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# federal register

THURSDAY, MARCH 9, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 47
Pages 4997–5106




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**Order from Superintendent of Documents, U.S. Government Printing Office**
**Washington, D.C. 20402**

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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PROCLAMATION 4113

# National Farm Safety Week, 1972

*By the President of the United States of America*

## A Proclamation

The Nation's unparalleled technological advances have given farmers and ranchers the ability to produce far more, with far less drudgery and uncertainty, than their forbears. This technology, combined with the skill and energy of our farmers and ranchers, has made possible a plentiful supply of high quality agricultural products, thus enabling us to make great strides in the battle against hunger.

Unfortunately, however, the implements of modern technology have also increased the risk of accidents to our farmers and ranchers. Each year thousands are injured or lose their lives in agricultural accidents or in mishaps on public roads, in homes, or in recreational activities. The dollar cost of these accidents exceeds $2 billion annually, but the price in terms of pain and anguish and disruption of family life is immeasurable.

This drain on the human and economic resources of the agricultural community and the Nation can be reduced if our rural people, acting individually and in concert, take a decisive stand for safety. Many accidents can be prevented by eliminating hazards and using protective equipment at work, by defensive driving, and by general safe practices at home and during recreation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 25, 1972, as National Farm Safety Week. I urge all persons engaged in agriculture and all those allied with agriculture to take appropriate measures to reduce the number and severity of accidents. Let us strive to bring the technology of safety to agriculture as successfully as we have brought to it the technology of production.

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

Richard Nixon

[FR Doc.72-3705 Filed 3-8-72; 8:51 am]

# Rules and Regulations

## 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 Private Secretary to the Principal Deputy Assistant Secretary (Manpower and Reserve Affairs) is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (3–9–72), subparagraph (45) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 **Department of Defense.**

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

(45) One Private Secretary to the Principal Deputy Assistant Secretary (Manpower and Reserve Affairs).

* * * * *

(5 U.S.C. sections 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.72–3618 Filed 3–8–72;8:55 am]

### PART 213—EXCEPTED SERVICE

#### Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Assistant Secretary for Tourism is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (3–9–72), subparagraph (4) is added to paragraph (l) of § 213.3314 as set out below.

§ 213.3314 **Department of Commerce.**

* * * * *

(l) *U.S. Travel Service.* * * *

(4) One Confidential Assistant to the Assistant Secretary for Tourism.

* * * * *

(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.72–3617 Filed 3–8–72;8:55 am]

### PART 213—EXCEPTED SERVICE

#### Occupational Safety and Health Review Commission

Section 213.3344 is amended to show that the following two positions are excepted under Schedule C: One Confidential Assistant to each of two Members of the Commission.

Effective on publication in the FEDERAL REGISTER (3–9–72), paragraph (c) is added to § 213.3344 as set out below.

§ 213.3344 **Occupational Safety and Health Review Commission.**

* * * * *

(c) One Confidential Assistant to each of two Members of the Commission.

(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.72–3619 Filed 3–8–72;8:55 am]

### PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

#### Open Season

By virtue of the authority vested in the United States Civil Service Commission by 5 U.S.C. section 8913, the health benefits regulations are hereby amended to provide for a health benefits open season for employees from March 15 through April 14, 1972, and for annuitants from April 1 through April 30, 1972. The effective date of all open season enrollments or changes in enrollments will be the first day of the first pay period which begins after April 14, 1972.

These amendments to the health benefits regulations are made necessary by amendments to Title 6, Chapter III, Code of Federal Regulations pertaining to price and rent stabilization. These amendments require the application of Price Commission guidelines to 1972 enrollment charges which has now been accomplished.

In accordance with existing health benefits regulations, an open season was held during the period November 15, 1971, through January 31, 1972, for employees, and through February 29, 1972, for annuitants. The effective date for all open season enrollments or changes in enrollments was the first day of the first pay period in 1972; however, with the exception of the Government-wide service benefit plan, the effective date of 1972 changes in enrollment charges was postponed. The effective date for the postponed 1972 changes in enrollment charges will be the first day of the first pay period which begins after April 14, 1972. This date is the same as that for new open season enrollments and changes in enrollments provided for by these amendments.

Since it is urgent that the following amendments be in effect on March 15, 1972, the Civil Service Commission has for good cause found that the urgency of publication and the need to prevent any disruption that would harm all concerned makes notice and public procedure impractical and contrary to the public interest.

Accordingly, effective March 15, 1972, the health benefits regulations are amended as set out below.

1. Section 890.203(c) is amended to read as follows:

§ 890.203 **Application for approval of, and proposal of amendments to, health benefits plans.**

* * * * *

(c) (1) Except as provided in subparagraphs (2) and (3) of this paragraph, enrollment charges for 1972 are (i) at the 1971 rates for a plan participating in both 1971 and 1972, (ii) at the 1971 rates of the predecessor plan having the largest 1971 enrollment for a new plan which is a successor to two or more 1971 plans, and (iii) at rates negotiated by the Commission for a new plan not described in subdivision (ii) of this subparagraph.

(2) The 1972 enrollment charges for the high-option Government-wide service benefit plan are effective the first day of the first pay period which begins in 1972.

(3) The 1972 enrollment charges for plans other than the Government-wide service benefit plan are effective on the first day of the first pay period after April 14, 1972.

(4) Subject to § 890.501, the Government contribution for all plans is determined by using the high-option enrollment charges established under subparagraphs (1) and (2) of this paragraph beginning on the first day of the first pay period in 1972, and under subparagraphs (2) and (3) of this paragraph beginning on the first day of the first pay period after April 14, 1972.

(5) Notwithstanding § 890.503(c) (2), (3), and (4), the Commission pays to the carrier of each plan from its contingency reserve, to the extent there is a balance in that reserve, an amount equal to the difference between the amount paid the carrier for 1972 at 1971 enrollment charge rates and the amount which would have been paid at the 1972 enrollment charge rates. This difference is paid as soon as the amount thereof is ascertained.

(6) This paragraph (c) is repealed effective January 1, 1973.

2. Section 890.301(d) is amended to read as follows:

§ 890.301 **Opportunities to register to enroll and change enrollment.**

* * * * *

(d) *Open season.* During the period March 15, 1972, through April 14, 1972, and the period November 15 through November 30 of each year thereafter beginning with 1972, an employee who is

not registered to be enrolled may register to be enrolled, and an enrolled employee may change his enrollment from one plan or option to another, or from self only to self and family, or both. An enrolled annuitant may change his enrollment from one plan or option to another, or from self only to self and family, or both during the period April 1 through April 30, 1972, and the period November 15 through November 30 of each year thereafter beginning with 1972.

* * * * *

3. Section 890.306(c) is amended to read as follows:

**§ 890.306 Effective dates.**

* * * * *

(c) (1) The effective date of a change in enrollment under § 890.301(d) is the first day of the first pay period which begins in January of the next following year, except that a change in enrollment for the open season for employees ending April 14, 1972, and for annuitants ending April 30, 1972, is effective on the first day of the first pay period which begins after April 14, 1972.

(2) The effective date of a new enrollment under section 890.301(d) is the first day of the first pay period which begins in the next following year and which follows a pay period during any part of which the employee is in pay status, except that the effective date of a new enrollment for the open season ending April 14, 1972, is the first day of the first pay period which begins after April 14, 1972, and which follows a pay period during any part of which the employee is in pay status.

* * * * *

(5 U.S.C. Section 8913)

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

[FR Doc.72-3441 Filed 3-8-72;8:53 am]

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# Title 7—AGRICULTURE

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

[Navel Orange Reg. 259]

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

### Limitation of Handling

**§ 907.559 Navel Orange Regulation 259.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 7, 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 10, 1972, through March 16, 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 8, 1972.

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

[FR Doc.72-3723 Filed 3-8-72;11:33 am]

[Valencia Orange Reg. 379]

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

### Limitation of Handling

**§ 908.679 Valencia Orange Regulation 379.**

(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 was held on March 7, 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 10, 1972, through March 16, 1972, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 80,682 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 8, 1972.

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

[FR Doc.72-3724 Filed 3-8-72;11:33 am]

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## PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

### Redistricting and Reapportionment

Notice of rule making regarding the proposed redistricting and reapportionment to be effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER February 8, 1972 (37 F.R. 2844). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 20 days following publication in the FEDERAL REGISTER.

Data, views, and arguments were filed by two interested parties, both opposed to the proposal.

*Statement of consideration.* The order provides in § 945.23 that upon recommendation of the committee, the Secretary may reestablish districts within the production area and may reapportion committee membership among the various districts.

The Idaho-Eastern Oregon Potato Committee consists of eight members representing three districts. The proposed redistricting would divide District No. 1, which now encompasses the counties in the eastern third of Idaho approximately in half on an east-west line. The northern half would become new District No. 1 and the southern half would become new District No. 2. New District No. 3 would be comprised of counties in existing Districts No. 2 and No. 3. The committee recommended that the representation on the new committee be three producers and one handler from District No. 1, one producer and one handler from District No. 2, and one producer and one handler from District No. 3.

Fresh potato shipments in the production area have shifted from the western part of Idaho and Malheur County, Oreg., to the eastern part of Idaho during the past 11 years. During the 1959 crop year, proposed District No. 1 made 33.9 percent of the fresh potato shipments. By the 1970 crop year, proposed District No. 1 had 63.7 percent of the fresh shipments. Proposed District No. 3, which includes the western part of Idaho and Malheur County, Oreg., had 41.4 percent of the fresh shipments during the 1959 crop year and then declined to 14.7 percent of the fresh shipments by the 1970 crop year. Proposed District No. 2 declined slightly from 24.7 percent of fresh shipments during 1959 to 21.6 percent of fresh shipments during 1970. Most of the production in the western part of Idaho and Malheur County, Oreg., is now contracted for processing, and the potatoes so utilized are exempt from marketing order regulations.

In recommending redistricting and reapportionment the committee indicated that such a change would result in economies for producers by promoting more efficient administration of the program and provide for greater equity of representation on the committee.

Those who filed comments in opposition to the proposed redistricting and reapportionment claim that the interests of western and southwestern Idaho and Malheur County, Oreg., will not be adequately represented on the committee as proposed. It is contended that inasmuch as western Idaho and Malheur County, Oreg., potatoes are marketed early and are not stored as is the case in the eastern part of Idaho, there should be representation on the committee which would give consideration to the marketing needs of the early potato shipments. It was also contended that there could be a switch in this area to selling most potatoes to the fresh market as in the past.

A reversal of the trend in utilization cannot be foreseen, but if such occurs it might be desirable to consider at that time the composition of the committee as to representation. However, under current conditions, the proposed representation appears to be reasonably in proportion to production. As stated above, this area will be represented on the committee as new District No. 3, and will have one producer member and one handler member, or a total of two votes in all committee deliberations. In addition, the full committee is charged with the responsibility of representing the interests of all producers in the production area and takes into account special problems associated with a particular part of the area.

After consideration of all relevant matters presented including the comments filed and the proposals set forth in the aforesaid notice, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that this proposal will tend to effectuate the declared policy of the act.

It is hereby found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the committee recommended that the redistricting and reapportionment of committee membership be in effect to permit nominations for the coming fiscal year beginning on June 1, 1972; (2) it has been widely publicized that the new committee nominations will be held shortly; (3) this will provide more equitable committee representation and should be placed in effect as soon as possible; (4) notice of the proposed rule making was given on February 8, 1972, by publication in the FEDERAL REGISTER (37 F.R. 2844); and (5) no useful purpose would be served by postponing such effective date.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice it is hereby found and determined that:

**§ 945.130 Reestablishment of districts and reapportionment of committee membership.**

(a) Pursuant to § 945.23: (1) The following new districts are established;

(i) District No. 1, the counties of Bonneville, Butte, Clark, Freemont, Jefferson, Madison, and Teton;

(ii) District No. 2, the counties of Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneide, and Power; and

(iii) District No. 3, Malheur County, Oreg., and the remaining designated counties in Idaho included in the production area, and not included in District No. 1 or District No. 2.

(2) The membership of the Idaho-Eastern Oregon Potato Committee shall be apportioned among the districts of the production area so as to provide the following representation;

(i) Three producer members and one handler member from District No. 1;

(ii) One producer member and one handler member from District No. 2; and

(iii) One producer member and one handler member from District No. 3.

The respective alternates shall be selected on the same basis of representation as the members.

(b) The new districts are hereby established in the current fiscal year only for the purpose of making nominations of committee members for the coming fiscal year. The new districts are to be established as operating entities beginning on June 1, 1972.

(c) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

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

Dated: March 6, 1972.

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

[FR Doc.72-3628 Filed 3-8-72;8:55 am]

## Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

## PART 1207—POTATO RESEARCH AND PROMOTION

### Potato Research and Promotion Plan

On January 5, 1972, there was published in the FEDERAL REGISTER (37 F.R. 81), a proposed Potato Research and Promotion Plan which was annexed to and made a part of the decision and referendum order of the Secretary of Agriculture. The referendum was conducted among potato producers during the period February 1–10, 1972, to determine whether the requisite number of eligible producers voting in the referendum favor the issuance of said Potato Research and Promotion Plan.

The results of the referendum show that potato producers favored such issuance by the requisite majority both by number of producers voting as well as by the volume of production voted in the referendum. Therefore, it is hereby ordered that the aforesaid Potato Research and Promotion Plan shall become effective. All of the findings, conclusions, and terms and conditions of the aforesaid decision shall be, and the same hereby are, the findings, conclusions, and terms and conditions of this order as if set forth in full herein.

The aforesaid findings and conclusions are hereby supplemented by the additional findings and determinations set forth in § 1207.300 (b) and (c) of this subpart.

Subpart—Potato Research and Promotion Plan

DEFINITIONS


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RESEARCH AND PROMOTION


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1207.362 Suspension or termination.
1207.363 Proceedings after termination.
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1207.365 Personal liability
1207.366 Separability.


AUTHORITY: The provisions of this subpart issued under Title III of Public Law 91–670, 91st Congress, approved January 11, 1971, 84 Stat. 2041.

**§ 1207.300 Findings and determinations.**

(a) *Findings on the basis of the hearing record.* Pursuant to the Potato Research and Promotion Act (Title III of Public Law 91–670, 91st Congress, approved January 11, 1971, 84 Stat. 2041) and the applicable rules of practice and procedure governing proceedings to formulate a plan (7 CFR Part 1207; 36 F.R. 3194), a public hearing was held at Denver, Colo., June 22 and 23, at San Francisco, Calif., June 29, and at Washington, D.C., on July 7, 1971. On the basis of the evidence presented at the hearing and the record thereof it is found that:

(1) The Potato Research and Promotion Plan, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; and

(2) All handling of potatoes as defined in the said plan, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in potatoes and potato products.

(b) *Additional findings.* It is hereby found that good cause exists for making this plan effective upon publication in the FEDERAL REGISTER so that the National Potato Promotion Board, the administrative agency provided for in the plan, may be nominated and selected, and start to function as soon as possible. In order for the Board to be ready to start the collection of assessments, it will be necessary to issue rules and regulations to govern the collection system, including the designation of handlers responsible for collecting assessments. These proceedings and actions are expected to take at least 3 months; and no such collections will be required prior thereto.

