, or Louisville, Ky.

No. MC 119777 (Sub-No. 235), filed January 9, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Highway 85 East, Madisonville, KY 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood and moldings*, from the plantsites of, and the facilities utilized by, U.S. Plywood-Champion Papers, Inc., at Charleston and Orangeburg, S.C., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Virginia, West Virginia, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 129670, therefore dual operations and common control may be involved. 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 Cincinnati, Ohio, or Louisville, Ky.

No. MC 119777 (Sub-No. 236), filed February 11, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard, wallboard, insulation board, and paneling*, from the plantsite of The Permaneer Corp. in Calhoun County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract carrier authority under MC 129670, therefore dual operations and 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 St. Louis, Mo., or Washington, D.C.

No. MC 119789 (Sub-No. 112), filed January 31, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, appliances, materials, and supplies and parts thereof and incidental advertising material* when shipped therewith, from Racine, Wis., to points in Washington, Oregon, California, Arizona, Nevada, Idaho, and Utah, restricted against the transportation of any of the above-named commodities which by reason of size or weight require the use of special equipment. 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 Dallas, Tex., or St. Louis, Mo.

No. MC 119988 (Sub-No. 49), filed February 4, 1972. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 E, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Mert Starnes, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation pursuant to section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the plantsite and warehouse facilities of Allied Printers & Publishers at or near Tulsa, Okla., to points in Texas (except Dallas) and points in Kansas (except Kansas City and Wichita). NOTE: Applicant states it intends to tack at Texas with its Sub 26 to provide through service on the commodities sought in the instant application to points in the United States (except Los Angeles and San Francisco, Calif., St. Louis, Mo., Memphis, Tenn., points in Escambia and Santa Rosa Counties, Fla.; points in Carroll, Clayton, Cobb, De Kalb, Douglas, Fulton, and Haralson Counties, Ga.; and except points in Alabama, Alaska, Arkansas, Connecticut, Hawaii, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, West Virginia, and Wisconsin), and tack at Kansas to provide through service on the commodities sought in this application to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 121142 (Sub-No. 10), filed January 10, 1972. Applicant: J & G EXPRESS, INC., 489 Julienne, Post Office Box 2069, Jackson, MS 39205. Applicant's representative: John S. Murphey, Jr. (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, new furniture, household goods defined by the Commission, commodities in bulk and commodities requiring special equipment), between points in Mississippi located within an area bounded on the south by the Mississippi-Louisiana State line, on the east of U.S. Highway 51 and/or Interstate Highway 55, on the north by Mississippi Highway 8, and on the west by the Mississippi River, including points on the indicated portions of the highways specified. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Jackson, Miss., also along Mississippi Highway 8 allowing service to include that area between Mississippi Highway 8 and the Mississippi-Tennessee State line (except points in the Memphis commercial zone), and tacked with Mississippi Highway 7 for service. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123379 (Sub-No. 5), filed February 2, 1972. Applicant: BRUBAKER TRANSFER, INC., 103 North Major Street, Eureka, IL 61530. Applicant's representative: Samuel G. Harrod, 106 East Center Street, Eureka, IL 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New display cases and store fixtures*, from Metamora, Ill., to points in California, Idaho, Oregon, Washington, Utah, Maine, and Rhode Island, under contract with Metamora Woodworking Co., Metamora, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Peoria or Chicago, Ill.

No. MC 123407 (Sub-No. 100), filed February 2, 1972. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, wallboard, and paneling*, from points in Elkhart County, Ind., to points in Wisconsin, Illinois, Missouri, Indiana, Michigan, Ohio, Kentucky, Tennessee, Kansas, Iowa, Minnesota, New Jersey, Pennsylvania, North Carolina, and Arkansas. NOTE: Applicant states that tacking possibilities exist 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 Indianapolis, Ind., or Washington, D.C.

No. MC 123508 (Sub-No. 4), filed January 31, 1972. Applicant: M. AND W. CORPORATION, Post Office Box 86, Lowell, IN 46356. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon*, from Schneider, Ind., to points in Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 123681 (Sub-No. 22), filed January 31, 1972. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, Portland, OR 97203. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in bulk, in tank vehicles, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in Oregon, Idaho, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 124071 (Sub-No. 6), filed February 8, 1972. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, St. Cloud, MN 56301. Applicant's representative: James Neutzling (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Robel Beef Packers, Inc., at St. Cloud, Minn., and the storage facilities of Robel Beef Packers, Inc., at St. Paul, Minn., to points in Arkansas, Colorado, Kentucky, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, under contract with Robel Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 124813 (Sub-No. 91), filed January 27, 1972. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, feed ingredients, feed supplements, livestock medicines, disinfectants, insecticides, animal health products and livestock feeders*, from Cedar Rapids, Iowa, to points in Illinois, Indiana, Missouri, Ohio, and Wisconsin; and (2) *soybean meal*, from Washington, Iowa, to points in Illinois. NOTE: Applicant states tacking possibilities exist but no tacking is intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 118468 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 124947 (Sub-No. 14), filed February 9, 1972. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass Street, Post Office Box 2338, East Peoria, IL 61611. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Panguitch, Utah, and points in Arizona, to points in Wisconsin, Indiana, Illinois, Ohio, and Kentucky. 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 Phoenix, Ariz., or Albuquerque, N. Mex.

No. MC 124987 (Sub-No. 20), February 7, 1972. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, WI 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material and premiums* when shipped with malt beverages, and *empty containers* used in transporting malt beverages, on return, between La Crosse and Sheboygan, Wis., and points in Iowa (except Cedar Rapids), points in Dakota, Scott, Carver, Washington, Hennipen, Anoka, Ramsey, and Rice Counties, Minn., and Hibbing, Minn., under contract with G. Heileman Brewing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at La Crosse, Wis.

No. MC 125996 (Sub-No. 25), filed January 24, 1972. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Arnold Burke, 127 North Dearborn Street, Suite 1133, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food and pet supplies*, from the plantsites of Sternco Industries located at Harrison, Jersey City, and Bloomfield, N.J., to points in Colorado, Oklahoma, Utah, California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or New York, N.Y.

No. MC 125996 (Sub-No. 26), filed January 31, 1972. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. 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*, from points in Iowa, Kansas, Missouri, Nebraska, South Dakota, and Minnesota, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut,

New York, Pennsylvania, Maryland, Ohio, Indiana, and Michigan. 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 125996 (Sub-No. 27), filed February 7, 1972. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. 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*, from points in Iowa, Kansas, Missouri, Nebraska, South Dakota, and Minnesota, to points in Washington, Oregon, California, Arizona, New Mexico, Colorado, Utah, Nevada, Wyoming, Montana, and Idaho. 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 127215 (Sub-No. 57), filed February 2, 1972. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, IL 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lawrenceville, Ill., to points in Kentucky and West Virginia. NOTE: Common control may be involved. 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 Columbus, Ohio, or Washington, D.C.

No. MC 127418 (Sub-No. 5), filed January 27, 1972. Applicant: TROP-ARTIC REFRIGERATED SERVICE, INC., Post Office Box 1272, Gainesville, GA 30501. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, rugs, tufted textile products, and yarn*, from points in Bartow County, Ga., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Kansas, and Wyoming; and (2) *jute or burlap*, from Los Angeles, Oakland, San Diego, and San Francisco, Calif.; Portland, Oreg.; and Seattle, Wash.; to points in Bartow County, Ga. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 127524 (Sub-No. 10), filed February 1, 1972. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, NJ 07065. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Palmerton, Pa., to New York, N.Y., commercial zone as defined by the Commisson. NOTE: Applicant states 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 New York, N.Y.

No. MC 127651 (Sub-No. 10), filed February 1, 1972. Applicant: EVERETT G. ROEHL, INC., 201 West Upham Street, Marshfield, WI 54449. Applicant's representative: Nancy J. Johnson, 4507 Regent Street, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut dimension wood products*, from Owen, Wis., to Richmond, Ind., Williamsport, Pa., and points in Illinois, and *rejected and damaged shipments* 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 Madison or Milwaukee, Wis., or Minneapolis or St. Paul, Minn.

No. MC 128235 (Sub-No. 11), filed February 7, 1972. Applicant: ALVIN JOHNSON, 137 13th Avenue NE., Minneapolis, MN 55413. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, MN 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Minneapolis, Minn., to Marshfield, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 128273 (Sub-No. 124), filed January 24, 1972. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bedsprings, bedstead rails, cots and cot frames, unupholstered day beds, bed frames, springs and spring assemblies, metal sleeper fixtures, and materials* used in the manufacture of the foregoing commodities, from the plantsites and storage facilities of Leggett & Platt, Inc., at or near Carthage, Mo., to points in Nebraska, Texas, Minnesota, Iowa, Louisiana, and the States lying east of the Mississippi River. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 128543 (Sub-No. 7), filed January 31, 1972. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, fittings, rods, wire, and wire fencing*, from Houston, Tex., and points in its commercial zone, to points in Louisiana, Texas, Arkansas, Oklahoma, Tennessee, and New Mexico, under continuing contracts with Allied Tube & Conduit Corp. and its subsidiary, Coastal Wire Manufacturing Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129019 (Sub-No. 1), filed January 31, 1972. Applicant: STREET & NADEAU, INC., Mill Street, West Enfield, Maine 04493. Applicant's representative: Delmont Nadeau (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dressed and finished lumber*, from Lincoln, Maine, to points in Rhode Island and Connecticut, under contract with Haskell Lumber, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bangor or Augusta, Maine.

No. MC 129068 (Sub-No. 6), filed January 25, 1972. Applicant: BANNING TRANSPORTATION, INC., Post Office Box 15165, Oklahoma City, OK 73115. Applicant's representative: I. E. Chenoweth, 3010 South Braden, Tulsa, OK 74114. 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 Kay County, Okla., to points in Texas, Louisiana, Arkansas, Missouri, Kansas, Nebraska, Colorado, and New Mexico. 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, Oklahoma City, or Ponca City, Okla.

No. MC 129516 (Sub-No. 5), filed February 9, 1972. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from points in California to ports of entry on the international boundary line between the United States and Canada located in Idaho and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129631 (Sub-No. 27), filed January 31, 1972. Applicant: PACK TRANSPORT, INC., Post Office Box

17233, Salt Lake City, UT 84117. Applicant's representative: Gwyn D. Davidson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials* (other than cement), from points in Columbia, Washington, Yamhill, Multnomah, Clackamas, Marion, Hood River, Wasco, Union, Baker, and Wallowa Counties, Oreg., and Skamania and Klickitat Counties, Wash., to Baker, Oreg., to be tacked at Baker to applicant's presently held common carrier authority. NOTE: Applicant states that the purpose of this application is to convert its contract permit under MC 101741 to a common carrier authority, as ordered by the Commission, and will surrender permit MC 101741 for cancellation upon the granting of the applied for authority. If a hearing is deemed necessary applicant requests it be held at Salt Lake City, Utah, or Portland, Oreg.

No. MC 129857 (Sub-No. 2), filed January 21, 1972. Applicant: G. R. M., INC., 700 Henry Ford Avenue, Long Beach, CA 90810. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, from point of entry on the United States-Mexico international boundary at or near San Ysidro, Calif., to Long Beach, 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 Los Angeles, Calif.

No. MC 129886 (Sub-No. 7), filed February 2, 1972. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, PA 17023. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in vehicles equipped with mechanical refrigeration, and *frozen foods*, between the plantsite of Calvin E. Summers at Elizabethville, Pa., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Louisiana, Missouri, and Texas, under a continuing contract or contracts with Servomation Mathias, Inc., of Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 133270 (Sub-No. 4), filed January 26, 1972. Applicant: WESTERN MEAT TRANSPORT CO., INC., 8101 Northeast 14th Place, Portland, OR 97211. Applicant's representative: Levi J. Smith, 400 Oregon National Building, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dariy products and articles distributed by meat packinghouses; foodstuffs* requiring transport by mechanically refrigerated equipment; and *foodstuffs* when moving in mixed loads with any of the above, in vehicles equipped with mechanical refrigeration, between points in King, Pierce, Skagit, Whatcom, Snohomish, Thurston, Mason, Grays Harbor, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, Klickitat, Yakima, Kittitas, Chelan, Benton, Franklin, and Walla Walla Counties, Wash., on the one hand, and, on the other, points in Multnomah, Clackamas, Washington, Yamhill, Marion, Polk, Lincoln, Benton, Linn, Lane, Douglas, Josephine, Jackson, Coos, Curry, and Klamath Counties, Oreg. NOTE: Applicant states that it does not intend to again justify service covered under existing permanent authority, except as to the greater scope of commodities (foodstuffs requiring mechanical refrigeration) it seeks for existing geographical points and areas. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 134734 (Sub-No. 3), filed January 24, 1972. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 31, Norfolk, NE 68701. Applicant's representative: Lanny N. Fauss, Post Office Box 37096, Millard, NE 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products*, from Kenosha, Wis., and North Chicago, Ill., to points in Nebraska, Kansas, and Kansas City, Mo., under contract with Ocean Spray Cranberry, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 134734 (Sub-No. 4), filed January 28, 1972. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 31, Norfolk, NE 68701. Applicant's representative: Lanny N. Fauss, Post Office Box 37096, Millard, NE 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carier Certificates*, 61 M.C.C. 209 and 766, from Norfolk and Darr, Nebr., to points in Oklahoma, Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, and West Virginia, under contract with National Foods, Inc., Midwestern Beef and Platte Valley Packing Divisions. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 134922 (Sub-No. 24), filed January 31, 1972. Applicant: B. J. Mc ADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 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: *Playground apparatus and children's recreational equipment*, from Bossier City, La., to points in California, Arizona, Nevada, Utah, Colorado, Idaho, Montana, Washington, and Oregon. 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 Little Rock, Ark., or Shreveport, La.