The provisions of the plan are well known to potato producers and handlers by reason of the three sessions of the public hearing and other procedures previously conducted with respect to the plan, and by publication in the FEDERAL REGISTER of the notice of hearing on May 8, 1971 (36 F.R. 8588), the recommended decision on November 20, 1971 (36 F.R. 22168), and the final decision on January 5, 1972 (37 F.R. 81). All known potato producers of 5 or more acres of Irish potatoes, eligible to vote in the referendum were each mailed a ballot and a summary of the provisions of the plan. Also, copies of the entire plan were available to producers and other interested parties on request. Compliance with the provisions of this plan will not require advance preparation by persons subject thereto which cannot be completed prior to the effective date of regulations to be issued thereunder, and no useful purpose would be served by postponing the effective date of the plan beyond the date of its publication in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that the issuance of this plan is approved or favored by at least two-thirds of the potato producers who participated in a referendum held during the period February 1–10, 1972, and who, during the determined representative period (January 1 through December 31, 1971, otherwise known as the 1971 crop year) produced at least two-thirds of the potatoes grown by those voting in said referendum.

*It is therefore ordered:*

DEFINITIONS

**§ 1207.301 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States, or any any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

**§ 1207.302 Act.**

"Act" means the Potato Research and Promotion Act (title III of Public Law 91–670, 91st Congress, approved January 11, 1971, 84 Stat. 2041).

**§ 1207.303 Plan.**

"Plan" means this potato research and promotion plan issued by the Secretary pursuant to the act.

**§ 1207.304 Person.**

"Person" means any individual, partnership, corporation, association, or other entity.

**§ 1207.305 Producer.**

"Producer" means any person engaged in the growing of 5 or more acres of potatoes who owns or shares the ownership and risk of loss of such potato crop.

**§ 1207.306 Potatoes.**

"Potatoes" means any or all varieties of Irish potatoes grown by producers in the 48 continguous States of the United States.

**§ 1207.307 Handle.**

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place potatoes or cause potatoes to be placed in the current of commerce. Such term shall not include the transportation or delivery of field-run potatoes by the producer thereof to a handler for grading, storage, or processing.

**§ 1207.308 Handler.**

"Handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes, including a producer who handles potatoes of his own production.

**§ 1207.309 Board.**

"Board" means the National Potato Promotion Board, hereinafter established pursuant to § 1207.320.

§ 1207.310 Fiscal period and marketing year.

"Fiscal period" and "marketing year" mean the 12-month period from July 1 through June 30 of the following year or such other period which may be approved by the Secretary.

§ 1207.311 Programs and projects.

"Programs" and "projects" mean those research, development, advertising or promotion programs or projects developed by the Board pursuant to § 1207.335.

NATIONAL POTATO PROMOTION BOARD

§ 1207.320 Establishment and membership.

(a) There is hereby established a National Potato Promotion Board, hereinafter called the "Board," composed of producers selected by the Secretary from nominations submitted by producers in the various States or groups of States pursuant to § 1207.322.

(b) Membership on the Board shall be determined on the basis of the potato production set forth in the latest Crop Production Annual Summary Report issued by the Crop Reporting Board, U.S. Department of Agriculture. Each of the 48 contiguous States' membership shall be initially determined on the basis of one member for each 5 million hundredweight of production, or major fraction thereof, produced within such State. Each State initially shall be entitled to at least one member on the Board. The basis for determining the membership of future boards shall be determined by the Secretary upon recommendation of the Board.

(c) Any State in which the potato producers fail to respond to an officially called nomination meeting may be combined with an adjacent State for the purpose of representation on the Board, in which case the Board member selected by the Secretary will represent both States but his voting power under § 1207.325 shall not be increased.

(d) The Secretary, upon recommendation of the Board, may establish, through rule making procedure, districts or groups of States in order to change the representation requirements for membership on the Board. In such event the voting power of members under § 1207.325 would be based upon the total production within the new district or group of States.

§ 1207.321 Term of office.

(a) The term of office of Board members shall be 3 years, beginning July 1, or such other beginning date as may be approved pursuant to regulations.

(b) The terms of office of the Board's initial members shall be so determined that approximately one-third of the terms will expire each year, i.e., the terms of approximately one-third will be for 1 year, one-third for 2 years and one-third for 3 years.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member shall serve for more than two full successive terms.

§ 1207.322 Nominations and selection.

The Secretary shall select the members of the Board from nominations which may be made in the following manner.

(a) A meeting or meetings of producers shall be held in each State to nominate members for the Board. For nominations to the initial Board the meetings shall be announced by the U.S. Department of Agriculture. The Department may call upon other organizations to assist in conducting the meetings such as State and national organizations of potato producers. Such nomination meetings shall be held not later than 60 days after the issuance of this subpart. Any organization designated to hold such nomination meetings shall give adequate notice of such meetings to the potato producers affected; also to the Secretary so that a representative of the Secretary, if available, may conduct such meetings or act as secretary of such nomination meetings.

(b) After the establishment of the initial Board, the nominations for subsequent Board members shall be made by producers at meetings in the producing sections or States. The Board shall hold such meetings, or cause them to be held, in accordance with rules established pursuant to recommendation of the Board.

(c) Only producers may participate in designating nominees. Each producer is entitled to one vote only on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives for each position for which nominations are being held. If a producer is engaged in producing potatoes in more than one State, he shall elect the State in which he shall vote. In no event shall he vote in nominations in more than one meeting.

§ 1207.323 Acceptance.

Each person selected by the Secretary as a member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1207.324 Vacancies.

To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1207.322. In the event of failure to provide nominees for such vacancies, the Secretary may select other eligible persons.

§ 1207.325 Procedure.

(a) Each State (or district or group of States established pursuant to § 1207.320 (d)) which has a member on the Board shall be entitled to not less than one vote for any production up to 1 million hundredweight, plus one additional vote for each additional 1 million hundredweight of production, or major fraction thereof, as determined by the latest crop production annual summary report issued by the Crop Reporting Board, U.S. Department of Agriculture. The casting of the votes for each State shall be determined by the members of the Board from that State.

(b) A majority of the Board members shall constitute a quorum and any action of the Board shall require a majority of concurring votes of those present and voting. At assembled meetings all votes shall be cast in person or by duly authorized proxy.

(c) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon a majority of concurring votes of its members cast by mail, telegraph, or telephone. Any vote cast by telephone shall be confirmed promptly in writing.

§ 1207.326 Compensation and reimbursement.

Members of the Board shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as members of the Board.

§ 1207.327 Powers.

The Board shall have the following powers subject to § 1207.361:

(a) To administer the provisions of this plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this plan;

(c) To receive, investigate, and report to the Secretary complaints of violations of this plan; and

(d) To recommend to the Secretary amendments to this plan.

§ 1207.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet and organize and to select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of Board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish advisory committees of persons other than Board members;

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) At the beginning of each fiscal period, to prepare and submit to the Secretary for his approval a budget on a fiscal period basis of the anticipated expenses in the administration of this plan including the probable costs of all programs or projects and to recommend a rate of assessment with respect thereto;

(d) To develop programs and projects and to enter into contracts or agreements for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this plan;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and handlers;

(g) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(h) To act as intermediary between the Secretary and any producer or handler; and

(i) To furnish the Secretary such information as he may request.

RESEARCH AND PROMOTION

**§ 1207.335 Research and promotion.**

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for the advertising and promotion of potatoes and potato products: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products;

(b) Establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient; *Provided,* That quality control, grade standards and supply management programs shall not be conducted under, or as a part of, this plan; and

(c) The development and expansion of potato and potato product sales in foreign markets.

(d) No advertising or promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products.

EXPENSES AND ASSESSMENTS

**§ 1207.341 Budget and expenses.**

(a) At the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this plan, including probable costs of research, development, advertising, and promotion. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1207.344.

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the Board as are approved pursuant to § 1207.361.

**§ 1207.342 Assessments.**

(a) The funds to cover the Board's expenses shall be acquired by the levying of assessments upon handlers as designated in regulations issued by the Board. Such assessments shall be levied at a rate fixed by the Secretary which shall not exceed 1 cent per hundredweight of potatoes handled and not more than one assessment may be collected on any potatoes.

(b) Each designated handler, as specified in regulations, shall pay assessments to the Board on all potatoes handled by him, including potatoes he produced. Assessments shall be paid to the Board at such time and in such manner as the Board shall direct pursuant to regulations issued hereunder. The designated handler may collect the assessments from the producer, or deduct such assessments from the proceeds paid to the producer on whose potatoes the assessments are made, provided he furnishes the producer with evidence of such payment.

(c) The Board may authorize other organizations to collect assessments in its behalf.

(d) The Board may exempt potatoes used for nonfood purposes, other than seed, from the provisions of this plan and shall establish adequate safeguards against improper use of such exemptions.

**§ 1207.343 Producer refunds.**

Any producer who has paid an assessment under this plan and who is not in favor of supporting the research and promotion program as provided for in this plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that he paid the assessment for which refund is sought. Any such demand shall be made personally by such producer on a form which he shall sign and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer at least 90 days from the date of collection to submit the refund request form to the Board. Any such refund shall be made within 60 days after demand therefor. No handler shall be eligible for a refund except on potatoes produced by him.

**§ 1207.344 Operating reserve.**

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided,* That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this part.

REPORTS, BOOKS, AND RECORDS

**§ 1207.350 Reports.**

Each designated handler shall maintain a record with respect to each producer for whom he handled potatoes and for potatoes handled which he himself producer. He shall report to the Board at such times and in such manner as it may prescribe by regulations such information as may be necessary for the Board to perform its duties under this part. Such reports may include, but shall not be limited to, the following:

(a) Total quantity of potatoes handled for each producer and for himself, including those which are exempt under the plan;

(b) Total quantity of potatoes handled for each producer and for himself subject to the plan and assessments, and

(c) Name and address of each person from whom he collected an assessment, the amount collected from each person, and the date such collection was made.

**§ 1207.351 Books and records.**

Each handler subject to this part shall maintain and make available for inspection by authorized employees of the Board and the Secretary, but not to persons not subject to the provisions of section 310(c) of the act, such books and records as are appropriate and necessary to carry out the provisions of this plan and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be maintained for at least 2 years beyond the marketing year of their applicability.

**§ 1207.352 Confidential treatment.**

All information obtained from such books, records, or reports shall be kept confidential by all employees of the Department of Agriculture and of the Board, and by all contractors and agents retained by the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving this plan. Nothing in this section shall be deemed to prohibit (a) the issuance of general statements based upon the reports of a number of handlers subject to this plan, which statements do not identify the information furnished by any person, or (b) the publication by direction of the Secretary, of the name of any person violating this plan, together with a statement of the particular provisions of this plan violated by such person.

MISCELLANEOUS

**§ 1207.360 Influencing governmental action.**

No funds collected by the Board under this plan shall in any matter be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

§ 1207.361 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1207.362 Suspension or termination.

(a) The Secretary shall, whenever he finds that this plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the potato producers to determine whether potato producers favor the termination or suspension of this plan. He shall suspend or terminate such plan at the end of the marketing year whenever he determines that its suspension or termination is favored by a majority of the potato producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of potatoes and who produced more than 50 percent of the volume of the potatoes produced by the producers voting in the referendum.

§ 1207.363 Proceedings after termination.

(a) Upon the termination of this plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in the possession or under control of the Board including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to this plan; (3) account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board of the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustee.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1207.364 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this plan or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this plan or any regulation issued thereunder, or (b) release or extinguish any violation of this plan or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1207.365 Personal liability.

No member of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgments, mistakes, or other acts, either of commission or omission, as such member except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1207.366 Separability.

If any provision of this plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this plan or applicability thereof to other persons or circumstances shall not be affected thereby.

Dated March 2, 1972, to become effective upon publication in the FEDERAL REGISTER (3–9–72).

RICHARD E. LYNG,
*Assistant Secretary.*

[FR Doc.72–3467 Filed 3–8–72;8:48 am]

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter III—Economic Development Administration, Department of Commerce

## PART 301—ESTABLISHMENT AND ORGANIZATION

### Regional Offices; Location

Part 301, Subpart C of Chapter III, Title 13 of the Code of Federal Regulations (31 F.R. 16670; 32 F.R. 10836) is revised to reflect the organizational changes in location and title of area offices.

Section 301.31 is revised to read as follows:

§ 301.31 Economic Development Regional Offices: Location.

(a) *Atlantic.* 320 Walnut Street, Philadelphia, Pa. 19106. Serving Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.

(b) *Midwestern.* 1025 Civic Towers Building, 32 West Randolph Street, Chicago, IL 60601. Serving Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

(c) *Western.* 415 First Avenue, North, Seattle, WA 98109. Serving Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

(d) *Southwestern.* 702 Colorado Street, Austin, TX 78701. Serving Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(e) *Rocky Mountain.* Suite 505 Title Building, 909 17th Street, Denver, CO 80202. Serving Colorado, Kansas, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. The Rocky Mountain Regional Office will also have jurisdiction over Indian tribes in New Mexico (excluding Mescalero) and Arizona as well as the Fort Mojave and Fort Yuma reservations which are located in both Arizona and California.

(f) *Southeastern.* Suite 555, 1401 Peachtree Street, Northeast, Atlanta, GA 30309. Serving Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Effective date of publication (3–9–72).

ROBERT A. PODESTA,
*Assistant Secretary for Economic Development.*

MARCH 2, 1972.

[FR Doc.72–3542 Filed 3–8–72;8:48 am]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

### SUBCHAPTER E—AIR SPACE

[Airspace Docket No. 71–GL–28]

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

### Designation of Transition Area

On page 24123 of the FEDERAL REGISTER dated December 21, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fairfield, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 27, 1972.

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

Issued in Des Plaines, Ill., on February, 17, 1972.

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

FAIRFIELD, ILL.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Fairfield Airport (latitude 38°23'00" N., longitude 88°25'00" W.) and within 3 miles either side of the 179° bearing from the Fairfield Airport extending from the 5½-mile radius to 8 miles south of the airport.

[FR Doc.72-3539 Filed 3-8-72;8:48 am]

[Airspace Docket No. 71-RM-30]

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

### Alteration of Transition Area; Correction

On February 17, 1972 F.R. Doc. 72-2403 was published in the FEDERAL REGISTER (37 F.R. 3509) adopting an amendment to Part 71 of the Federal Aviation Regulations that altered the transition area at Pierre, S. Dak.

Subsequent to the publication of this document, it was determined that a previous amendment to the Pierre, S. Dak., transition area had not been incorporated in the new Pierre, S. Dak., transition area description. Action is taken herein to correct this error.

Since this correction is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date as originally adopted may be retained.

In consideration of the foregoing, F.R. Doc. 72-2403 (37 F.R. 3509) is amended as hereinafter set forth.

In § 71.181 (37 F.R. 2143) the description of the Pierre, S. Dak., transition area is amended to read as follows:

PIERRE, S. DAK.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 5 miles each side of the Pierre VORTAC 087° radial extending from the 8½-mile radius area to 7 miles east of the VORTAC; and within 5 miles each side of the Pierre VORTAC 265° radial extending from the 8½-mile radius area to 18½ miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Pierre VORTAC.

(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 Aurora, Colo., on February 29, 1972.

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

[FR Doc.72-3541 Filed 3-8-72;8:48 am]

[Airspace Docket No. 71-GL-27]

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

### Alteration of Transition Area

On pages 24122 and 24123 of the FEDERAL REGISTER dated December 21, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Terre Haute, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 27, 1972.

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

Issued in Des Plaines, Ill., on February 17, 1972.

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

TERRE HAUTE, IND.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (latitude 39°27'07" N., longitude 87°18'25" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest of the VORTAC; within a 5-mile radius of the Sky King Airport (latitude 39°32'56" N., longitude 87°22'38" W.).

[FR Doc.72-3538 Filed 3-8-72;8:47 am]

[Airspace Docket No. 71-GL-30]

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

### Alteration of Transition Area

On pages 24123 and 24124 of the FEDERAL REGISTER dated December 21, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Wisconsin Rapids, Wis.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment. No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 27, 1972.

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

Issued in Des Plaines, Ill., on February 17, 1972.

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

WISCONSIN RAPIDS, WIS.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field, Southwood County Airport (latitude 44°21'31" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field, Southwood County Airport, extending from the 6½-mile-radius area to 8 miles south of the airport and within 3 miles each side of the 125° bearing from Alexander Field, Southwood County Airport, extending from the 6½-mile radius to 8 miles southeast of the airport and within 4 miles each side of the Stevens Point VORTAC 230 radial extending from the 6½-mile radius to 13 miles northeast of the airport excluding the portion that overlies the Stevens Point, Wis., transition area; and that airspace extending upward from 1,200 feet above the surface bounded by V246, V177W, and a 30-mile radius of Volk Field, Camp Douglas, Wis. (latitude 43°56'25" N., longitude 90°15'20" W.).

[FR Doc.72-3540 Filed 3-8-72;8:48 am]

[Airspace Docket No. 71-WA-8A]

## PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

### Designation of Area High Routes

*Correction*

In F.R. Doc. 72-1484 appearing on page 2500 in the issue for Wednesday, February 2, 1972, the two references to "Booneville, Utah" under the heading "J937R Gateway Maple, Calif., to Chicago, Ill." should read "Bonneville, Utah".

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11771, Amdt. 95-217]

## PART 95—IFR ALTITUDES

### Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions

thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective March 30, 1972, as follows:

1. By amending Subpart C as follows:

Section 95.303 *Red Federal Airway 103* is amended to read in part:

*From, to and MEA*

Kenai, Alaska, LFR; *Skilak INT, Alaska; 2,000. *5,800—MCA Skilak INT, southeast bound.
Skilak INT, Alaska; Cleare INT, Alaska; *9,000. *8,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

INT 231° M rad, Holston Mountain, Tenn., VOR and 331° M rad, Asheville, N.C., VOR; Boone, Tenn., RBN; *7,000. *6,900—MOCA.
Hampshire INT, Tenn.; Nashville, Tenn., VOR; 3,000.
Deep Lake INT, Fla.; Crane INT, Fla.; *2,500. *1,200—MOCA.
Cairns, Ala., VOR; Andalusia INT, Ala.; *2,000. *1,700—MOCA.
Marlow INT, Ga.; Allendale, S.C., VOR; *2,000. *1,600—MOCA.
Savannah, Ga., VOR; Blythe INT, Ga.; *6,500. *1,700—MOCA.
Biscayne Bay, Fla., VOR; Guppy INT, Fla.; *2,000. *1,300—MOCA.
Bonefish INT, Fla.; Pineapple INT, Fla.; *3,000. *1,200—MOCA.
Bonefish INT, Fla.; Fort Lauderdale, Fla., VOR; *1,500. *1,400—MOCA.
Fort Myers, Fla., VOR; Roberts INT, Fla.; 2,000.
Fort Myers, Fla., VOR; Sarasota, Fla., VOR; *2,000. *1,500—MOCA.
Guppy INT, Fla.; Int 052° M rad, Biscayne Bay, Fla., VOR and 008 M rad., Bimini, Nassau, VOR; *4,000, *1,200—MOCA.
Int 270° M rad, Gainesville, Fla., VOR and 182° M rad, Alma, Ga., VOR; St. Petersburg, Fla., 50-mile DME Fix/001° rad; *10,000. *1,300—MOCA.
Key West, Fla., VOR; Pahokee, Fla., VOR; *5,000. *1,300—MOCA.
Lakeland, Fla., VOR via LAL 083°/MLB 263°; Melbourne, Fla., VOR; *2,000. *1,700—MOCA.
Mackerel INT, Fla.; Freeport, Bahamas, VOR; *3,000. *1,400—MOCA. MAA—45,000.
*Mackerel INT, Fla.; **Mullet INT, Bahamas; ***3,500. *3,000—MRA. **6,500—MRA. ***1,200—MOCA.
Miami, Fla., VOR; INT 235° M rad, Vero Beach VOR and 335° M rad, Miami VOR; *5,500. *1,600—MOCA.
Oceanside INT, Fla.; Pineapple INT, Fla.; *3,000. *1,400—MOCA.
Orlando, Fla., VOR; Maytown INT, Fla.; 2,500. MAA—24,000.
Orlando, Fla., VOR; Tico INT, Fla.; 2,000. MAA—45,000.
Pahokee, Fla., VOR; Shawnee INT, Fla.; *2,000. *1,300—MOCA.
Palm Beach, Fla., VOR; Pike INT, Fla.; 2,000.
Palm Beach, Fla., VOR; Mackerel INT, Fla.; *2,000. *1,600—MOCA.

*From, to, and MEA*

Pike INT, Fla.; Bonefish INT, Fla.; *2,000. *1,200—MOCA.
Portland, Fla., RBN; Diana INT, Fla.; 2,000.
Portland, Fla., RBN; Fort Lauderdale, Fla., VOR; 2,000.
Portland, Fla., RBN; Golden Beach INT, Fla.; 2,000.
Portland, Fla., RBN; Plantation, Fla., LF/RBN; 2,000.
Portland, Fla., RBN; Rubin, Fla., LF/RBN; 2,000.
Rubin, Fla., RBN; Plantation, Fla., RBN; 2,000.
St. Petersburg, Fla., VOR; Lakeland, Fla., VOR; 18,000. MAA—24,000.
St. Petersburg, Fla., VOR; 50 NM DME Fix; St. Petersburg, Fla., VOR; *6,000. *1,500—MOCA.
Sarasota, Fla., VOR; Arcadia INT, Fla.; *2,000. *1,500—MOCA.
Sarasota, Fla., VOR; LaBelle, Fla., VOR; *2,000. *1,500—MOCA.
Sarasota, Fla., VOR; Lakeland, Fla., VOR; 2,500.
Sarasota, Fla., VOR; St. Petersburg, Fla., VOR; *2,000. *1,500—MOCA.
Tice, Fla., RBN; Rubin, Fla., RBN; 2,000.
Vero Beach, Fla., VOR; *Mackerel INT, Fla.; *3,000. *3,000—MRA. **1,500—MOCA. MAA—45,000.
Palm Beach, Fla., VOR; *Sturgeon INT, Fla. (Via Control 1150); 18,000. *14,000—MRA.
Priest, Calif., VORTAC via ROM 309/SJC 120°; San Jose, Calif., VOR; *18,000. *6,500—MOCA. MAA—24,000.
Barnacle INT, Calif.; Outrigger INT, Calif.; *8,000. *1,000—MOCA. MAA—41,000.
Marlin INT, Calif.; Barnacle INT, Calif.; *8,000. *1,000—MOCA. MAA—41,000.
Outrigger INT, Calif.; San Diego, Calif., VORTAC; *5,000. 3,000—MOCA. MAA—41,000.
Hilltop INT, Calif.; Palmdale, Calif., VOR TAC; *12,000. *7,000—MOCA. MAA—18,000.
Int. 096° M rad, Fillmore VOR and 305° M rad, Long Beach VOR; Stadium INT, Calif.; *5,000.
Int. 349° M rad, Long Beach VOR and 096° M rad, Van Nuys VOR; Long Beach, Calif., VOR; 3,100. *3,000 after passing Tower INT, Calif. southeastbound.
Schooner INT, Calif.; Westlake INT, Calif.; 3,600.
Van Nuys, Calif., VOR; Bowl INT, Calif.; 4,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Barnard INT, N.C.; Boone, Tenn., RBN; *7,000. *6,900—MOCA.
Dozier INT, Ala.; Andalusia INT, Ala.; *2,000. *1,700—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Shelbyville, Tenn., VOR; INT 130° M rad, Nashville VOR and 040° rad., Shelbyville VOR; *3,000. *2,400—MOCA.
Lumpkin INT, Ga.; INT 351° M rad, Albany VOR and 041° M rad, Dothan VOR; *5,000. *1,800—MOCA.
Brookwood, Ala., VOR; Bessemer INT, Ala.; *3,000.

Section 95.5000 *High altitude RNAV routes.*

*From/to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA*

*J825R* is amended to read in part:

Roberts, Ill., W/P, Sorento, Ill., W/P; 114.6; 211°/031° to Sorento; 18,000; 45,000.
Sorento, Ill., W/P, Prairie, Ill., W/P; 13; 253°/073° to Prairie; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes.*

*From, to, and MEA*

*From/to; total distance; changeover point distance from geographic location; track angle; MEA and MAA*

*J918R* is added to read:

Humble, Tex., W/P, Gueydan, La., W/P; 149.3; 74.7, Humble, 29°59'49" N., 93°54'46" W.; 080°/260° to COP, 082°/262° to Gueydan; 18,000; 45,000.
Gueydan, La., W/P, New Orleans, La., VOR TAC; 120.3; 60.1, Gueydan, 30°01'53" N., 91°19'38" W.; 082°/262° to COP, 084°/264° to New Orleans; 18,000; 45,000.

*J923R* is added to read:

Albuquerque, N. Mex., W/P, Sanford, Colo., W/P; 145; 72.5, Albuquerque, 36°10'59" N., 106°19'01" W.; 007°/187° to COP, 007°/187° to Sanford; 18,000; 45,000.
Sanford, Colo., W/P, Terryal, Colo., W/P; 78.8; 39.4, Sanford, 37°55'48" N., 105°29'40" W.; 009°/189° to COP, 010°/190° to Terryal; 18,000; 45,000.
Terryal, Colo., W/P, Monument, Colo., W/P; 47.9; 010°/190° to Monument; 18,000; 45,000.

*J927R* is added to read:

Roberts, Ill., W/P, West Plains, Mo., W/P; 289.2; 190, Roberts, 38°06'17" N., 90°42'55" W.; 215°/035° to COP, 210°/030° to West Plains; 18,000; 45,000.
West Plains, Mo., W/P, Waldron, Ariz., W/P; 157.1; 78.5, West Plains, 35°53'43" N., 93°09'43" W.; 219°/039° to COP, 217°/037° to Waldron; 18,000; 45,000.
Waldron, Ariz., W/P, Blue Ridge, Tex., W/P; 144.2; 72.1, Waldron, 34°08'15" N., 95°-21'00" W.; 217°/037° to COP, 215°/035° to Blue Ridge; 18,000; 45,000.

*J931R* is added to read:

Fairfield, Utah, W/P, Fool Creek, Utah, W/P; 40.9; 188°/008° to Fool Creek; 18,000; 45,000.
Fool Creek, Utah, W/P, Connors Pass, Nev., W/P; 120; 60, Fool Creek, 39°18'19" N., 113°31'47" W.; 235°/055° to COP, 233°/053° to Connors Pass; 18,000; 45,000.
Connors Pass, Nev., W/P, Coaldale, Nev., VORTAC; 153.9; 115, Connors Pass, 38°15'-06" N., 117°00'34 W.; 233°/053° to COP, 230°/050° to Coaldale; 18,000; 45,000.

*J932R* is added to read:

New Orleans, La., VORTAC, Jackson, Miss., W/P; 148.3; 74.2, New Orleans, 31°16'09" N., 90°10'20" W.; 355°/175° to COP, 356°/176° to Jackson; 18,000; 45,000.
Jackson, Miss., W/P, Memphis, Tenn., W/P; 146.2; 99.2, Jackson, 34°09'37" N., 90°01'40" W.; 000°/180° to COP, 359°/179° to Memphis; 18,000; 45,000.

*J936R* is added to read:

Phoenix, Ariz., VORTAC, Fence, N. Mex., W/P; 194.1; 92, Phoenix, 33°59'35" N., 110°-13'13" W.; 054°/234° to COP, 055°/235° to Fence; 18,000; 45,000.
Fence, N. Mex., W/P, Albuquerque, N. Mex., W/P; 85.9; 43, Fence, 34°48'06" N., 107°38'-03" W.; 055°/235° to COP, 058°/238° to Albuquerque; 18,000; 45,000.
Albuquerque, N. Mex., W/P, Mora, N. Mex., W/P; 88.9; 35, Albuquerque, 35°22'28" N., 106°13'43" W.; 042°/222° to COP, 043°/223° to Mora; 18,000; 45,000.
Mora, N. Mex., W/P, Holcomb, Kans., W/P; 252.5; 123, Mora, 37°00'06" N., 103°11'19" W.; 043°/223° to COP, 048°/228° to Holcomb; 18,000; 45,000.
Holcomb, Kans., W/P, Seneca, Nebr., W/P; 249.9; 124.9, Holcomb, 39°03'15" N., 98°29'-35" W.; 052°/232° to COP, 057°/237° to Seneca; 18,000; 45,000.

*From, to, and MEA*

Seneca, Nebr., W/P, Lamoni, Iowa, W/P; 103.7; 51.8, Seneca, 40°15'43" N., 95°00'43" W.; 057°/237° to COP, 063°/243° to Lamoni; 18,000; 45,000.
Lamoni, Iowa, W/P, Warren, Ill., W/P; 268.1; 153, Lamoni, 41°19'30" N., 90°44'30" W.; 067°/247° to COP, 074°/254° to Warren; 18,000; 45,000.

*J937R* is added to read:

Maple, Calif., W/P, Sawmill, Calif., W/P; 139.4; 052°/232° to Sawmill; 28,000; 45,000.
Sawmill, Calif., W/P, Reno, Nev., VORTAC; 168.5; 118.5, Sawmill, 39°16'23" N., 120°40'38" W.; 052°/232° to COP, 055°/235° to Reno; 18,000; 45,000.
Reno, Nev., VORTAC, Tenabo, Nev., W/P; 137.5; 68.8, Reno, 39°49'40" N., 118°13'08" W.; 057°/237° to COP, 058°/238° to Tenabo; 18,000; 45,000.
Tenabo, Nev., W/P, Bonneville, Utah, VOR TAC; 143.2; 71.6, Tenabo, 40°25'30" N., 115°16'19" W.; 056°/236° to COP, 059°/239° to Bonneville; 18,000; 45,000.
Bonneville, Utah, VORTAC, Woods, Utah, W/P; 76.7; 38.4, Bonneville, 40°50'59" N., 112°55'48" W.; 062°/242° to COP, 061°/241° to Woods; 18,000; 45,000.
Woods, Utah, W/P, Quealy, Wyo., W/P; 144.2; 72.1, Woods, 41°21'20" N., 110°32'41" W.; 061°/241° to COP, 064°/244° to Quealy; 18,000; 45,000.
Quealy, Wyo., W/P, Slater, Wyo., W/P; 185.9; 92.9, Quealy, 41°40'19" N., 106°56'26" W.; 064°/244° to COP, 070°/250° to Slater; 19,000; 45,000.
Slater, Wyo., W/P, Berea, Nebr., W/P; 79.8; 39.9, Slater, 41°58'08" N., 104°00'14" W.; 070°/250° to COP, 071°/251° to Berea; 18,000; 45,000.
Berea, Nebr., W/P, Dry Creek, Nebr., W/P; 210; 99.4, Berea, 42°12'16" N., 100°54'08" W.; 071°/251° to COP, 077°/257° to Dry Creek; 18,000, 45,000.
Dry Creek, Nebr., W/P, Kamrar, Iowa, W/P; 212.5; 100.6, Dry Creek, 42°24'10" N., 96°09'54" W.; 077°/257° to COP, 083°/263° to Kamrar; 18,000, 45,000.
Kamrar, Iowa, W/P, Scales Mound, Ill., W/P; 144.4; 72.2, Kamrar, 42°25'01" N., 92°01'23" W.; 083°/263° to COP, 086°/266° to Scales Mound; 18,000; 45,000.
Scales Mound, Ill., W/P, Lakewood, Ill., W/P; 93.4; 46.7, Scales Mound, 42°18'03" N., 89°21'22" W.; 090°/270° to COP, 095°/275° to Lakewood; 18,000; 45,000.