No. MC 135153 (Sub-No. 17), filed February 7, 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 defined by the Commission, between Dodge City, Kans., on the one hand, and, on the other, points in Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, Florida, Georgia, North Carolina, South Carolina, West Virginia, Virginia, Wisconsin, Illinois, Indiana, Ohio, Michigan, Delaware, New Hampshire, Vermont, Maine and points in Oklahoma on and east of U.S. Highway 81. 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 135371 (Sub-No. 2), filed February 2, 1972. Applicant: PACIFIC INLAND TRANSPORT COMPANY, a corporation, 590½ East Sharp, Spokane, WA 99211. Applicant's representative: Edward T. Lyons, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between points in Spokane, Wash., points in that part of Idaho in and north of Idaho County, and points in that part of Montana on and west of U.S. Highway 93. 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 135461 (Sub-No. 2), filed February 10, 1972. Applicant: M B INTERSTATE, INC., 10 North Seneca Road, Post Office Box 2652, Eugene, OR 97402. Applicant's representative: Neil Monaghan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and subcomponents* for houses and apartment buildings, from points in Lane, Linn, Marion, Douglas, Josephine, and Jackson Counties, Oreg., to points in Nevada, California, and Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eugene or Portland, Oreg.

No. MC 135871 (Sub-No. 5), filed February 7, 1972. Applicant: H.G.M. TRANSPORT COMPANY, a corporation, 1079 West Side Avenue, Jersey City, NJ 07306. 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: *Such commodities* as are dealt in by department stores, and *supplies and equipment* used in the conduct of such business (except commodities in bulk), between New York, N.Y., and Jersey City, N.J., including the commercial zones of these points as described by the Interstate Commerce Commission, on the one hand, and, on the other, Warsaw and Huntington, Ind., Sturgis, Mich., Fort Madison and Muscatine, Iowa, under contract with F.B.C. Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held in New York, N.Y., or Newark, N.J.

No. MC 136043 (Sub-No. 2), filed February 3, 1972. Applicant: REYNOLDS BROTHERS LTD., 2445 St. Clair Avenue, West, Toronto, ON Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Haydite*, in bulk, from ports of entry on the international boundary line between the United States and Canada located on the Niagara River, to points in Erie and Niagara Counties, N.Y., under contract with Domtar Construction Materials, Ltd. NOTE: If a hearing is deemd necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136100 (Sub-No. 1) (Correction), filed December 3, 1971, published in the FEDERAL REGISTER issue of January 6, 1972, and republished as corrected this issue. Applicant: K & K TRANSPORTATION CORP., 4515 North 24 Street, Omaha, NE 68110. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Folding cartons and corrugated cases*, from Omaha, Nebr., to points in the United States, including Alaska and Hawaii, (b) *carton forming machinery* to and from Omaha, Nebr., to the aforesaid destinations and between the aforesaid destinations, and (c) *plastic film*, from Chicago, Ill., and Bridgeport, Conn., to Omaha, Nebr., under contract with Malnove Specialty Box Co., Omaha, Nebr. NOTE: Applicant states commodities destined for Nassau, Bahamas; Honolulu, Hawaii; and Pagopago, will be delivered to the port of embarkcation, and (2) *plastic film* (other than cellulose), *cotton twine, pressure-sensitive tape, poly bags, plastic trays, electrical tools, heat seal labels, pressure-sensitive labels, register and detail register tapes, marking pens, sawdust, gummed paper tapes, staples, aluminum trays, paper clips, cotton caps, plastic aprons, metal bag closures, moulding paper–rolls–sheets*, from Omaha, Nebr., to points in the United States including Alaska and Hawaii, and on return, *plastic film, wrapping aids, cutting tables, bag closures, caps, adding machine tapes, register and detail paper, twine, hamburger paper, waxfold, lettuce sheets, berry covers, platter paper, vexar netting, paper clips, zip netting, silicone spray, poultry pads and cellu lines, poly bags, cellophane tapes, masking tapes, filoment tapes, meat trays, staples, cellophane sheets and rolls, frozen potatoes and frozen vegetables*, from Los Angeles and Sanger, Calif., American Falls and Nampa, Idaho, Chicago, and Jacksonville, Ill., Fort Madison and Olewine, Iowa, Port Austin, Mich., St. Louis, Mo., Long Island City and New Rochelle, N.Y., Hoboken, N.J., Hickory and Patterson, N.C., Akron and Cleveland, Ohio, Milton-Freewater, Oreg., Downingtown and Marcus Hook, Pa., and Fredricksburg, Va., to Omaha, Nebr., under contract with Midwest Supply Co., a division of The Alger Corp. NOTE: The purpose of this republication is to correctly reflect the scope of the application by the addition of Item (2) which was inadvertently omitted from the original publication. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136144 (Sub-No. 1), filed February 8, 1972. Applicant: ACME TRANSFER AND STORAGE CO., INC., 52 Ninth Avenue NE., Minneapolis, MN 55413. Applicant's representative: Harry P. Strong, Jr., 701 North First Street, Minneapolis, MN 55401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, not cold-packed or frozen, having prior movement by rail or motor carrier, from Hunt-Wesson Foods, Inc. Distribution center of Shakopee, Minn., to points in the Minneapolis-St. Paul commercial zone, and Hastings, Stillwater, and Long Lake, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136196 (Sub-No. 3), filed January 21, 1972. Applicant: T. E. QUINN TRUCK LINES LIMITED, a corporation, 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, plantains, pineapples, coconuts, and agricultural commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from Wilmington, Del., to ports of entry in New York State on international boundary line between Canada and the United States. 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 Buffalo, N.Y.

No. MC 136261 (Sub-No. 1), filed January 26, 1972. Applicant: M. C. REGIONAL, INC., Menands Regional Market, Menands, N.Y. 12204. Applicant's representative: Howard C. Nolan, 41 State Street, Albany, NY 12201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pensylvania, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 136290, filed December 20, 1971. Applicant: LEE ALBERT BACHMAN, Rural Route 1, Jasper, Ind. 47546. Applicant's representative: Roger W. Brown, Box 325, Central Building, North Newton Street, Jasper, Ind. 47546. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Farm machinery, feed, seed, livestock, and related farm items*, from, to, or between the following points or described areas: From Ireland, Ind., to Jasper, Ind., over Indiana State Road 56; from Jasper, Ind., to Huntingburg, Ind., over U.S. Highway 231; from Huntingburg, Ind., to Louisville, Ky., over Indiana State Road 64 and Interstate Highway 64 when completed; from Ireland, Ind., to Petersburg, Ind., over Indiana State Road 56; from Petersburg, Ind., to Evansville, Ind., over Indiana State Road 57; from Evansville, Ind., to Vincennes, Ind., over U.S. Highway 41; from Vincennes, Ind., to Washington, Ind., over U.S. Highway 50; from Washington, Ind., to Worthington, Ind., over Indiana State Road 57; from Worthington, Ind., to Spencer, Ind., over U.S. Highway 231; from Spencer, Ind., to Indianapolis, Ind., over Indiana State Road 67; from Indianapolis, Ind., to Columbus, Ohio, over U.S. Interstate Highway 70 and U.S. Highway 40, and from Louisville, Ky., to Indianapolis, Ind., over Interstate Highway 65 and U.S. Highway 31. NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind.; alternate choices would be Louisville, Ky., or Indianapolis, Ind.