*J938R* is added to read:

Morrison, Ill., W/P, Bertram, Iowa, W/P; 81; 40.5, Morrison, 41°58'01" N., 90°41'10" W.; 269°/089° to COP, 267°/087° to Bertram; 18,000; 45,000.
Bertram, Iowa, W/P, Ute, Iowa, W/P; 185.8; 84, Bertram, 42°01'52" N., 93°28'03" W.; 267°/087° to COP, 262°/082° to Ute; 18,000; 45,000.
Ute, Iowa, W/P, Cumminsville, Nebr., W/P; 118.1; 59, Ute, 42°01'19" N., 97°03'46" W.; 262°/082° to COP, 258°/078° to Cumminsville; 18,000; 45,000.
Cumminsville, Nebr., W/P, Angora, Nebr., W/P; 209.9; 104.9, Cumminsville, 41°54'57" N., 100°43 25" W.; 258°/078° to COP, 252°/072° to Angora; 18,000; 45,000.
Angora, Nebr., W/P, Bordeau, Wyo., W/P; 80.1; 40, Angora, 41°43'46" N., 103°56'46" W.; 252°/072° to COP, 251°/071° to Bordeau; 18,000; 45,000.
Bordeau, Wyo.; W/P, Vermillion, Wyo., W/P; 187.1; 93.6, Bordeau, 41°29'04" N., 106°53'57" W.; 251°/071° to COP, 246°/066° to Vermillion; 18,000; 45,000.
Vermillion, Wyo., W/P, Magna, Utah, W/P; 144.2; 110, Vermillion, 40°58'27" N., 111°20'39" W.; 246°/066° to COP, 244°/064° to Magna; 18,000; 45,000.

*From, to, and MEA*

Magna, Utah, W/P, Arinosa, Utah, W/P; 76.4; 38.2, Magna, 40°52'19" N., 112°05'03" W.; 244°/064° to COP, 241°/061° to Arinosa; 18,000; 45,000.
Arinosa, Utah, W/P, Tenabo, Nev., W/P; 143; 71.5, Arinosa, 40°22'34" N., 115°15'25" W.; 241°/061° to COP, 238°/058° to Tenabo; 18,000; 45,000.
Tenabo, Nev., W/P, Reno, Nev., W/P; 137.5; 68.7, Tenabo, 39°49'40" N., 118°13'08" W.; 238°/058° to COP, 237°/057° to Reno; 18,000; 45,000.
Reno, Nev., VORTAC, Sawmill, Calif., W/P; 168.5; 50, Reno, 39°16'23" N., 120°40'38" W.; 235°/055° to COP, 232°/052° to Sawmill; 18,000; 45,000.
Sawmill, Calif., W/P, Maple, Calif., W/P; 139.4; 232°/052° to Maple; 18,000; 45,000.

*J946R* is added to read:

Morrow, Calif., W/P, Santa Catalina, Calif., W/P; 71.1; 35.5, Morrow, 33°42'48" N., 117°50'06" W.; 221°/041° to COP, 220°/040° to Santa Catalina; 18,000; 45,000.
Santa Catalina, Calif., W/P, Rosi, Calif., W/P; 126.7; 213°/033° to Rosi; 18,000; 45,000.
Rosi, Calif., W/P, Yucca, Calif., W/P; 60.8; 236°/056° to Yucca; 28,000; 45,000.

*J962R* is added to read:

Yucca, Calif., W/P, Santa Catalina, Calif., W/P; 184; 040°/220° to Santa Catalina; 28,000; 45,000.
Santa Catalina, Calif., W/P, Rabbitt, Calif., W/P; 103.6; 66.8, Santa Catalina, 34°15'13" N., 117°35'44" W.; 023°/203° to COP, 024°/204° to Rabbitt; 18,000; 45,000.
Rabbitt, Calif., W/P, Sanup, Ariz., W/P; 181.2; 82, Rabbitt, 35°22'51" N., 115°39'54" W.; 047°/227° to COP, 049°/229° to Sanup; 18,000; 45,000.
Sanup, Ariz., W/P, Paria, Ariz., W/P; 103.8; 51.9, Sanup, 36°31'16" N., 112°53'52" W.; 049°/229° to COP, 049°/229° to Paria; 18,000; 45,000.

*J963R* is added to read:

Pine, Calif., W/P, San Luis Obispo, Calif., VORTAC; 129.1; 046°/226° to San Luis Obispo; 18,000; 45,000.
San Luis Obispo, Calif., VORTAC, Palmdale, Calif., VORTAC; 138.1; 69, San Luis Obispo, 34°56'58" N., 119°24'23" W.; 089°/269° to COP, 091°/271° to Palmdale; 18,000; 45,000.
Palmdale, Calif., VORTAC, Rabbitt, Calif., W/P; 46.4; 23.2, Palmdale, 34°41'04" N., 117°35'54" W.; 067°/247° to COP, 068°/248° to Rabbitt; 18,000; 45,000.
Rabbitt, Calif., W/P, Sanup, Ariz., W/P; 181.2; 82, Rabbitt, 35°22'51" N., 115°39'54" W.; 047°/227° to COP, 049°/229° to Sanup; 18,000; 45,000.
Sanup, Ariz., W/P, Paria, Ariz., W/P; 103.8; 51.9, Sanup, 36°31'16" N., 112°53'52" W.; 049°/229° to COP, 049°/229° to Paria; 18,000; 45,000.

*J964R* is added to read:

Coaldale, Nev., VORTAC, Buckhorn, Calif., W/P; 107.8; 55, Coaldale, 37°15'17" N., 118°54'33" W.; 243°/063° to COP, 242°/062° to Buckhorn; 18,000; 45,000.
Buckhorn, Calif., W/P, Merle, Calif., W/P; 136.3; 68.1, Buckhorn, 37°26'12" N., 121°23'45" W.; 242°/062° to COP, 240°/060° to Merle; 18,000; 45,000.
Merle, Calif., W/P, Apricot, Calif., W/P; 113.6; 224°/044° to Apricot; 29,000; 45,000.

*J971R* is added to read:

Henly, Tex., W/P, Acton, Tex., W/P; 137.8; 68.9, Henly, 31°20'06" N., 98°03'39" W.; 008°/188° to COP, 008°/188° to Acton; 18,000; 45,000.

*From, to, and MEA*

*J974R* is added to read:

Casanova, Va., W/P, Adolph, W. Va., W/P; 110.1; 80.1, Casanova, 38°40'23" N., 79°34'10" W.; 278°/098° to COP, 273°/093° to Adolph; 18,000; 45,000.
Adolph, W. Va., W/P, Chimney, W. Va., W/P; 74.2; 270°/090° to Chimney; 18,000; 45,000.
Chimney, W. Va., W/P, Westport, Ky., W/P; 180.6; 90.3, Chimney, 38°32'57" N., 83°42'10" W.; 270°/090° to COP, 264°/084° to Westport; 18,000; 45,000.
Westport, Ky., W/P, Zell, Mo., W/P; 222.7; 111.4, Westport, 38°14'50" N., 87°57'43" W.; 264°/084° to COP, 257°/077° to Zell; 18,000; 45,000.
Zell, Mo., W/P, Irwin, Mo., W/P; 193.5; 86.8, Zell, 37°48'07" N., 92°06'06" W.; 257°/077° to COP, 253°/073° to Irwin; 18,000; 45,000.
Irwin, Mo., W/P, Tangier, Okla., W/P; 276.8; 100, Irwin, 37°11'01" N., 96°21'40" W.; 253°/073° to COP 248°/068° to Tangier; 18,000; 45,000.
Tangier, Okla., W/P, Canadian, Tex., W/P; 91; 25, Tangier, 36°29'22" N., 100°27'27" W.; 254°/074° to COP, 252°/072° to Canadian; 18,000; 45,000.
Canadian, Tex., W/P, Wagon, N. Mex., W/P; 141.5; 70.7, Canadian, 36°11'29" N., 103°15'08" W.; 252°/072° to COP, 248°/068° to Wagon; 18,000; 45,000.
Wagon, N. Mex., W/P, Gallup, N. Mex., W/P; 206.7; 84, Wagon, 35°48'44" N., 106°23'49" W.; 249°/069° to COP, 246°/066° to Gallup; 18,000; 45,000.
Gallup, N. Mex., W/P, Drake, Ariz., W/P; 183; 91.5, Gallup, 35°13'33" N., 110°42'38" W.; 247°/067° to COP, 246°/066° to Drake; 18,000; 45,000.
Drake, Ariz., W/P, Chubbock, Calif., W/P; 114.6; 57.3, Drake, 34°44'57" N., 113°40'21" W.; 244°/064° to COP, 242°/062° to Chubbock; 18,000; 45,000.
Chubbock, Calif., W/P, Morrow, Calif., W/P; 125.1; 90.1, Chubbock, 34°11'24" N., 116°34'00" W.; 242°/062° to COP, 241°/061° to Morrow; 18,000; 45,000.

*J976R* is added to read:

Bothell, Wash., W/P, Coulee, Wash., W/P; 108.9; 54.4, Bothell, 47°42'19" N., 120°44'32" W.; 069°/249° to COP, 072°/252° to Coulee; 18,000; 45,000.
Coulee, Wash., W/P, Mullan Pass, Idaho, VORTAC; 148.1; 71.5, Coulee, 47°34'30" N., 117°31'11" W.; 072°/252° to COP, 076°/256° to Mullan Pass; 18,000; 45,000.
Mullan Pass, Idaho, VORTAC, Eden, Mont., W/P; 172.2; 86.1, Mullan Pass, 47°25'48" N., 113°31'53" W.; 070°/250° to COP, 075°/255° to Eden; 18,000; 45,000.
Eden, Mont., W/P, Moulton, Mont., W/P; 75.4; 37.7, Eden, 47°19'21" N., 110°29'56" W.; 075°/255° to COP, 077°/257° to Moulton; 18,000; 45,000.
Moulton, Mont., W/P, Brockway, Mont., W/P; 154; 77, Moulton, 47°09'02" N., 107°42'17" W.; 077°/257° to COP, 082°/262° to Brockway; 18,000; 45,000.
Brockway, Mont., W/P, Lark, N. Dak., W/P; 188.2; 94.1, Brockway, 46°46'13" N., 103°34'41" W.; 082°/262° to COP, 087°/267° to Lark; 18,000; 45,000.
Lark, N. Dak., W/P, Oakes, N. Dak., W/P; 134.9; 67.4, Lark, 46°16'33" N., 99°44'44" W.; 087°/267° to COP, 093°/273° to Oakes; 18,000; 45,000.
Oakes, N. Dak., W/P, Minneapolis, Minn., VORTAC; 208.9; 104.4, Oakes, 45°36'56" N., 95°45'04" W.; 093°/273° to COP, 101°/281° to Minneapolis; 18,000; 45,000.

Section 95.6006 *VOR Federal airway 6* is amended to delete:

*From, To and MEA*

Half Moon Bay INT, Calif.; Oakland, Calif., VOR; 4,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Altamont INT, Calif., via S alter.; *Oakley INT, Calif., via S alter.; 5,000. *3,000—MCA Oakley INT, southbound.
Oakley INT, Calif., via S alter.; Sacramento, Calif., VOR via S alter.; 2,000.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Wilbur INT, Ind.; Rose INT, Ind.; *2,600. *2,000—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

*Georgetown INT, Tex.; Walburg INT, Tex.; **2,500. *4,000—MRA. **2,200—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Monroeville, Ala., VOR; Pineapple INT, Ala.; *2,300. *1,800—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Shoreline INT, Mich.; *Curtis INT, Mich.; **3,500. *4,000—MRA. **2,200—MOCA.
Curtis INT, Mich.; Alpena, Mich., VOR; *3,500. *2,200—MOCA.
Alpena, Mich., VOR; *Hawks INT, Mich.; **2,600. *4,000—MRA. **2,100—MOCA.
Hawks INT, Mich.; Pellston, Mich., VOR; *2,600. *2,100—MOCA.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

Mansfield, Ohio, VOR; Tiverton, Ohio, VOR; 3,000.
Tiverton, Ohio, VOR; Newcomerstown, Ohio, VOR; 3,000.
Newcomerstown, Ohio, VOR; Bellaire, Ohio, VOR; 3,000.

Section 95.6109 *VOR Federal airway 109* is amended to read in part:

Stockton, Calif., VOR; Byron INT, Calif.; 2,000.
Byron INT, Calif.; Altamont INT, Calif.; westbound 4,500; eastbound 3,500.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Fayetteville, Ark., VOR; Spring Valley INT, Ark.; 3,000.
Spring Valley INT, Ark.; Harrison, Ark., VOR; *3,700. *3,200—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Chicago O'Hare, Ill., VOR; Neptune INT, Ill.; *7,000. *2,500—MOCA.

Section 95.6176 *VOR Federal airway 176* is amended to read:

Pontiac, Mich., VOR; United States-Canadian border; *3,000. *2,700—MOCA.

Section 95.6212 *VOR Federal airway 212* is amended to read in part:

John INT, La.; McComb, Miss., VOR; *3,000. *2,000—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

Pontiac, Mich., VOR; Troy INT, Mich.; 2,700.
Chatfield INT, Minn.; Waukon, Iowa, VOR; *3,000. *2,400—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

*From, to, and MEA*

Monroeville, Ala., VOR; Pineapple INT, Ala.; *2,300. *1,800—MOCA.
Pineapple INT, Ala.; Montgomery, Ala., VOR; 2,000.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

Altamont INT, Calif.; Bryon INT, Calif.; westbound 4,500; eastbound 3,500.
Byron INT, Calif.; Stockton, Calif., VOR; 2,000.

Section 95.6334 *VOR Federal airway 334* is amended to read:

San Jose, Calif., VOR; *Oakley INT, Calif.; 5,000. *3,000—MCA Oakley INT, southbound.
Oakley INT, Calif.; Sacramento, Calif., VOR; 2,000.

Section 95.6420 *VOR Federal airway 420* is amended to read in part:

Traverse City, Mich., VOR; Mount Pleasant, Mich., VOR; *3,000. *2,600—MOCA.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

La Guardia, N.Y., VOR; Merritt INT, Conn.; *2,000. *1,500—MOCA.
Merritt, INT, Conn.; Seymour INT, Conn.; 3,000.

Section 95.6467 *VOR Federal airway 467* is amended to read in part:

La Guardia, N.Y., VOR; Merritt INT, Conn.; *2,000. *1,500—MOCA.
Merritt INT, Conn.; Seymour INT, Conn.; 3,000.

Section 95.6475 *VOR Federal airway 475* is amended to read in part:

La Guardia, N.Y., VOR; Merritt INT, Conn.; *2,000. *1,500—MOCA.
Merritt INT, Conn.; Seymour INT, Conn.; 3,000.
Madison, Conn., VOR; Norwich, Conn., VOR; 2,300.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

Nome, Alaska, VOR via W alter.; Pilgrim DME Fix, Alaska, via W alter.; 6,000.
Pilgrim DME Fix, Alaska, via W alter.; Espenberg DME Fix, Alaska, via W alter.; *13,000. *6,000—MOCA.
Espenberg DME Fix, Alaska, via W alter.; Kotzebue, Alaska, VOR via W alter.; 2,000.
Nome, Alaska, VOR; Mary's Igloo DME Fix, Alaska; *6,000. *5,700—MOCA.
Mary's Igloo DME Fix, Alaska; Sound DME Fix, Alaska; *7,000. *5,700—MOCA.

Section 95.6536 *VOR Federal airway 536* is amended to read in part:

Kalispell, Mont., VOR; Gates Park INT, Mont.; *14,000. *10,900—MOCA.
Gates Park INT, Mont.; *Pishkun INT, Mont.; **12,000. *10,600—MCA Pishkun INT, westbound. **11,400—MOCA.
Pishkun INT, Mont.; *Choteau INT, Mont.; westbound **10,000; eastbound **9,000. *9,200—MCA Choteau INT, westbound. **7,000—MOCA.