No. MC 136292 (Sub-No. 1), filed February 1, 1972. Applicant: B. J. O'BRIEN, 1602 Third Avenue North, Fort Dodge, IA 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients and limestone products*, (1) from Fort Dodge, Iowa, to points in Illinois on and north of U.S. Highway 36, points in Minnesota on and south of U.S. Highway 14, and points in Nebraska on and east of Nebraska Highway 14; and (2) from Quincy, Ill., to points in Iowa, under a continuing contract with Calcium Carbonate Co. of Quincy, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 136334 (Sub-No. 1), filed February 9, 1972. Applicant: KENDRICK MOVING AND STORAGE, INC., Post Office Box 209, Lebanon, OH 45036. Applicant's representative: James M. Burtch, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen equipment, materials, and supplies*, from the plant-site and warehouse facilities of Valley

Kitchens, Inc., located at Lebanon and Mason, Ohio, to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Illinois, Indiana, Wisconsin, Michigan, West Virginia, Virginia, Pennsylvania, New York, Connecticut, New Jersey, Maryland, Massachusetts, and the District of Columbia, and (2) *Kitchen cabinets*, from Louisville, Ky., to the plant and warehouse sites of Valley Kitchens, Inc., located at Lebanon and Mason, Ohio, under contract with Valley Kitchens, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136362, filed January 10, 1972. Applicant: BOB R. THRUSH, doing business as ARROW VAN LINES, 3325 North El Paso Street, Colorado Springs, CO 80907. Applicant's representative: Henry V. Ellwood, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Teller, Douglas, Denver, Adams, El Paso, Arapahoe, Jefferson, and Boulder Counties, Colo., restricted to the transportation of traffic having a prior or subsequent movement in containers and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136365 (Sub-No. 1), February 2, 1972. Applicant: MIXON MILLING COMPANY OF CAIRO, INC., Second Avenue SE., Cairo, GA 31728. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Cairo, Ga., to points in Florida and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 136370 (Sub-No. 2), filed February 2, 1972. Applicant: SHORE FRUIT, INC., 6 Eggers Street, East Brunswick, NJ 08816. 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: *Bananas, pineapples, and melons*, from the facilities of the United Fruit Co., at Albany, N.Y., and Baltimore, Md., to Hunts Point (Bronx), N.Y., under contract with Striks & Schwartz, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136400 (Sub-No. 1), filed February 9, 1972. Applicant: GRAIN TRANSPORT, INC., Post Office Box 4131, Port Wentworth, GA 31407. Applicant's representative: Robert E. Hicks, 310 Fulton Federal Building, Atlanta, Ga. 30303. 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, and Iowa, North Carolina, Florida, and Arkansas, under continuing contract or contracts with The Jim Dandy Co. of Birmingham, Ala. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 136404, filed February 1, 1972. Applicant: HENRY HOFFMAN, doing business as HOFFMAN PIPE AND STEEL, Highway 81 North, Chickasha, Okla. 73018. Applicant's representative: W. A. McWilliams, 522 Hightower Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, and iron and steel products*, from Houston and Eagle Pass, Tex., to points in Oklahoma and to Wichita, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 136412, filed February 2, 1972. Applicant: PORFIRIO A. MARTINEZ, 3300 Valley Haven NW., Albuquerque, NM 87107. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, NM 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Long Beach, Calif., to Albuquerque, N. Mex., (2) *Commodities* otherwise exempt under section 203(b)(6), Part II of the Interstate Commerce Act, as amended, when transported in mixed loads with bananas, from points in California, to Albuquerque, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

MOTOR CARRIERS OF PASSENGERS

No. MC 541 (Sub-No. 6), filed January 24, 1972. Applicant: THE NEW BRITAIN TRANSPORTATION COMPANY, a corporation, 257 Woodlawn Road, Berlin, CT 06037. Applicant's representative: L. C. Major, Jr., Suite 301, Tevern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, (1) from Berlin and Middletown, Conn., to Green Mountain Race Track in Pownal, Vt.; Lincoln Downs Race Track in Lincoln, R.I.; Narragansett Race Track at Pawtucket, R.I.; and Rockingham Race Track in Salem, N.H.; and return, and (2) from Bristol, Plainville, New Britain, Berlin, Meridian, and Middletown, Conn., to Misquamicut Beach, Avondale, R.I., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 110373 (Sub-No. 15), filed February 4, 1972. Applicant: NORTHEAST COACH LINES, Donald A. Robinson, Trustee, 419 Anderson Avenue, Fairview, NJ 07102. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Passengers and their baggage and newspapers and express* in the same vehicle with passengers, (1) Between Denville, N.J., and New York, N.Y.: From Denville, N.J., over Interstate Highway 80 to junction Interstate Highway 95 at the Teaneck, N.J., and Ridgefield Park, N.J., boundary line, thence over Interstate Highway 95 to Secaucus, N.J., Interstate Highway 95 being known as the New Jersey Turnpike between Ridgefield Park, N.J., and Secaucus, N.J., thence over Interstate Highway 95 exit road to junction Interstate Highway 495, in North Bergen, N.J., thence over Interstate Highway 495 to New York, N.Y., through the Lincoln Tunnel, and return over the same routes using Interstate Highway 95 (New Jersey Turnpike) access road in North Bergen, N.J., for operating convenience only, serving no intermediate points; and (2) Between Wayne Township, N.J. and New York, N.Y.: From the junction of New Jersey Highway 23 and Interstate Highway 80 in Wayne, N.J., over Interstate Highway 80 to junction Interstate Highway 95, at the Teaneck, N.J., and Ridgefield Park, N.J., boundary line, thence over Interstate Highway 95 to Secaucus, N.J., Interstate Highway 95 being known as the New Jersey Turnpike between Ridgefield Park, N.J., and Secaucus, N.J., thence over Interstate Highway 95 exit road to junction Interstate Highway 495 in North Bergen, N.J., thence over Interstate Highway 495 to New York, N.Y., and return over the same routes using Interstate Highway 95 (New Jersey Turnpike) access road in North Bergen, N.J., for operating convenience only, serving no intermediate points. NOTE: Applicant states it has existing authority in MC 110373 (Sub-No. 9) to operate over Interstate Highway 80 to Denville, N.J., in connection with an existing route between Sparta and Wayne, N.J., serving no intermediate points. Applicant requests that such existing restriction be amended to permit joinder of the proposed route to applicant's existing route in MC 110373 (Sub-No. 9) for purposes of joinder only. It further states it proposes to join the above-described proposed route to all of its existing routes in MC 110373 and sub numbers thereunder in order to provide service between all points on its existing routes in New Jersey and New York, N.Y. via such existing routes and the propsed routes. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 136383, filed February 3, 1972. Applicant: RECREATIONAL TRANSPORTATION FOR THE AGED, INC., 510 Flatbush Avenue, Brooklyn, NY 11225. Applicant's representative: Albert J. Millus, 120 Liberty Street, New York, NY 10006. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between New York City, N.Y., and points in New York, New Jersey, Connecticut, and Pennsylvania. NOTE: Applicant states it is transporting aged persons, both nonambulatory (passengers in wheel chairs) and ambulatory, from nursing homes and health related facilities for the aged. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130165, filed February 4, 1972. Applicant: MOLLIE J. BEARDSLEY, doing business as A–1 TOURS, 65 Northeast 27th Street, Miami, FL. For a license (BMC–5) to engage in operations as a *broker* at points in Dade, Broward, and Palm Beach Counties, Fla., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, as individual and groups, in charter operations, beginning and ending at points in Florida, and extending to points in the United States (including Alaska and Hawaii).