Section 95.7006 *Jet Route No. 6* is amended to read in part:

*From, to, MEA and MAA*

Prescott, Ariz., VORTAC; INT 115° M rad, Winslow VORTAC and 070° M rad, Prescott VORTAC; 22,000; 45,000.
INT 115° M rad, Winslow VORTAC and 070° M rad, Prescott VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7078 *Jet Route No. 78* is amended to read in part:

*From, to, MEA and MAA*

Prescott, Ariz., VORTAC; INT 115° M rad, Winslow VORTAC and 070° M rad, Prescott VORTAC; 22,000; 45,000.
INT 115° M rad, Winslow VORTAC and 070° M rad, Prescott VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

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

WILLIAM G. SHREVE, Jr.,
*Acting Director,*
*Flight Standards Service.*

[FR Doc.72-3326 Filed 3-8-72;8:45 am]

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[Docket No. 11763, Amdt. 798]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF–ADF(NDB)–VOR SIAP's, effective March 30, 1972.

Fort Huachuca, Ariz.—Libby AAF; NDB (ADF)–1, Amdt. 2; Canceled.

2. Section 97.13 is amended by establishing, revising or canceling the following Ter VOR SIAP's, effective March 30, 1972.

Fort Huachuca, Ariz.—Libby AAF; VOR–29, Original; Canceled.

3. Section 97.19 is amended by establishing, revising, or canceling the following Radar SIAP's, effective March 30, 1972.

Fort Huachuca, Ariz.—Libby AAF; RADAR–1, Original; Canceled.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's effective March 30, 1972.

East Tawas, Mich.—Tosco County Airport; VOR–A, Original; Established.
Huntsville, Ala.—Huntsville-Madison County Jetport-Carl T. Jones Field; VOR–A, Amdt. 6, Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport-Carl T. Jones Field; VOR–B, Amdt. 4; Revised.
Lafayette, Ind.—Purdue University Airport; VOR–1, Amdt. 14; Revised.
Oshkosh, Wis.—Wittman Field; VOR Runway 9, Amdt. 3; Revised.
Oshkosh, Wis.—Wittman Field; VOR Runway 18, Amdt. 1; Revised.
Oshkosh, Wis.—Wittman Field; VOR Runway 36, Amdt. 10; Revised.
Oxnard, Calif.—Ventura County Airport; VOR Runway 7, Amdt. 4; Revised.
Oxnard, Calif.—Ventura County Airport; VOR Runway 25, Amdt. 3; Revised.
Roseburg, Oreg.—Roseburg Municipal Airport; VOR A, Original; Established.
Roseburg, Oreg.—Roseburg Municipal Airport; VOR Runway 34, Amdt. 6; Canceled.
Stockton, Calif.—Stockton Metropolitan Airport; VOR Runway 29R, Amdt. 12; Revised.
Tucson, Ariz.—Tucson International Airport; VOR–A, Amdt. 2; Revised.
Tuscaloosa, Ala.—Van De Graaff Airport; VOR Runway 4, Original; Established.
Tuscaloosa, Ala.—Van De Graaff Airport; VOR Runway 22, Amdt. 4; Revised.
West Palm Beach, Fla.—Palm Beach County Park Airport; VOR Runway 15, Original; Established.
Effingham, Ill.—Effingham County Memorial Airport; VOR/DME–A, Original; Established.
Newnan, Ga.—Newnan Coweta County Airport; VOR/DME–A, Original; Established.
Newton, Kans.—Newton-City-County Airport; VOR/DME Runway 35, Amdt. 1; Revised.
Oxnard, Calif.—Ventura County Airport; VOR/DME Runway 7, Original Canceled.
Oxnard, Calif.—Ventura County Airport; VORTAC Runway 7, Original Established.
Peachtree City, Ga.—Falcon Field; VOR/DME–A, Original; Established.
Peachtree City, Ga.—Falcon Field; VOR/DME–B, Original; Established.
Rapid City, S.Dak.—Rapid City Regional Airport; VOR/DME Runway 14, Amdt. 7; Revised.
The Dalles, Oreg.—The Dalles Municipal Airport; VOR/DME A, Amdt. 1; Revised.
Tucson, Ariz.—Tucson International Airport; VOR/DME–A, Amdt. 1; Revised.

5. Section 97.25 is amended by establishing, revising or canceling the following SDF–LOC–LDA SIAP's effective March 30, 1972.

Huntsville, Ala.—Huntsville-Madison County Jetport-Carl T. Jones Field; LOC (BC) Runway 36L, Amdt. 6; Revised.
Lafayette, Ind.—Purdue University Airport; LOC Runway 10, Amdt. 2; Revised.
Pittsfield, Mass.—Pittsfield Municipal Airport; SDF Runway 26, Original; Established.
Tucson, Ariz.—Tucson International Airport; LOC Runway 11L, Original; Established.
Tucson, Ariz.—Tucson International Airport; LOC (BC) Runway 29R, Original; Established.

6. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective March 30, 1972.

Daytona Beach, Fla.—Daytona Beach Regional Airport; NDB Runway 6L, Amdt. 13; Revised.
Huntsville, Ala.—Huntsville Madison County Jetport-Carl T. Jones Field; NDB Runway 18R, Amdt. 7; Revised.
Lafayette, Ind.—Purdue University Airport; NDB Runway 10, Amdt. 1; Revised.
Majuro Atoll, Marshall Islands—Majuro Airport; NDB Runway 6, Original; Established.
Newton, Kans.—Newton-City-County Airport; NDB Runway 17, Amdt. 1; Revised.
Oshkosh, Wis.—Wittman Field; NDB Runway 9, Amdt. 9; Revised.
Pittsfield, Mass.—Pittsfield Municipal Airport; NDB Runway 26, Amdt. 1; Revised.
Stockton, Calif.—Stockton Metropolitan Airport; NDB Runway 29R, Amdt. 9; Revised.
Tell City, Ind.—Perry County Municipal Airport; NDB Runway 31, Original; Established.
Tucson, Ariz.—Tucson International Airport; NDB–A, Amdt. 2; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective March 30, 1972.

Appleton, Wis.—Outagamie County Airport; ILS Runway 2, Amdt. 2; Revised.
Daytona Beach, Fla.—Daytona Beach Regional Airport; ILS Runway 6L, Amdt. 15; Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport-Carl T. Jones Field; ILS Runway 18R, Amdt. 9; Revised.
New York, N.Y.—John F. Kennedy International Airport; ILS Runway 22R, Amdt. 1; Revised.
Oshkosh, Wis.—Wittman Field; ILS Runway 9, Amdt. 14; Revised.
Rapid City, S. Dak.—Rapid City Regional Airport; ILS Runway 32, Amdt. 6; Revised.
Stockton, Calif.—Stockton Metropolitan Airport; ILS Runway 29R, Amdt. 11; Revised.
Tucson, Ariz.—Tucson International Airport; ILS Runway 11L, Original; Established.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective March 30, 1972.

Denver, Colo.—Stapleton International Airport; Radar-1, Amdt. 8; Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport-Carl T. Jones Field; Radar-1, Amdt. 2; Revised.
Lexington, Ky.—Blue Grass Airport; Radar-1, Original; Established.
Tucson, Ariz.—Tucson International Airport; Radar-1, Amdt. 6; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1438, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 24, 1972.

WILLIAM G. SHREVE, JR.,
*Acting Director,*
*Flight Standards Service.*

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-3327 Filed 3-8-72;8:45 am]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

### SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter A of Chapter I of Title 16 is amended as follows:

### PART 2—NONADJUDICATIVE PROCEDURES

The Commission announces the following amendments to Subpart A of Part 2 of Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the date of their publication in the FEDERAL REGISTER (3–9–72).

1. Section 2.9(b)(2) is amended to read as follows:

**§ 2.9 Rights of witnesses in investigations.**

* * * * *

(b) * * *

(2) Where it is claimed that the testimony or other evidence sought from a witness is outside the scope of the investigation, or that the witness is privileged (for reasons other than self-incrimination which may only be asserted by the witness personally) to refuse to answer a question or to produce other evidence, counsel for the witness may object on the record to the question or requirement and may state briefly and precisely the grounds therefor.

* * * * *

2. Section 2.15 is added to read as follows:

**§ 2.15 Orders requiring witnesses to testify or provide other information and granting immunity.**

(a) Any person authorized by the Commission to issue a subpoena as specified in § 2.7 is hereby authorized to request, through the Commission's liaison officer, approval from the Attorney General for the issuance of an order requiring a witness to testify or provide other information and granting immunity under title 18, section 6002, of the United States Code. The presiding officials at investigational hearings or depositions are hereby authorized to issue such an order upon the Attorney General's approval. Approval of such order may be sought only

upon determinations by the party requesting approval (1) that the testimony or other information sought from a witness or deponent, or prospective witness or deponent, may be necessary to the public interest, and (2) that such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination. Such order shall be issued upon the approval of the Attorney General where it cannot be determined that a witness or deponent has improperly invoked his privilege against self-incrimination.

(b) The Commission retains the right to review the exercise of any of the functions delegated under paragraph (a) of this section. Appeals to the Commission from an order requiring a witness to testify or provide other information will be entertained by the Commission only upon a showing that a substantial question is involved, the determination of which is essential to serve the interests of justice. Such appeals shall be made on the record and shall be in the form of a brief not to exceed fifteen (15) pages in length and shall be filed within five (5) days after notice of the complained of action. Answer to any such appeal may be filed within five (5) days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the presiding official or the Commission.

The Commission announces the following amendment to Subpart C of Part 2 of Chapter I of Title 16 of the Code of Federal Regulations. This amendment is effective on the date of its publication in the FEDERAL REGISTER (3–9–72).

Section 2.33 is amended to read as follows:

§ 2.33 Agreement.

Every agreement shall contain, in addition to an appropriate order, an admission of all jurisdictional facts and express waivers of further procedural steps of the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, and of all rights to seek judicial review or otherwise to challenge or contest the validity of the order. The agreement shall also contain provisions that the complaint may be used in construing the terms of the order, and that no agreement, understanding, representation, or interpretation not contained in the order or the aforementioned agreement may be used to vary or to contradict the terms of the order; that the order shall have the same force and effect and shall become final and may be altered, modified, or set aside in the same manner and within the same time provided by the statute for other orders; that the agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission; and that the Commission may withdraw its acceptance of the agreement if, within thirty (30) days after such acceptance, comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any party that the law has been violated as alleged in the complaint.

## PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

The Commission announces the following amendments to Subpart D of Part 3 of Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the date of their publication in the FEDERAL REGISTER (3–9–72) and will govern all proceedings initiated on or after the aforesaid effective date and the remaining procedures in all proceedings pending on the aforesaid effective date.

1. Section 3.39 is added to read as follows:

§ 3.39 Orders requiring witnesses to testify or provide other information and granting immunity.

(a) Where Commission complaint counsel desire the issuance of an order requiring a witness or deponent to testify or provide other information and granting immunity under title 18, section 6002, United States Code, Directors and Assistant Directors of Bureaus and Regional Directors and Assistant Regional Directors of Commission Regional Offices having responsibility for presenting evidence in support of the complaint are authorized to determine (1) that the testimony or other information sought from a witness or deponent, or prospective witness or deponent, may be necessary to the public interest, and (2) that such individual has refused or is likely to refuse to testify or provide such information on the basis of his privilege against self-incrimination; and to request, through the Commission's liaison officer, approval by the Attorney General for the issuance of such an order. Upon receipt of approval by the Attorney General (or his designee), the hearing examiner is authorized to issue an order requiring the witness or deponent to testify or provide other information and granting immunity when the witness or deponent has invoked his privilege against self-incrimination and it cannot be determined that such privilege was improperly invoked.

(b) Requests by counsel other than Commission complaint counsel for an order requiring a witness to testify or provide other information and granting immunity under title 18, section 6002, United States Code, may be made to the hearing examiner and may be made ex parte. When such requests are made, the hearing examiner is authorized to determine (1) that the testimony or other information sought from a witness or deponent, or prospective witness or deponent, may be necessary to the public interest, and (2) that such individual has refused or is likely to refuse to testify or provide such information on the basis of his privilege against self-incrimination; and, upon making such determinations, to request, through the Commission's liaison officer, approval by the Attorney General for the issuance of an order requiring a witness to testify or provide other information and granting immunity; and, after the Attorney General (or his designee) has granted such approval, to issue such order when the witness or deponent has invoked his privilege against self-incrimination and it cannot be determined that such privilege was improperly invoked.

The Commission announces the following amendment to Subpart E of Part 3 of Chapter I of Title 16 of the Code of Federal Regulations. This amendment is effective on the dae of its publication in the FEDERAL REGISTER (3–9–72) and will govern all proceedings initiated on or after the aforesaid effective date and the remaining procedures in all proceedings pending on the aforesaid effective date.

1. Section 3.41(f) is added to read as follows:

§ 3.41 General rules.

* * * * *

(f) Requests for an order requiring a witness to testify or provide other information and granting immunity under title 18, section 6002, of the United States Code, shall be disposed of in accordance with § 3.39.

## PART 4—MISCELLANEOUS RULES

The Commission announces the following amendment to Part 4 of Chapter I of Title 16 of the Code of Federal Regulations. This amendment is effective on the date of its publication in the FEDERAL REGISTER (3–9–72).

1. Section 4.12 is added to read as follows:

§ 4.12 Privilege against self-incrimination.

Section 2.11 of Public Law 91–462 specifically repeals paragraph 7 of section 9 of the Federal Trade Commission Act. Title 18, section 6002, of the United States Code provides that whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before or ancillary to (a) a court or grand jury of the United States, (b) an agency of the United States, or (c) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House, and the person presiding over the proceeding communicates to the witness an order issued under section 6004, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. Title 18, section 6004, of the United States Code provides that: (1) In the case of any individual who has been or who may be called to testify

or provide other information at any proceeding before an agency of the United States, the agency may, with the approval of the Attorney General, issue, in accordance with subsection (b) of section 6004, an order requiring the individual to give testimony or provide other information which he refused to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in title 18, section 6002, of the United States Code; (2) an agency of the United States may issue an order under subsection (a) of section 6004 only if in its judgment (i) the testimony or other information from such individual may be necessary to the public interest; and (ii) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

(Sec. 6, 38 Stat. 721, 15 U.S.C. 46; sec. 201, 84 Stat. 926–928, 18 U.S.C. 6002, 6004; sec. 211, 84 Stat. 929)

By direction of the Commission dated February 29, 1972.

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

[FR Doc.72-3532 Filed 3-8-72;8:47 am]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

### SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. R-419; Order 442]

### PART 154—RATE SCHEDULES AND TARIFFS

### Rates of Interest on Amounts Subject to Refund and Procedures for Placing Rates or Charges in Effect Subject to Refund by Natural Gas Companies and Public Utilities; Correction

DECEMBER 15, 1971.

In the order amending regulations under the Federal Power Act and the Natural Gas Act, issued December 3, 1971 and published in the FEDERAL REGISTER on December 10, 1971 (36 F.R. 23523): Paragraph (B)

1. Change "is amended by adding a new § 154.67a * * *" to "is amended by adding a new § 154.67 * * *."

2. After the words "immediately following" insert "§ 154.66" in lieu of "§ 154.67, Interest on refunds."

3. Change title of designated section of Part 154 from "§ 154.67a, *Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.*" to "§ 154.67, *Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.*"

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3556 Filed 3-8-72;8:49 am]

[Docket No. R-371, RI 66-211, etc., Order 411]

### PART 154—RATE SCHEDULES AND TARIFFS

### PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

### Appalachian Basin and Illinois Basin in Area Rates; Small Producer Certificates of Public Convenience and Necessity; Correction

NOVEMBER 18, 1971.

Area rates for the Appalachian and Illinois Basin areas, Docket No. R-371; Ashland Oil & Refining Co. et al., Docket No. RI66-211, etc.

In the opinion and order establishing just and reasonable rates, issued October 2, 1970, and published in the FEDERAL REGISTER October 14, 1970 (35 F.R. 16077): Add to Appendix B:

Producer name: Cities Service Oil Co. R/S No. 233, supp's 7 and 8. Buyers name: Kentucky West Virginia Gas Co. Suspension of certificate Docket No. RI68-17. Increased rate cents per Mcf at 15.325 p.s.i.a. From 14 cents and 18 cents to 23.5 cents.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3545 Filed 3-8-72;8:48 am]

# Title 20—EMPLOYEES' BENEFITS

## Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

### PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950– )

### Subpart H—Evidence

EVIDENCE OF ADOPTION

On November 12, 1971, there was published in the FEDERAL REGISTER (36 F.R. 21696) a notice of proposed rule making with a proposed amendment to Subpart H of Regulations No. 4. The proposed amendment would make a birth certificate issued as a result of an adoption adequate evidence of the adoption. Interested parties were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendment. No comments were received and the proposed amendment is hereby adopted without change and is set forth below.

(Secs. 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302

*Effective date.* This amendment shall be effective upon publication in the FEDERAL REGISTER (3–9–72).

Dated: February 9, 1972.

ROBERT M. BALL,
*Commissioner of Social Security.*

Approved: March 2, 1972.

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

Paragraph (a) of § 404.714 is revised to read as follows:

§ 404.714 Evidence as to adoption.

(a) *General.* If the relationship is by adoption, the applicant shall submit evidence to establish the adoption. A birth certificate issued as the result of the adoption proceedings will be considered adequate evidence of the adoption. Other evidence of probative value will also be acceptable to establish the adoption. Where the date of adoption is material, evidence of probative value establishing such date shall be submitted.

* * * * *

[FR Doc.72-3600 Filed 3-8-72;8:53 am]

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[Regs. No. 5, further amended]

### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965– )

### Subpart J—Nursing Service Requirements in Hospitals

AUTHORIZATION FOR SPECIAL CERTIFICATION

On November 23, 1971, there was published in the FEDERAL REGISTER (36 F.R. 22240) a notice of proposed rule making with proposed amendments to Subpart J of Regulations No. 5 which proposed to implement Public Law 91-690. That public law amends section 1861(e)(5) of the Social Security Act by modifying the nursing service requirements under medicare to enable certain hospitals to qualify as providers under the program even if they are temporarily unable to secure a sufficient number of registered nurses to provide 24-hour registered nurse coverage.

Interested parties were given the opportunity to submit within 30 days, data, views, and comments with regard to the proposed amendments. After thorough consideration of all the comments received, the amendments as proposed are hereby adopted without change, and are set forth below.

(Secs. 1102, 1861, 1863, 1864, and 1871; 49 Stat. 647, as amended; 79 Stat. 314; 42 U.S.C. 1302, 1395, et seq.)

*Effective date.* These amendments shall be effective upon publication in the FEDERAL REGISTER (3–9–72).

Dated: February 9, 1972.

ROBERT M. BALL,
*Commissioner of Social Security.*

Approved: March 2, 1972.

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

Regulations No. 5 of the Social Security Administration, as amended (20 CFR 405), are further amended as follows:

1. Section 405.1010 is amended by revising paragraph (b) and adding a new

paragraph (c) to read as follows:

**§ 405.1010 Authorization for special certification in areas where necessary to provide access to hospital care.**

* * * * *

(b) Each case will have to be decided on its individual merits, and while the degree and extent of compliance will vary, the institution must, as a minimum, meet all of the statutory conditions in section 1861(e)(1)–(7) of the Act (For further information relating to the exception in section 1861(e)(5) of the Act, see paragraph (c) of this section.), in addition to meeting such other requirements as the Secretary finds necessary under section 1861(e)(8) of the Act.

(c) For a period ending January 1, 1976, the Secretary is authorized to waive the requirement contained in section 1861(e)(5) of the Act (see § 405.1024) that a hospital must provide 24-hour nursing service rendered or supervised by a registered nurse. Such a waiver may be granted for any 1-year period upon acceptance by the Secretary of findings adequately documented and certified by the State agency, that the following criteria are met:

(1) The hospital complies with all other requirements for special certification outlined in paragraphs (a) and (b) of this section;

(2) At least one registered nurse is present on the premises to render or supervise the nursing service provided during at least the regular day tour of duty 7 days a week;

(3) There is present on the premises to render or supervise the nursing service provided throughout all tours of duty not covered by a registered nurse: (i) A licensed practical (vocational) nurse who is a graduate of a State-approved school of practical (vocational) nursing, or (ii) a licensed practical (vocational) nurse who has successfully participated in a proficiency examination approved by the Secretary, or (iii) prior to the time such an examination is available, a waivered licensed practical (vocational) nurse (A waivered licensed practical nurse is one whose license was granted after waiver by the State of the requirement that she be a graduate of an approved school.);

(4) The hospital is located in a rural area where the supply of hospital services is not sufficient to meet the needs of individuals residing therein;

(5) The failure of such institution to qualify as a hospital would seriously reduce the availability of such services to such individuals; and

(6) The hospital has made and continues to make a good faith effort to comply with section 1861(e)(5) of the Act (see § 405.1024) but such compliance is impeded by the lack of qualified nursing personnel in such area.

2. In paragraph (b) of § 405.1024 the material preceding subparagraph (1) is amended to read as follows:

**§ 405.1024 Conditions of participation—nursing services.**

* * * * *

(b) *Standard; licensed registered nurse.* There is an adequate number of licensed registered nurses to meet the following minimum staff requirements: Director of the department; Assistants to the director for evening and night services; Supervisory and staff personnel for each department or nursing unit to insure the immediate availability of a registered professional nurse for bedside care of any patient when needed; and Registered nurse on duty at all times and available for all patients on a 24-hour basis. The factors explaining the standard except where a waiver is in effect pursuant to § 405.1010(c) are:

* * * * *

[FR Doc.72-3601 Filed 3-8-72;8:53 am]

# Title 21—FOOD AND DRUGS

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

### SUBCHAPTER A—GENERAL

### PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

### Subpart H—Delegations of Authority

APPROVAL OF NEW-DRUG APPLICATIONS AND SUPPLEMENTS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended to update delegations of authority regarding approval of new-drug applications and new-drug application supplements for drugs for human use.

Accordingly, § 2.121 is amended by revising paragraph (k), as follows:

**§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.**

* * * * *

(k) *Delegations regarding approval of new-drug applications and new-drug application supplements for drugs for human use.* (1) The Director and Deputy Director of the Bureau of Drugs, and the Director of the Office of Scientific Evaluation and the Director of the Drug Efficacy Study Implementation Project Office of that Bureau are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new-drug applications and new-drug application supplements which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(2) The Directors of Divisions in the Office of Scientific Evaluation and the Drug Efficacy Study Implementation Project Office of the Bureau of Drugs are authorized to perform all the functions of the Commissioner with regard to the approval of new-drug application supplements which are for drugs for human use and have been submitted pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER (3–9–72).

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 1, 1972.

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

[FR Doc.72-3561 Filed 3-8-72;8:49 am]

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### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

### PART 121—FOOD ADDITIVES

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

OCTYLTIN STABILIZERS IN VINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2651), filed by M&T Chemicals, Inc., subsidiary of American Can Co., Rahway, N.J. 07065, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of the octyltin stabilizers identified in § 121.2602(a) (1) and (2) in vinyl chloride-ethylene copolymers complying with § 121.2609 that are intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2602 is amended by revising the introductory text to read as follows:

**§ 121.2602 Octyltin stabilizers in vinyl chloride plastics.**

The octyltin chemicals identified in paragraph (a) of this section may be safely used alone or in combination, at levels not to exceed a total of 3 parts per hundred of resin, as stabilizers in polyvinyl chloride and vinyl chloride copolymers complying with the provisions of § 121.2521 or § 121.2609 and that are intended for use in contact with food of types I, II, III, IV (except liquid milk), V, VI (except malt beverages and carbonated nonalcoholic beverages), VII, VIII, and IX described in table 1 of § 121.2526(c), in accordance with the following prescribed conditions:

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600

Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (3–9–72).

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

Dated: March 1, 1972.

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

[FR Doc.72-3562 Filed 3-8-72;8:50 am]

## RONNEL

The Commissioner of Food and Drugs has evaluated a new animal drug application (41–377V) filed by the Dow Chemical Co., Post Office Box 512, Midland, MI 48641, proposing an amendment to the regulations for ronnel to provide for additional safe and effective use of ronnel and to reduce the withdrawal times presently provided for. The application is approved.

The order also provides for recodification of the regulation concerning ronnel in Part 121 to Parts 135c and 135e in accordance with § 3.517 (21 CFR 3.517) and deletes § 135g.19 in Part 135g as tolerances for ronnel are provided for in § 180.177 in Part 180 of Title 40.

To facilitate referencing, Moorman Manufacturing Co. is being assigned a code number and is being placed in the list of firms in § 135.501 (21 CFR 135.501) as an additional sponsor of previously approved applications for ronnel.

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 121, 135, 135c, 135e, and 135g are amended as follows:

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

§ 121.209 [Revoked]

1. Section 121.209 *Ronnel* is revoked.

## PART 135—NEW ANIMAL DRUGS

### Subpart C—Sponsors of Approved Applications

2. Part 135 is amended in § 135.501 by adding a new code number 058 to paragraph (c), as follows:

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

* * * * * * *

(c) * * *

| *Code No.* | *Firm name and address* |
|---|---|
| * * * | * * * |
| 058 | Moorman Manufacturing Co., Quincy, Ill. 62301. |
| * * * | * * * |

## PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

3. A new § 135c.58 is added to Part 135c as follows:

**§ 135c.58 Ronnel.**

(a) *Chemical name.* *O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate.

(b) *Sponsor.* See code No. 058 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 180.177 of Title 40 of the Code of Federal Regulations.

(d) *Conditions of use.* Administer to beef cattle and nonlactating dairy animals as sole source of ronnel. Feed mineral block containing 5.5 percent of ronnel at the rate of 0.25 pound per 100 pounds of animal weight per month for not less than 75 days. Withdraw from dairy animals 10 days before calving. If dairy cows or heifers freshen during medication, or if medication has not been withdrawn the required 10 days prior to freshening, milk must not be used for food for 10 days after the last treatment. Withdraw 10 days prior to slaughter. Labeling shall also include a warning that ronnel is a cholinesterase inhibitor. Do not use this product simultaneously or within a few days before or after exposure to cholinesterase inhibiting drugs, pesticides, or chemicals.

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

4. A new § 135e.5 is added to Part 135e as follows:

**§ 135e.5 Ronnel.**

(a) *Chemical name.* *O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate.

(b) *Approvals.* (1) Premix levels 18 and 40 percent have been granted; for sponsor see code No. 012. (2) Premix level 5.5 percent in mineral premix has been granted; for sponsor see code No. 058.

(c) *Assay limits.* Feed supplement 80–120 percent of labeled amount.

(d) *Special considerations.* (1) Maximum level permitted in a medicated concentrate 6 percent.

(2) The label shall bear adequate directions and warnings for use, which shall also include:

(i) A statement in the case of feed additive supplements containing ronnel that such supplements shall be thoroughly mixed with ground grain for top dressing or with complete ration.

(ii) A statement that ronnel-medicated feed concentrate is to be used as the sole source of ronnel medication.

(iii) "Warning-Ronnel is a cholinesterase inhibitor. Do not use this product in animals simultaneously or within a few days before or after exposure to cholinesterase inhibiting drugs, pesticides, or chemicals."

(e) *Related tolerances.* See § 180.177 of Title 40 of Code of Federal Regulations.

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

| | Amount | Limitations | Indications for use |
|---|---|---|---|
| 1. Ronnel | 0.00078 lb. (0.35 gm.) per 100 lb. body weight per day for 14 days. | For beef cattle and non-lactating dairy animals; feed 0.00078 lb. (0.35 gm.) per 100 lb. of animal weight per day for 14 days in a feed supplement containing not over 0.26 percent ronnel; withdraw from dairy animals 10 days before calving; if dairy cows or heifers freshen during medication, or if medication has not been withdrawn the required 10 days prior to freshening, milk must not be used for food for 10 days after the last treatment; withdraw 10 days prior to slaughter. | Control of grubs. |
| 2. Ronnel | 0.0018 lb. (0.82 gm.) per 100 lb. body weight per day for 7 days. | For beef cattle and non-lactating dairy animals; feed 0.0018 lb. (0.82 gm.) per 100 lb. animal weight per day for 7 days in a feed supplement containing not over 6 percent ronnel; withdraw from dairy animals 10 days before calving; if dairy cows or heifers freshen during medication, or if medication has not been withdrawn the required 10 days prior to freshening, milk must not be used for food for 10 days after the last treatment; withdraw 10 days prior to slaughter. | Control of grubs; aid in the reduction of cattle lice, when the drug is used for cattle grub control. |
| 3. Ronnel | 0.01375 lb. (6.24 gm.) per 100 lb. body weight per month for not less than 75 days. | For beef cattle and non-lactating dairy animals; feed 0.25 lb. of a mineral supplement in granular form containing 5.5 percent ronnel per 100 lb. of animal weight per month for not less than 75 days; withdraw from dairy animals 10 days before calving; if dairy cows or heifers freshen during medication, or if medication has not been withdrawn the required 10 days prior to freshening, milk must not be used for food for 10 days after the last treatment; withdraw 10 days prior to slaughter. | Control of grubs and hornflies. |
| 4. Ronnel | 0.0009 lb. (0.41 gm.) per 100 lb. body weight per day for 14 days. | For beef cattle and non-lactating dairy animals; feed 0.0009 lb. (0.41 gm.) per 100 lb. of animal weight per day for 14 days in a feed supplement containing 0.3 percent ronnel; withdraw from dairy animals 10 days before calving; if dairy cows or heifers freshen during medication, or if medication has not been withdrawn the required 10 days prior to freshening, milk must not be used for food for 10 days after the last treatment; withdraw 10 days prior to slaughter. | Control of grubs. |

| | Amount | Limitations | Indications for use |
|---|---|---|---|
| 5. Ronnel.... | 0.012 lb. (5.5 gm.) per 100 lb. body weight per month for not less than 75 days. | For beef cattle and non-lactating dairy animals; feed 0.2 lb. of mineral supplement containing 6 percent ronnel per 100 lb. of animal weight per month for not less than 75 days; withdraw from dairy animals 10 days before calving; if dairy cows or heifers freshen during medication, or if medication has not been withdrawn the required 10 days prior to freshening, milk must not be used for food for 10 days after the last treatment; withdraw 10 days prior to slaughter. | Control of grubs and horn-flies. |

## PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

§ 135g.19 [Revoked]

5. Section 135g.19 *Ronnel* is revoked.

(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 (3–9–72).

Dated: February 29, 1972.

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

[FR Doc.72–3454 Filed 3–8–72;8:45 am]

# Title 24—HOUSING AND URBAN DEVELOPMENT

## Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[Docket No. R–72–172]

## PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

### Maximum Mortgage Maturity

Pursuant to sections 211 and 232 of the National Housing Act (the Act) (12 U.S.C. 1715b, 1715w) and the Secretary's delegation of authority (36 F.R. 5006), Part 232 of the regulations governing the maximum mortgage maturity is amended. The maximum mortgage maturity is changed from 20 to 40 years.