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 112627 (Sub-No. 14), filed January 17, 1972. Applicant: OWENS BROS., INC., Post Office Box 247, Dansville, NY 14437. 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: (a) *Advertising matter* related to, and when moving in mixed shipments with, wine or grape juice from Hammondsport, N.Y., to Charleston, W. Va., Detroit, Mich., New York, N.Y., Richmond, Va., St. Louis, Mo., and points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia; (b) *wine and grape juice*, in containers, from Hammondsport, N.Y., to St. Louis, Mo.; (c) *wine*, in containers, from Hammondsport, N.Y., to points in Indiana and Illinois (except Chicago, Ill.); (d) *wine*, in containers, from Hammandsport, N.Y., to Charleston, W. Va., and points in Wisconsin; (e) *grape juice*, in containers from Hammondsport, N.Y., to points in Wisconsin; (f) *wine and grape juice*, in containers, from Hammandsport, N.Y., to New York, N.Y., Detroit, Mich., and points in Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, and the District of Columbia; and *empty wine and grape juice containers*, from the above specified destination points to Hammondsport, N.Y.; and (g) *wine, grape juice*, from Hammondsport, N.Y., to Richmond, Va., and Chicago, Ill.; and *damaged and defective shipments* of the commodities described immediately above, from Richmond, Va., and Chicago, Ill., to Hammondsport, N.Y. NOTE: Applicant states the purpose of the instant application is for the elimination of a gateway in its present scope of authority. Applicant further states that the requested authority cannot be tacked with its existing authority.

By the Commission.

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

[FR Doc.72–3083 Filed 3–1–72;8:45 am]

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THURSDAY, MARCH 2, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 42

PART II

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

■

National Environmental Policy Act of 1969 and National Historic Preservation Act of 1966

Implementation

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

[1030.1A]

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Implementation

Implementation of the National Environmental Policy Act of 1969 (Public Law 91–190) and related regulations from the Executive Office of the President.

1. *Purpose.* The National Environmental Policy Act of 1969 (NEPA) establishes national policy, goals, and procedures for protecting and enhancing the environment. This statute governs all Federal departments and agencies, and requires positive orientation of all existing administrative discretion to support the new mandate. It requires that an explicit analysis of the environmental consequences of proposed "major Federal actions" shall be made and publicly commented upon prior to agency decision, and that this detailed environmental statement shall accompany the proposal for action through the existing agency review and decision processes. This environmental statement is to include an analysis of the physical, social, and aesthetic dimensions of the environmental impact of the proposed action, and is to include systematic efforts to avoid or lessen adverse environmental consequences by means of modified approaches or alternatives. It is the purpose of this instruction to establish orderly environmental clearance processes within the Law Enforcement Assistance Administration (LEAA) and to provide guidance in the preparation and utilization of environmental statements and comments.

2. *Cancellation.* This cancels LEAA Instruction 1030.1 dated October 21, 1971. Subject: Implementation of the National Environmental Policy Act of 1969 (Public Law 91–190) and related regulations from the Executive Office of the President.

3. *Scope.* This instruction applies to all "Federal actions" as defined in paragraph 4. Assistant Administrators are responsible for assuring that all covered actions are made in compliance with the National Environmental Policy Act of 1969 and for establishing procedures consistent with the requirements of this instruction.

4. *Authority.* a. The National Environmental Policy Act of 1969 establishes a broad national policy to promote efforts to improve the relationship between man and his environment and provides for the creation of a Council on Environmental Quality (CEQ) to oversee implementation of the policy. NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

b. Section 102(2)(c) of the National Environmental Policy Act of 1969 requires that all agencies of the Federal Government include in every major Federal action significantly affecting the quality of the human environment a detailed statement on the environmental impact of such action.

c. Guidelines from the President's Council on Environmental Quality (CEQ), dated April 23, 1971, 36 F.R. 7727, set forth procedures which must be followed by Federal agencies in implementing NEPA.

d. Office of Management and Budget Circular A–95 details the requirements for State and local review of environmental statements required by section 102(2)(c) of NEPA.

e. Executive Order 11514, dated March 4, 1970, orders all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.

f. Section 309 of the Clean Air Act provides for the Administrator of the Environmental Protection Agency to review and comment on matters relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department of agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(c) of Public Law 91–190 applies, and (3) proposed regulations published by any department or agency of the Federal Government.

g. Section 106 of the Historic Preservation Act requires that prior to approval of Federal activities, departments shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register, and give the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

h. Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, Public Law 90–351, Public Law 90–644, authorizes LEAA to establish such rules, regulations, and procedures as are necessary to the exercise of its functions and are consistent with the stated purpose of the Act.

5. Definitions. As used hereafter in this instruction the following terms shall have the meaning set forth:

a. "The Act" means title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

b. "Federal actions" includes the entire range of activity undertaken by LEAA, including:

(1) LEAA grants made under sections 202, 306(a)(1), 306(b)(2), 402, 406, 407, 408, 455(a)(1), 455(b)(2), and 515 of the Act.

(2) Direct LEAA Federal programs, projects, and administrative actions such as:

(a) Rule making and regulations.

(b) Contracts.

(c) Research, development, and demonstration projects.

(d) Legislative proposals.

c. "Major." Any Federal action significantly affecting the environment is deemed to be major. This will include overall involvement in the promotion and planning, as well as the cumulative impact of the proposed Federal action.

d. "Significantly affecting the environment." The following are nonexhaustive examples of significant effects a project may have on the environment. A Federal action is considered to significantly affect the environment when it would:

(1) Lead to a noticeable change in the ambient noise level for a substantial number of people.

(2) Divide or disrupt an established community as to its historic, cultural or natural aspects, including places of unique interest or scenic beauty.

(3) Have a significant aesthetic or visual effect.

(4) Destroy or derogate from important recreational areas.

(5) Substantially alter the pattern or behavior of a nonhuman species.

(6) Interfere with important breeding, nesting or feeding grounds.

(7) Lead to a significant increase in air or water pollution in a given area.

(8) Disturb the ecological balance of a land or water area.

(9) Involve a reasonable possibility of contamination of public water supply source, treatment facility, or distribution system.

6. *Policy*—a. *General.* It is the policy of LEAA to implement NEPA and related Executive Branch guidance documents on the environment as fully as statutory authority and available resources permit, and to orient LEAA's administrative discretion under the Act toward the broad national goal of preserving and enhancing the environment.

b. *Analysis of environmental consequences prior to decisions.* It is the further policy of LEAA to give full consideration to environmental impacts in its decisions. Accordingly, environmental statements shall be prepared on all major Federal actions significantly affecting the environment in accordance with the provisions of NEPA and guidelines developed by the CEQ and the Office of Management and Budget (OMB). Draft environmental statements shall be circulated for comment to Federal agencies as required by CEQ guidelines and to State and local agencies as required by OMB Circular No. A–95 Revised. Final environmental statements shall be completed prior to LEAA commitment or decision, and shall accompany the proposed action through LEAA review and decision processes.