An extension of the amortization period would enable mortgagors to support the same debt amount with substantially less income. This should result in lower monthly patient charges. The proposed regulation change has been discussed with various proprietary and nonproprietary nursing home operators who support the extension.

The Secretary finds that it is impracticable to provide for comment and public procedure with respect to this amendment, and good cause exists for making these regulations effective upon publication in the FEDERAL REGISTER.

The proposed amendment is set out in full below.

Section 232.27 is amended to read as follows:

§ 232.27 Maximum mortgage maturity.

The mortgage shall have a maturity not to exceed 40 years from the beginning of amortization and shall contain amortization or sinking fund provisions satisfactory to the Commissioner.

*Effective date.* This amendment is effective upon publication in the FEDERAL REGISTER (3–9–72).

Issued at Washington, D.C., March 6, 1972.

EUGENE A. GULLEDGE,
*Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.*

[FR Doc.72–3641 Filed 3–8–72;8:57 am]

[Docket No. R–72–171]

## PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

### Subpart A—Eligibility Requirements—Homes for Lower Income Families

### Subpart C—Assistance Payments—Homes for Lower Income Families

ELIGIBLE DWELLINGS AND QUALIFIED MEMBERS

Sections 105, 106, and 107 of Public Law 91–609 amended several eligibility requirements for mortgage insurance under section 235 of the National Housing Act. The present amendments to Part 235 merely reflect this statutory change. Therefore, I find that notice, and public procedure and a deferred effective date are unnecessary and contrary to the public interest.

The changes in § 235.15 will: (1) Permit insurance of a mortgage and payment of assistance under Part 235 on a substantially rehabilitated two-family dwelling without the previously imposed requirement that such dwelling shall have been purchased from a nonprofit organization, and (2) extend until July 1, 1972, the eligibility of existing dwellings for mortgage insurance and assistance payments under the part. The new § 235.325(d) permits assistance payments to be made on behalf of a member of a cooperative project, on which the mortgage is not insured by the FHA but which receives assistance under a State or local program.

Accordingly, Part 235 of Title 24 of the Code of Federal Regulations is amended as follows:

1. In § 235.15 subparagraphs (b) and (g) are revised. As amended § 235.15 reads as follows:

§ 235.15 Eligible types of dwellings.

The mortgage shall involve one of the following types of dwellings:

* * * * *

(b) A two-family dwelling, one of the units of which is to be occupied by the owner, which is approved by the Commissioner prior to the beginning of substantial rehabilitation.

* * * * *

(g) An existing single-family dwelling or a family unit in an existing condominium project which meets such standards as the Commissioner prescribes and concerning which an application for assistance payments is filed pursuant to § 235.301 et seq. and approved prior to July 1, 1972.

2. In § 235.325 a new paragraph (d) is added. As amended, § 235.325 reads as follows:

§ 235.325 Qualified cooperative members.

* * * * *

(d) A member of a cooperative association which operates a housing project which is financed under a State or local program providing assistance through loans, loan insurance or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.

(Secs. 105, 106, and 107, 84 Stat. 1770, 1771; sec. 235, 82 Stat. 477, as amended; 12 U.S.C. 1715b, 1715z)

*Effective date.* This revision shall become effective upon publication in the FEDERAL REGISTER (3–9–72).

Issued at Washington, D.C., March 6, 1972.

EUGENE A. GULLEDGE,
*Assistant Secretary-Commissioner.*

[FR Doc.72–3640 Filed 3–8–72;8:57 am]

## Chapter IX—Office of Interstate Land Sales Registration

[Docket No. R–72–170]

## PART 1700—INTRODUCTION

### Subpart A—Authority and Organization

TRANSFER OF FUNCTIONS AND DELEGATION OF AUTHORITY

The Department is amending 24 CFR Part 1700 with respect to the delegation of authority for Interstate Land Sales Registration in order to conform with the transfer of responsibility for this program from the Assistant Secretary for Housing Production and Mortgage Credit to the Interstate Land Sales Administrator. (An amendment to the delegation of authority to the Assistant Secretary and Deputy Assistant Secretary for Housing Production and Mortgage Credit and a new delegation to the Administrator and Deputy Administrator reflecting such transfer are being published as a general notice concurrently herewith.)

This amendment relates to agency management, and therefore notice of

proposed rule making and postponement of the effective date are unnecessary.

Accordingly, 24 CFR Part 1700, Subpart A—Authority and Organization, is amended as follows:

A. Change § 1700.10 to read:

**§ 1700.10 Delegation of authority.**

(a) The Secretary has delegated to the Interstate Land Sales Administrator and the Deputy Administrator all of the authority to exercise the power and authority vested in him under the Act except the authority to:

(1) Conduct hearings in accordance with 5 U.S.C. 556 and 557.

(2) Issue orders or determinations after such hearings.

(3) Issue rules and regulations under section 1416(a) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701–1720, title XIV of the Housing and Urban Development Act of 1968) prescribing rights of appeal from the decisions of hearing examiners.

(4) Transmit evidence of apparent violations of the Act to the Attorney General of the United States for the institution of any appropriate criminal proceedings under section 1415(a) of the Act.

(5) Sue and be sued.

(b) The Secretary has further authorized the Administrator to redelegate any of the delegated authority to employees of the Department.

B. Change § 1700.15 to read as follows:

**§ 1700.15 Establishment of Office.**

There is established, as an organizational unit of the Department of Housing and Urban Development, the Office of Interstate Land Sales Registration.

C. Change § 1700.20 to read as follows:

**§ 1700.20 Administrator.**

The Office of Interstate Land Sales Registration is headed by the Interstate Land Sales Administrator who shall be designated by the Secretary.

In addition, 24 CFR Part 1700, Subpart B—Delegations of Basis Authority and Functions, is amended as follows:

A. Delete § 1700.75 and its heading from the table of contents.

B. Delete § 1700.75.

(Sec. 7(d) of the Department of Housing and Urban Development Act; 42 U.S.C. 3535(d))

*Effective date.* The effective date of these amendments is March 1, 1972.

GEORGE ROMNEY,
*Secretary of Housing and Urban Development.*

[FR Doc.72-3543 Filed 3-8-72;8:56 am]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7165]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Reasonable Accumulations by Corporations

On July 29, 1971, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 537 of the Internal Revenue Code of 1954 (relating to reasonable needs of the business for purposes of the accumulated earnings tax) to reflect the changes made by section 906 of the Tax Reform Act of 1969 (83 Stat. 714) was published in the FEDERAL REGISTER (36 F.R. 14002). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

Subparagraph (3) of paragraph (e) of § 1.537–1, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is changed to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
*Commissioner of Internal Revenue.*

Approved: March 2, 1972.

FREDERIC W. HICKMAN,
*Acting Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 537 of the Internal Revenue Code of 1954 to section 906 of the Tax Reform Act of 1969 (83 Stat. 714), such regulations are amended as follows:

PARAGRAPH 1. Section 1.537 is amended by revising section 537 and adding a historical note to read as follows:

**§ 1.537 Statutory provisions; reasonable needs of the business.**

Sec. 537. *Reasonable needs of the business*—(a) *General rule.* For purposes of this part, the term "reasonable needs of the business" includes—

(1) The reasonably anticipated needs of the business,

(2) The section 303 redemption needs of the business, and

(3) The excess business holdings redemption needs of the business.

(b) *Special rules.* For purposes of subsection (a)—

(1) *Section 303 redemption needs.* The term "section 303 redemption needs" means, with respect to the taxable year of the corporation in which a shareholder of the corporation died or any taxable year thereafter, the amount needed (or reasonably anticipated to be needed) to make a redemption of stock included in the gross estate of the decedent (but not in excess of the maximum amount of stock to which section 303(a) may apply).

(2) *Excess business holdings redemption needs.* The term "excess business holdings redemption needs" means, with respect to taxable years of the corporation ending after May 26, 1969, the amount needed (or reasonably anticipated to be needed) to redeem from a private foundation stock which—

(A) Such foundation held on May 26, 1969 (or which was received by such foundation pursuant to a will or irrevocable trust to which section 4943(c)(5) applies), and

(B) Constituted excess business holdings on May 26, 1969, or would have constituted excess business holdings as of such date if there were taken into account (i) stock received pursuant to a will or trust described in subparagraph (A), and (ii) the reduction in the total outstanding stock of the corporation which would have resulted solely from the redemption of stock held by the private foundation.

(3) *Obligations incurred to make redemptions.* In applying paragraphs (1) and (2), the discharge of any obligation incurred to make a redemption described in such paragraphs shall be treated as the making of such redemption.

(4) *No inference as to prior taxable years.* The application of this part to any taxable year before the first taxable year specified in paragraph (1) or (2) shall be made without regard to the fact that distributions in redemption coming within the terms of such paragraphs were subsequently made.

[Sec. 537 as amended by sec. 906, Tax Reform Act 1969 (83 Stat. 714)]

PAR. 2. Section 1.537–1 is amended by revising paragraph (a) and adding new paragraphs (c), (d), and (e) to read as follows:

**§ 1.537–1 Reasonable needs of the business.**

(a) *In general.* The term "reasonable needs of the business" includes (1) the reasonably anticipated needs of the business, (2) the section 303 redemption needs of the business, as defined in paragraph (c) of this section, and (3) the excess business holdings redemption needs of the business as described in paragraph (d) of this section. See paragraph (e) of this section for additional rules relating to the section 303 redemption needs and the excess business holdings redemption needs of the business. An accumulation of the earnings and profits (including the undistributed earnings and profits of prior years) is in excess of the reasonable needs of the business if it exceeds the amount that a prudent businessman would consider appropriate for the present business purposes and for the reasonably anticipated future needs of the business. The need to retain earnings and profits must be directly connected with the needs of the corporation itself and must be for bona fide business purposes. For purposes of this paragraph the section 303 redemption needs of the business and the excess business holdings redemption needs of the business are deemed to be directly connected with the

needs of the business and for a bona fide business purpose. See § 1.537–3 for a discussion of what constitutes the business of the corporation. The extent to which earnings and profits have been distributed by the corporation may be taken into account in determining whether or not retained earnings and profits exceed the reasonable needs of the business. See § 1.537–2, relating to grounds for accumulation of earnings and profits.

* * * * *

(c) *Section 303 redemption needs of the business.* (1) The term "section 303 redemption needs" means, with respect to the taxable year of the corporation in which a shareholder of the corporation died or any taxable year thereafter, the amount needed (or reasonably anticipated to be needed) to redeem stock included in the gross estate of such shareholder but not in excess of the amount necessary to effect a distribution to which section 303 applies. For purposes of this paragraph, the term "shareholder" includes an individual in whose gross estate stock of the corporation is includable upon his death for Federal estate tax purposes.

(2) This paragraph applies to a corporation to which section 303(c) would apply if a distribution described therein were made.

(3) If stock included in the gross estate of a decedent is stock of two or more corporations described in section 303(b)(2)(B), the amount needed by each such corporation for section 303 redemption purposes under this section shall, unless the particular facts and circumstances indicate otherwise, be that amount which bears the same ratio to the amount described in section 303(a) as the fair market value of such corporation's stock included in the gross estate of such decedent bears to the fair market value of all of the stock of such corporations included in the gross estate. For example, facts and circumstances indicating that the allocation prescribed by this subparagraph is not required would include notice given to the corporations by the executor or administrator of the decedent's estate that he intends to request the redemption of stock of only one of such corporations or the redemption of stock of such corporations in a ratio which is unrelated to the respective fair market values of the stock of the corporations included in the decedent's gross estate.

(4) The provisions of this paragraph apply only to taxable years ending after May 26, 1969.

(d) *Excess business holdings redemption needs.* (1) The term "excess business holdings redemption needs" means, with respect to taxable years of the corporation ending after May 26, 1969, the amount needed (or reasonably anticipated to be needed) to redeem from a private foundation stock which—

(i) Such foundation held on May 26, 1969 (or which was received by such foundation pursuant to a will or irrevocable trust to which section 4943(c)(5) applies), and either

(ii) Constituted excess business holdings on such date or would have constituted excess business holdings as of that date if there were taken into account (*a*) stock received pursuant to a will or trust described in subdivision (i) of this subparagraph and (*b*) the reduction in the total outstanding stock of the corporation which would have resulted solely from the redemption of stock held by the private foundation, or

(iii) Constituted stock redemption of which before January 1, 1975, is, by reason of section 101(l)(2)(B) of the Tax Reform Act of 1969 and § 53.4941(d)–4(b), permitted without imposition of tax under section 4941, but only to the extent such stock is to be redeemed before January 1, 1975, or is to be redeemed thereafter pursuant to the terms of a binding contract entered into on or before such date to redeem all of the stock of the corporation held by the private foundation on such date.

(2) The purpose of subparagraph (1) of this paragraph is to facilitate a private-foundation's disposition of certain excess business holdings, in order for the private foundation not to be liable for tax under section 4943. See section 4943(c) and the regulations thereunder for the definition of excess business holdings. For purposes of section 537(b)(2) and this paragraph, however, any determination of the existence of excess business holdings shall be made without taking into account the provisions of section 4943(c)(4) which treat certain excess business holdings as held by a disqualified person (rather than by the private foundation), except that the periods described in section 4943(c)(4)(B), (C), and (D), if applicable, shall be taken into account in determining the period during which an excess business holdings redemption need may be deemed to exist. Thus, an excess business holdings redemption need may, depending upon the facts and circumstances, be deemed to exist for a part or all of the 20-year, 15-year, or 10-year period specified in section 4943(c)(4)(B) during which the interest in the corporation held by the private foundation is treated as held by a disqualified person rather than by the private foundation, and, if applicable, (i) any suspension of such 20-year, 15-year, or 10-year period as provided by section 4943(c)(4)(C) and (ii) the 15-year "second phase" specified in section 4943(c)(4)(D). The foregoing sentence is not to be construed to prevent an accumulation of earnings and profits for the purpose of effecting a redemption of excess business holdings at a time or times prior to expiration of the periods described in such sentence. This subparagraph is not to be construed to prevent an accumulation of earnings and profits for the purpose of effecting a redemption described in subdivision (iii) of subparagraph (1) of this paragraph.

(3) The extent of an excess business holdings redemption need cannot exceed the total number of shares of stock so held or received by the private foundation (i) redemption of which alone would sufficiently reduce such private foundation's proportionate share of the corporation's total outstanding stock in order for the private foundation not to be liable for tax under section 4943, of (ii) redemption of which is, by reason of § 53.4941(d)–4(b), permitted without imposition of tax under section 4941 provided that such redemption is accomplished within the period and in the manner prescribed in subdivision (iii) of subparagraph (1) of this paragraph. Thus, excess business holdings of a private foundation attributable to an increase in the private foundation's proportionate share of the corporation's total outstanding stock by reason of a redemption of stock after May 26, 1969, from any person other than the private foundation do not give rise to an excess business holdings redemption need.

(4) For purposes of subdivision (ii) of subparagraph (1) of this paragraph, an excess business holdings redemption need can arise with respect to shares of the corporation's stock under section 537(a)(3) only following actual acquisition by the private foundation of such shares and their characterization as an excess business holding. Thus, this paragraph does not apply to an accumulation of earnings and profits in one taxable year in anticipation of redemption of excess business holdings to be acquired by a private foundation in a subsequent year pursuant to a will or irrevocable trust to which section 4943(c)(5) applies or in anticipation of shares held becoming excess business holdings of the private foundation in a subsequent year by reason of additional shares to be received by the private foundation in such subsequent year pursuant to a will or irrevocable trust to which section 4943(c)(5) applies. Once having arisen, however, an excess business holdings redemption need may continue until redemption of the private foundation's excess business holdings described in this paragraph or other disposition of such excess business holdings by the private foundation.

(5) Notwithstanding any other provision of this paragraph, an excess business holdings redemption need will not be deemed to exist with respect to stock held by a private foundation the redemption of which would subject any person to tax under section 4941.