A draft environmental statement comes into being when it is first compiled by LEAA and sent to CEQ and made available for Federal, State, local and public review or when legislative reports are sent by LEAA to OMB for executive agency review and clearance. A preliminary environmental analysis

leading to the development of a draft environmental statement does not constitute a draft statement and shall not be so labeled. After modification and expansion of a draft statement, based on full consideration of comments by reviewing agencies, a final environmental statement comes into being when it is approved by LEAA and sent to CEQ and made available to the public.

LEAA decisions and actions shall reflect these environmental statements and public comments in improved actions which lessen or avoid adverse environmental consequences wherever feasible and appropriate.

c. *Actions on which environmental statements are required.* (1) The construction, renovation, or modification of facilities.

(2) The implementation of programs involving the use of herbicides and pesticides.

(3) Other major Federal actions determined by the Assistant Administrators to possibly have a significant effect on the quality of the environment.

7. *Preparation and processing of environmental statement for grants and other Federal actions*—a. *Environmental statements and negative declarations.* (1) Any application for a grant or other Federal action to which this instruction applies will include an environmental analysis of the proposed action (in accordance with paragraph 7(a)(2) which will be utilized by LEAA in the preparation of a draft environmental statement as required by section 102(2)(c) of NEPA. Where the proposed action will not have a significant impact on the environment, a negative declaration is to be submitted. Before accepting a negative declaration, LEAA officials shall review the grant application and apply the guidelines set forth above to verify that an environmental statement is not necessary.

(2) When a comprehensive statewide plan is filed with the Administration prior to the selection of specific projects so that the environmental impact of individual projects cannot be analyzed, such a plan will be approved subject to final determination of the environmental impact of individual projects as they are selected and developed. An environmental analysis of any such project must be forwarded to the Administration for review and approval in accordance with this instruction prior to any commitment of funds to the project.

(3) This instruction shall apply to applications for continuation funding of programs or projects begun before the effective dates of the instruction. Accordingly, any such application for continuation funding shall include an environmental analysis of the program or project, including a discussion of economically and technically feasible modifications in the program or project that will minimize adverse environmental consequences.

b. *Form and content of environmental analysis.* Each environmental analysis will, at a minimum, contain sections corresponding to the following subparagraphs, appropriately headed:

(1) A description of the proposed action and its purpose.

(2) The probable impact of the proposed action on the environment.

(3) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.

(4) Alternatives to the proposed action. (Section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternatives uses of available resources." Alternative actions that might avoid some or all of the adverse environmental effects or increase beneficial effects should be set forth and analyzed.)

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(7) If there is no feasible and prudent alternative, description of all planning to be taken to minimize any unavoidable adverse environmental effects.

(8) Where appropriate, a discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

c. *Regional and local review.* Grant applications and environmental analyses statements must be submitted to State, regional, and local clearinghouses for review and comment as required by OMB Circular No. A–95.

d. *Draft environmental statements.* Upon receipt of the environmental analysis, the Administration will prepare a draft environmental statement. Draft statements shall be prepared at the earliest practical point in time. They shall be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto may be a significant part of the decisionmaking process of the Administration.

e. *Publication in Federal Register.* Where no public hearing has been held on other proposed actions and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the FEDERAL REGISTER (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the FEDERAL REGISTER may specify that comments of the relevant State and local agencies must be submitted within a specified period of time from the date of publication of the notice, but not less than 30 days.

f. *Comments of Federal agencies.* After, or simultaneously with, obtaining State and local review, the Administration shall circulate the draft environmental statement for comment by all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved, and to the Council on Environmental Quality. A list of Federal agencies and their areas of expertise is attached as Appendix 1. A time period for comment of not less than 30 or 45 days if the project has impacts within Environmental Protection Agency's jurisdiction, may be specified. Where comments of other Federal agencies have been obtained by the applicant, comments need not be solicited again from the same agencies unless there are pertinent and significant changes in the project proposal.

g. *Utilization of comments.* Comments received under subparagraphs e and f shall accompany the draft environmental statement through the program or project review process.

h. *Final statements.* Draft statements shall be revised, as appropriate, to reflect comments received or other considerations before being put into final form for approval of the Administrator. Environmental statements will be documents complete enough to stand on their own. Each draft and final environmental statement will be accompanied by a summary sheet.

i. *Availability of statements.* The Administration is responsible for transmitting 10 copies of each statement to the CEQ, which transmittal shall be deemed transmittal to the President. The Administration is also responsible for making draft and final statements and comments available to the public as provided for in CEQ Guidelines section 10 (b) and (e).

8. *LEAA administrative action.* No administrative action concerning a discretionary grant and no final approval of a proposed action in a comprehensive statewide plan is to be taken sooner than 90 days after the availability of the draft statement and 30 days after the availability of the final statement (these periods may run concurrently). Where there are overriding considerations of increased cost or emergency circumstances, the responsible official shall consult with the CEQ about alternative arrangements.

JERRIS LEONARD,
Administrator.

Concur:

RICHARD W. VELDE,
Associate Administrator.

CLARENCE M. COSTER,
Associate Administrator.

APPENDIX 1—FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and Archeological Sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Measurement.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PSYCHOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination of Food Products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (demineralization of liquid wastes).

Shellfish Sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Air Quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transpertation—
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

Marine Pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.

WILDLIFE

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert Garvey, Executive Director, Suite 618, 801 19th Street NW., Washington, DC 20006, 343–8607.

DEPARTMENT OF AGRICULTURE

Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 388–7803.

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, Alternate Federal Co-chairman, 1666 Connecticut Avenue NW., Washington, DC 20235, 967–4103.

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Col. J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 693–7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973–5391.

For regulatory matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973–7531.

DEPARTMENT OF COMMERCE

Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967–4335.

DEPARTMENT OF DEFENSE

Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, DC 20301, 697–2111.

DELAWARE RIVER BASIN COMMISSION

W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, NJ 08603, 609–883–9500.

ENVIRONMENTAL PROTECTION AGENCY

Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, DC 20460, 632–7719.

FEDERAL POWER COMMISSION

Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 386–6084.

GENERAL SERVICES ADMINISTRATION

Rod Kreger, Deputy Administrator, General Services Administration–AD, Washington, D.C. 20405, 343–6077.

Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration–ADF, 343–4161.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963–4254.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [1]

Charles Orlebeke, Deputy Under Secretary, 451 Seventh Street SW., Washington, DC 20410, 755–6960.

Alternate contact: George Wright, Office of the Deputy Under Secretary, 755–8192.

DEPARTMENT OF THE INTERIOR

Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343–6181.

NATIONAL CAPITAL PLANNING COMMISSION

Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382–1163.

OFFICE OF ECONOMIC OPPORTUNITY

Frank Carlucci, Director, 1200 19th Street, NW., Washington, DC 20506, 254–6000.

SUSQUEHANNA RIVER BASIN COMMISSION

Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, PA. 17120, 717–787–2315.

TENNESSEE VALLEY AUTHORITY

Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, TN 37401, 615–755–2002.

[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

James J. Barry, Regional Administrator I, Attention: Environmental Clearance Officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617–223–4066.

S. William Green, Regional Administrator II, Attention: Environmental Clearance Officer, 26 Federal Plaza, New York, NY 10007, 212–264–8068.

Warren P. Phelan, Regional Administrator III, Attention: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, PA 19106, 215–597–2560.

Edward H. Baxter, Regional Administrator IV, Attention: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404–526–5585.

George Vavoulis, Regional Administrator V, Attention: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312–353–5680.

Richard L. Morgan, Regional Administrator VI, Attention: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Forth Worth, TX 76102, 817–334–2867.

Harry T. Morley, Jr., Regional Administrator VII, Attention: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816–374–2661.

Robert C. Rosenheim, Regional Administrator VIII, Attention: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303–837–4061.

Robert H. Baida, Regional Administrator IX, Attention: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415–556–4752.

Oscar P. Pederson, Regional Administrator X, Attention: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206–583–5415.

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426–4563.

DEPARTMENT OF TREASURY

Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964–2797.

DEPARTMENT OF STATE

Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632–7964.

[FR Doc.72–3204 Filed 3–3–72;8:45 am]

[1030.2]

NATIONAL HISTORIC PRESERVATION ACT OF 1966

Implementation

Implementation of the National Historic Preservation Act of 1966 (Public Law 89–665) and related regulations from the Executive Office of the President.

1. *Purpose.* The National Historic Preservation Act of 1966, Public Law 89–655, established national policy goals and procedures for protecting and preserving national historic sites. The purpose of this instruction is to provide a procedure for evaluation of the effects of LEAA funded programs upon properties listed on the National Register of Historic Places.

2. *Scope.* This instruction applies to all LEAA programs, including grants and contracts entered into under sections 202, 306(a)(1), 306(a)(2), 402, 406, 407, 408, 455(a)(1), 455(a)(2), and 515 of the Omnibus Crime Control and Safe Streets Act of 1968. Assistant Administrators are responsible for assuring that all covered actions are made in compliance with the National Historic Preservation Act and for establishing procedures consistent with the requirements of this instruction.

3. *Authority.* a. The National Historic Preservation Act of 1966, Public Law 89–655:

(1) Section 101 of the National Historic Preservation Act authorizes the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures, and objects of significant American history, architecture, archeology, and culture and to grant funds to States for preparing a statewide historic survey and plans for the preservation, acquisition, and development of such properties.

(2) Section 106 of the National Historic Preservation Act provides that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally-assisted undertaking in any State shall, prior to the approval of the expenditure of any Federal funds on the undertaking, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency is required to afford the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act a reasonable opportunity to comment with regard to such undertaking.

b. Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, Public Law 90–351, Public Law 91–644, authorizes LEAA to establish such rules, regulations and procedures as are necessary to the exercise of its functions and are consistent with the stated purposes of the Act.

4. Definitions. a. "The Act." Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, Public Law 90–351, Public Law 91–644, 42 U.S.C. 3701, et seq.

b. "National Register of Historic Places." A listing of districts, sites, structures or other properties that meet the criteria for designation as a National Historic Landmark. The National Register is maintained by the Office of Archeology and Historic Preservation of the National Park Service. It is published in the FEDERAL REGISTER and is updated periodically.

c. "Block grant programs." Programs funded out of annual block grants to the States under sections 202, 306(a)(1), and 455(a)(1) of the Act.

d. "Nonblock grant programs." All LEAA programs which are not funded under sections 202, 306(a)(1) and 455(a)(1) of the Act.

e. "State Liaison Officer." Official designated by the Governor of a State to carry out the State's activities under the National Historical Preservation Act. He is the State's Liaison to the Advisory Council on Historic Preservation.

f. "Advisory Council on Historic Preservation." An advisory body established under Title II of the National Historic Preservation Act to designate properties for inclusion on the National Register of Historic Places and to comment on Federal and federally assisted undertakings which have an effect on properties listed on the National Register.

5. *Policy.*—a. *General.* It is the policy of LEAA to implement Public Law 89–665 and related Executive Branch guidance documents on historic preservation as fully as statutory authority and available resources permit, and to orient LEAA's administrative discretion under the Act toward the broad national goal of historic preservation.

b. *Determination of effect on listed historic sites prior to decisions.* It is the further policy of LEAA to give full consideration to any effect upon a listed historic site that would result from the implementation of an LEAA-funded project. In the case of the large majority of LEAA grant applications and proposed contracts it is anticipated that there will be little or no effect on listed sites.

6. *Criteria for determination of effect under the National Historic Preservation Act.* The Advisory Council on Historic Preservation has determined that a federally financed undertaking shall be considered to have an effect on a National Register listing when any condition of the undertaking creates a change in the quality of the historical, architectural, archeological, or cultural character that qualified the property

under the National Register Criteria for listing on the National Register. Generally, an adverse effect occurs under conditions which include but are not limited to the following:

a. Destruction or alteration of all or part of the property;

b. Isolation from or alteration of its surrounding environment;

c. Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting.

7. *Action.*—a. *Nonblock grants for the construction, purchase, lease or alteration of facilities.* (1) Where site selection is determined prior to award of grant or contract, at the earliest feasible stage of consideration of the application the LEAA regional office in conjunction with the grantee (when appropriate) shall:

(a) Consult the National Register of Historic Places to determine whether a National Register listing is involved in the undertaking. The regional officer or grantee can satisfy this requirement by obtaining a certification from the State Liaison Officer as to whether a National Register listing is involved.

(b) If a National Register listing is involved, apply the "Criteria for Determination of Effect" as stated in paragraph 6 above. If there is no effect, the undertaking may proceed.

(c) If there is an effect, the regional office, in consultation with the State Liaison Officer and a representative of the Office of Archeology and Historic Preservation, shall:

(i) Determine whether the effect is adverse, using the guidelines stated in paragraph 6 above. If the effect is not adverse, the undertaking may proceed;

(ii) Upon finding an adverse effect, select and agree upon prudent an feasible alternatives to remove the adverse effect, in which case the undertaking may proceed;

(iii) Failing to find and agree upon an alternative, recommend all possible planning to minimize the adverse effect and delay further processing of the undertaking pending the receipt of comments from the Advisory Council on Historic Preservation.

(iv) Provide written notice affording the Advisory Council on Historic Preservation an opportunity to comment upon doubtful or unresolved situations of adverse effect, and, upon request, submit to the Advisory Council a detailed report of the undertaking.

(2) Where site selection is undetermined prior to the award of the grant or contract, or there is an alteration of a previously approved grant as to site location, the regional office shall require the grantee to give notice of the site involved prior to initiation of construction or renovation of the facility or prior to purchase or lease of the facility. Upon receipt of this notice, the regional office, in conjunction with the grantee, shall initiate the steps outlined in paragraph 7(a)(1).

b. *Other nonblock grant projects.* It is anticipated that few if any other nonblock grant projects will have an effect as contemplated by paragraph 7(a)(1)(b). Accordingly, regional offices need only obtain a writen certification from the grantee or contractor that the project will not have such an effect.

c. *Block grant projects involving construction, renovation, purchasing or leasing of facilities.* State planning agencies shall follow the procedures outlined above in paragraphs 7(a) and 7(b) in awarding grants and funding projects for construction, renovation, leasing and purchasing of facilities. If a project is determined to have an effect on a property listed in the National Register, the State planning agency, in consultation with the State Liaison Officer and a representative of the Office of Archeology and Historic Preservation, shall:

(1) Determine if the effect is adverse using the guidelines stated in paragraph 6 above; if not, the undertaking may proceed;

(2) Upon finding an adverse effect, select and agree upon prudent and feasible alternative to remove the adverse effect, in which case the undertaking may proceed;

(3) Failing to find and agree upon an alternative, recommend all possible planning to minimize the adverse effect and delay further processing of the undertaking pending the receipt of approval from LEAA.

(4) Provide written notice to LEAA sufficient to enable LEAA to afford the Advisory Council on Historic Preservation an opportunity to comment upon doubtful or unresolved situations of adverse effects; and, upon request, submit to LEAA a detailed report of the undertaking.

JERRIS LEONARD,
Administrator.

Concur:

RICHARD W. VELDE,
Associate Administrator.

CLARENCE M. COSTER,
Associate Administrator.

APPENDIX 1—STATE LIAISON OFFICERS

The following officials have been designated by their Governors to act as State Liaison Officers responsible for State activities under the National Historic Preservation Act:

ALABAMA

Chairman, Alabama Historical Commission, State Department of Archives and History, 624 Washington Avenue, Montgomery, AL 36104.

ALASKA

Chief, Parks and Recreation, Department of Natural Resources, Division of Lands, 344 Sixth Avenue, Anchorage, AK 99501.

ARIZONA

Director, State Parks Board, Phoenix, Ariz. 85021.

ARKANSAS

Director, Arkansas Planning Commission, Little Rock, Ark. 72201.

CALIFORNIA

Director, Department of Parks and Recreation, State Resources Agency, Post Office Box 2390, Sacramento, CA 95811.

COLORADO

President, State Historical Society, Colorado State Museum, East 14th Avenue and Sherman Street, Denver, CO 80203.

CONNECTICUT

Chairman, Connecticut Historical Commission, 78 Elm Street, Hartford, CN 06115.

DELAWARE

State Archivist, Archives Building, Dover, Del. 19901.

FLORIDA

Executive Director, Florida Board of Archives and History, 401 East Gaines Street, Tallahassee, FL 32304.

GEORGIA

Executive Secretary, Georgia Historical Commission, 116 Mitchell Street SW., Atlanta, GA 30303.

HAWAII

Director, Department of Land and Natural Resources, State of Hawaii, Honolulu, Hawaii 96813.

IDAHO

Director, Idaho Historical Society, 610 North Julia Drive, Boise, ID 83706.

ILLINOIS

Director, Department of Conservation, State Office Building, Springfield, Ill. 62706.

INDIANA

Director, Department of Natural Resources, State of Indiana, Indianapolis, Ind. 42604.

IOWA

Superintendent, State Historical Society of Iowa, Centennial Building, Iowa City, Iowa 52242.

KANSAS

Executive Secretary, Kansas State Historical Society, 120 West 10th, Topeka KS 66612.

KENTUCKY

Coordinator of State and Federal Activities, Office of the Governor, Frankfort, Ky. 40601.

LOUISIANA

Chairman, Louisiana Historical Preservation and Cultural Commission, Post Office Box 44222, Capitol Station, Baton Rouge, LA 70802.

MAINE

Director, State Park and Recreation Commission, State Office Building, Augusta, Maine 04330.

MARYLAND

Director, Maryland Historical Trust, Box 1704, Annapolis, MD 21401.

MASSACHUSETTS

Secretary of the Commonwealth, Chairman, Massachusetts Historical Commission, Boston, Mass. 02133.

MICHIGAN

Director, Department of Conservation, Stevens T. Mason Building, Lansing, Mich. 48926.

MINNESOTA

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Commissioner, Department of Resources and Economic Development, Concord, N.H. 03301.

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COMMONWEALTH OF PUERTO RICO

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Director of Land Management, Government of Guam, Agana, Guam.

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Planning Director, Virgin Islands Planning Board, Charlotte Amalie, St. Thomas, V.I.

SAMOA

Office of the Governor, Pago Pago, American Samoa.

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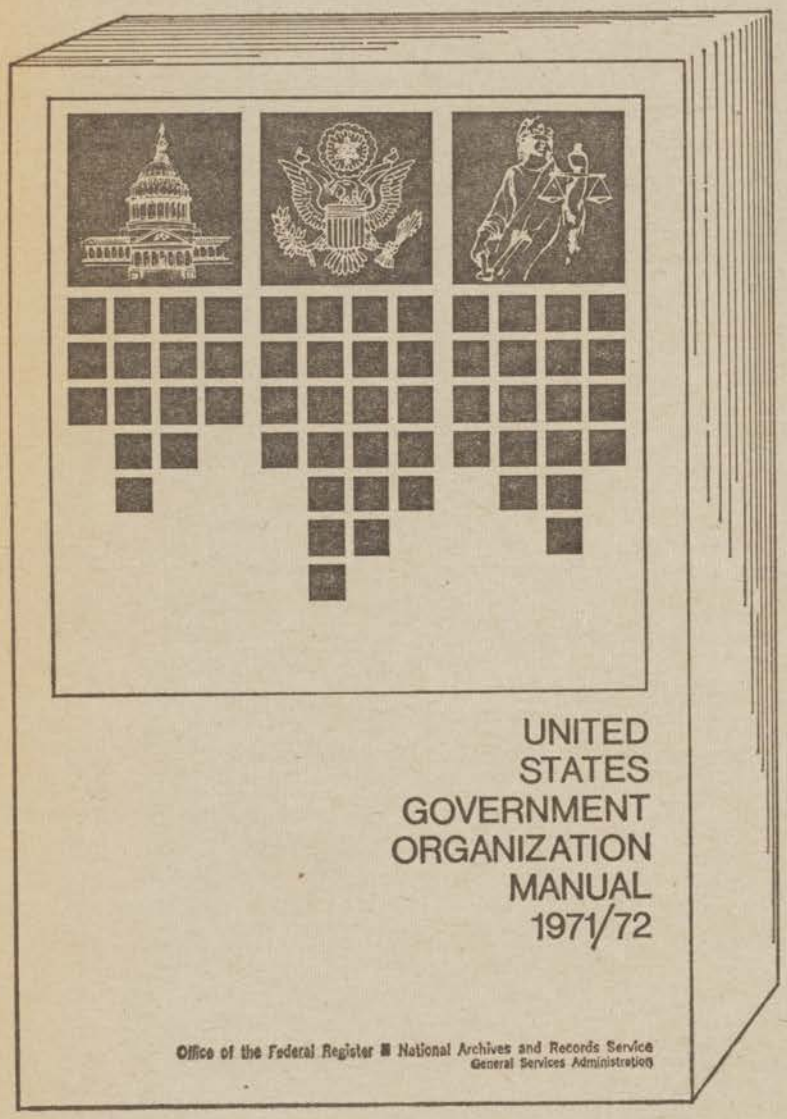

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