(6) For purposes of subdivision (ii) of subparagraph (1) of this paragraph, the number of shares of stock held by a private foundation on May 26, 1969 (or received pursuant to a will or irrevocable trust to which section 4943(c)(5) applies), redemption of which alone would sufficiently reduce such foundation's proportionate share of a corporation's total outstanding stock in order for the foundation not to be liable for tax under section 4943 may be determined by application of the following formula:

$$X = \frac{PH - (Y \times SO)}{1 - Y}$$

X = Number of shares to be redeemed.
Y = Maximum percentage of outstanding stock which private foundation can hold without being liable for tax under section 4943.
PH = Number of shares of stock held by private foundation on May 26, 1969, or received pursuant to a will or irrevocable trust to which section 4943(c)(5) applies.
SO = Total number of shares of stock outstanding unreduced by any redemption from a person other than the private foundation.

(7) The provisions of this paragraph may be illustrated by the following example:

*Example.* (i) On May 26, 1969, Private Foundation A holds 60 of the 100 outstanding shares of the capital stock of corporation X, which is not a disqualified person with respect to A. None of the remaining 40 shares is owned by a disqualified person within the meaning of section 4946(a). On June 1, 1975, X redeems 10 shares of its stock from individual B, this reducing its outstanding stock to 90 shares. On June 1, 1976, A receives 20 additional shares of X stock by bequest under a will to which section 4943(c)(5) applies. As of June 1, 1976, then, A holds 80 of the 90 outstanding shares of X. Solely for purposes of this example and to illustrate the application of this paragraph, it will be assumed that in order not to be liable for the initial tax under section 4943, A must, before the close of the "second phase" described in section 4943(c)(4)(D), reduce its proportionate stock interest in X to 35 percent. A requests X to redeem from it a sufficient number of its shares to so reduce its proportionate stock interest in X to 35 percent, and X agrees to effect such a redemption.

(ii) As of May 26, 1969, A's excess business holdings are 25 shares of X, the number of shares which A would be required to dispose of to a person other than X in order to reduce its proportionate holdings in X to no more than 35 percent. If the disposition is to be by means of a redemption, however, A's excess business holdings on May 26, 1969, for purposes of determining X's excess business holdings redemption needs, are 39 shares, i.e., the number of shares X would be required to redeem in order to reduce A's proportionate stock interest to 35 percent. Although the redemption of 10 shares from B on June 1, 1975, creates additional excess business holdings of A because it effectively increases A's proportionate stock interest in X, this increase does not create an additional excess business holdings redemption need because it resulted from a redemption from a person other than A. The bequest of 20 shares of X received by A on June 1, 1976, creates a further excess business holdings redemption need as of that date in the amount needed (or reasonably anticipated to be needed) to redeem an additional 31 shares from A, i.e., the number of shares which, when added to the excess business holdings of A on May 26, 1969, would have to be redeemed to reduce A's proportionate stock interest in X to 35 percent without taking the earlier redemption from B into account.

(e)(1) A determination whether and to what extent an amount is needed (or reasonably anticipated to be needed) for the purpose described in subparagraph (1) of paragraph (c) or (d) of this section is dependent upon the particular circumstances of the case, including the total amount of earnings and profits accumulated in prior years which may be available for such purpose and the existence of a reasonable expectation that a redemption described in paragraph (c) or (d) of this section will in fact be effected. Although paragraph (c) or (d) of this section may apply even though no redemption of stock is in fact effected, the failure to effect such redemption may be taken into account in determining whether the accumulation was needed (or reasonably anticipated to be needed) for a purpose described in paragraph (c) or (d).

(2) In applying subparagraph (1) of paragraph (c) or (d) of this section, the discharge of an obligation incurred to make a redemption shall be treated as the making of the redemption.

(3) In determining whether an accumulation is in excess of the reasonable needs of the business for a particular year, the fact that one of the exceptions specified in paragraph (c) or (d) of this section applies in a subsequent year is not to give rise to an inference that the accumulation would not have been for the reasonable needs of the business in the prior year. Also, no inference is to be drawn from the enactment of section 537(a)(2) and (3) that accumulations in any prior year would not have been for the reasonable needs of the business in the absence of such provisions. Thus, the reasonableness of accumulations in years prior to a year in which one of the exceptions specified in paragraph (c) or (d) of this section applies is to be determined solely upon the facts and circumstances existing at the times the accumulations occur.

[FR Doc.72-3583 Filed 3-8-72;8:52 am]

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[T.D. 7168]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Information To Be Furnished With Respect to Qualified and Nonqualified Plans of Deferred Compensation

On December 18, 1971, notice of proposed rule making to amend the Income Tax Regulations (26 CFR Part 1) under sections 381, 401, 404, and 6033 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (36 F.R. 24068). The proposed amendment relates to information required to be furnished with respect to qualified pension, profit-sharing, stock bonus, etc., plans and nonqualified plans of deferred compensation. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

1. Paragraph (i) of § 1.404(a)-2, as set forth in paragraph 3 of the notice of proposed rule making, is changed to read as set forth below.

2. Paragraph (a) of § 1.404(a)-2A, as set forth in paragraph 4 of the appendix to the notice of proposed rule making, is changed to read as set forth below:

3. Subparagraphs (2)(ii)(*i*) and (3) of paragraph (a) of § 1.6033-2, as set forth in paragraph 6 of the notice of proposed rule making, are changed to read as set forth below:

(Secs. 6011(a), 6033(a)(1), 7805, Internal Revenue Code of 1954, 68A Stat. 732, 83 Stat. 519, 68A Stat. 917; 26 U.S.C. 6011(a), 6033(a)(1), 7805)

[SEAL] JOHNNIE M. WALTERS,
*Commissioner of Internal Revenue.*

Approved: March 2, 1972.

FREDERIC W. HICKMAN,
*Acting Assistant Secretary of the Treasury.*

PARAGRAPH 1. Section 1.381(c)(11)-1 is amended by revising so much of paragraph (k) as precedes subparagraph (1) to read as follows:

**§ 1.381(c)(11)-1 Contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans.**

* * * * *

(k) *Information to be furnished by acquiring corporation.* The acquiring corporation shall furnish such information with respect to a plan established by a distributor or transferor corporation as will, consistently with the principles of section 404, establish that the provisions of such section and this section apply. For purposes of this section, the district director may require any other information that he considers necessary to determine deductions allowable under section 404 and this section or qualification under section 401. Any unused deductions or excess contributions carried over from a distributor or transferor corporation pursuant to this section shall be properly identified with the corporation which would have been permitted to use those deductions or contributions in the absence of the transaction causing section 381 to apply.

* * * * *

PAR. 2. Section 1.401-1 is amended by revising subparagraph (2) of paragraph (e) to read as follows:

**§ 1.401-1 Qualified pension, profit-sharing, and stock bonus plans.**

* * * * *

(e) *Determination of exemptions and returns.* * * *

(2) A trust which qualifies under section 401(a) and which is exempt under section 501(a) must file a return in accordance with section 6033 and the regulations thereunder. See §§ 1.6033-1 and 1.6033-2(a)(3). In case such a trust realizes any unrelated business taxable income, as defined in section 512, such trust is also required to file a return with respect to such income. See paragraph (e) of § 1.6012-2 and paragraph (a)(5) of § 1.6012-3 for requirements with respect to such returns. For information required to be furnished periodically by an employer with respect to the qualification of a plan, see §§ 1.404(a)-2, 1.404(a)-2A, and 1.6033-2(a)(2)(ii)(*i*).

PAR. 3. Section 1.404(a)-2 is amended by revising the heading and by adding

a new paragraph (i). These revised and added provisions read as follows:

**§ 1.404(a)–2 Information to be furnished by employer claiming deductions; taxable years ending before December 31, 1971.**

* * * * *

(i) Except as provided under § 1.503(d)–1(a) and § 601.201 of this chapter (Statement of Procedural Rules) in the case of a request for the determination of qualification of a trust under section 401 and exemption under section 501, paragraphs (a) through (h) of this section shall not apply for taxable years ending on or after December 3, 1971. For information to be furnished for taxable years ending on or after December 31, 1971, see § 1.404(a)–2A.

PAR. 4. Immediately after § 1.404(a)–2, there is added a new § 1.404(a)–2A which reads as follows:

**§ 1.404(a)–2A Information to be furnished by employer; taxable years ending on or after December 31, 1971.**

(a) *In general.* For any taxable year ending on or after December 31, 1971, any employer who maintains a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation shall file the forms prescribed by this section. An employer (including a self-employed individual) maintaining such a plan shall furnish such information as is required by the forms and the instructions relating thereto. The forms shall be filed in the manner and at the time prescribed under paragraph (c) of this section. See § 1.404(a)–2 with respect to information to be furnished for taxable years ending before December 31, 1971. For purposes of this section, in the case of a plan of several employers described in § 1.401–1(d), each employer shall be deemed to be maintaining a separate plan corresponding to the plan of which the trust is a part. For information required to be furnished with respect to a funded deferred compensation plan maintained by an employer who is exempt from tax under section 501(a), see § 1.6033–2(a)(2)(ii)(*i*).

(b) *Forms.* The forms prescribed by this section are:

(1) Form 2950, generally relating to the identification of plans to which an employer has made a contribution,

(2) Form 2950SE, generally relating to information with respect to a deduction for a contribution made on behalf of a self-employed individual,

(3) Form 4848, generally relating to information concerning the qualification of the plan, and deductions for contributions made on behalf of employees, and

(4) Form 4849, generally relating to the financial position of the trust, fund, or custodial or fiduciary account which is a part of the plan.

(c) *Filing requirements.* (1) Form 2950 shall be filed with the employer's tax return (Form 1040, 1041, 1065, or 1120 as the case may be) for any taxable year during which a pension, annuity, stock bonus, profit-sharing or other funded plan of deferred compensation is maintained.

(2) Form 2950SE shall be filed by each self-employed individual with his income tax return for the taxable year in which he claims a deduction for contributions made on his behalf.

(3) Form 4848 shall be filed by the employer for each taxable year during which he maintains a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation. Such form shall be filed on or before the 15th day of the fifth month following the close of the employer's taxable year. For rules relating to the extension of time for filing, see section 6081 and the regulations thereunder and the instructions for Form 4848.

(4) Form 4849 shall be filed by the employer as an attachment to Form 4848 for each taxable year during which he maintains a pension, annuity, stock bonus, profit-sharing or other funded plan of deferred compensation unless the employer has been notified in writing that Form 4849 will be filed by the fiduciary for such plan as an attachment to Form 990–P.

(d) *Additional information.* In addition to the information otherwise required to be furnished by this section, the district director may require any further information that he considers necessary to determine allowable deductions under section 404 or qualification under section 401.

(e) *Records.* Records substantiating all data and information required by this section to be filed must be kept at all times available for inspection by internal revenue officers at the main office or place of business of the employer.

PAR. 5. Paragraph (c) of § 1.404(a)–3 is amended to read as follows:

**§ 1.404(a)–3 Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 401(a); application of section 404(a)(1).**

* * * * *

(c) The amount of a contribution to a pension or annuity plan that is deductible under section 404(a)(1) or (2) depends upon the methods, factors, and assumptions which are used to compute the costs of the plan and the limitation of section 404(a)(1) which is applied. Since the amount that is deductible for one taxable year may affect the amount that is deductible for other taxable years, the methods, factors, and assumptions used in determining costs and the method of determining the limitation which have been used for determining the deduction for a taxable year for which the return has been filed shall not be changed for such taxable year, except when the Commissioner determines that the methods, factors, assumptions, or limitations were not proper, or except when a change is necessitated by reason of the use of different methods, factors, assumptions, or limitations for another taxable year. However, different methods, factors, and assumptions, or a different method of determining the limitation, if they are proper, may be used in determining the deduction for a subsequent taxable year.

* * * * *

PAR. 6. Paragraph (a) of § 1.6033–2 is amended by adding a new (*i*) immediately after (*h*) of subparagraph (2)(ii) and by revising subparagraph (3). These added and revised provisions read as follows:

**§ 1.6033–2 Returns by exempt organizations; taxable years beginning after December 31, 1969.**

(a) *In general.* * * *

(2) * * *

(ii) * * *

(*i*) For taxable years ending on or after December 31, 1971, such information as is required by Forms 2950, 4848, and 4849. Such forms are required by this section to be filed by an organization exempt from tax under section 501(a) which is an employer who maintains a funded pension or annuity plan for its employees. See paragraph (g) of this section for exceptions from filing. Form 4849 need not be filed by the organization if the fiduciary for the plan has given written notification to the organization that such form will be filed as an attachment to Form 990–P filed by the fiduciary. Form 4848 (and Form 4849 if required to be filed by the organization) shall be filed as a separate return on or before the due date for Form 990. For rules relating to the extension of time for filing, see section 6081 and the regulations thereunder and the instructions for Form 4848. A central organization which files Form 990 as a group return under paragraph (d) of this section shall file Form 2950 for the group as an attachment to the Form 990 group return. Such an organization may also file Form 4848 as a group return. The rules provided by paragraph (d) of this section with respect to a group return filed on Form 990 shall apply to a group return filed on Form 4848. Unless otherwise expressly provided therein, an authorization to include a local organization in a group for purposes of filing Form 990 as a group return shall be treated as an authorization to include such local organization in a group for purposes of filing Form 4848 as a group return. A group return on Form 4848 shall be filed in accordance with this section and the instructions to Form 4848 and shall be considered the return of each local organization included therein. In addition to the information required to be furnished by Forms 4848 and 4849, the district director may require any further information that he considers necessary to determine qualification of the plan under section 401 or the taxability under section 403(b) of a beneficiary under an annuity purchased by a section 501(c)(3) organization.

* * * * *

(3)(i) For taxable years beginning after December 31, 1969, and ending before December 31, 1971, every employee's trust described in section 401(a) which is exempt from taxation under

section 501(a) shall file an annual return on Form 990–P. The return shall include the information required by paragraph (b)(5)(ii) of § 1.401–1. For such years, in addition, the trust must file the information required to be filed by the employer pursuant to the provisions of § 1.404(a)–2, unless the employer has notified the trustee in writing that he has filed or will timely file such information. If the trustee has received such notification from the employer, then such notification, or a copy thereof, shall be retained by the trust as a part of its records.

(ii) For taxable years ending on or after December 31, 1971, every employee's trust described in section 401(a) which is exempt from taxation under section 501(a) shall file an annual return on Form 990–P. The trust shall furnish such information as is required by such form and the instructions issued with respect thereto.

[FR Doc.72–3582 Filed 3–8–72;8:52 am]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter IV—Saint Lawrence Seaway Development Corporation

## PART 401—SEAWAY REGULATIONS AND RULES

### Miscellaneous Amendments

On pages 938–939 of the FEDERAL REGISTER of January 21, 1972, there was published a notice of proposed rule making by the Saint Lawrence Seaway Development Corporation to amend Subpart B—Rules of 33 CFR Part 401. In amending the rules, the Corporation is acting jointly and in coordination with the St. Lawrence Seaway Authority of Canada pursuant to the provisions of its enabling act (33 U.S.C. 981, et seq.).

Interested parties were invited to submit written comments and suggestions with respect to the proposed amendments. No comments having been received, the proposed rules are hereby adopted without change.

Because these amendments were developed jointly with the Saint Lawrence Seaway Authority of Canada and will be adopted by that agency at the beginning of the 1972 navigation season, I find that good cause exists for making the amendments effective in less than 30 days. Accordingly, they shall become effective on the date of their publication in the FEDERAL REGISTER (3–9–72).

D. W. OBERLIN,
*Administrator.*

I. Amend the rules on Radio Communications as follows:

§ 401.103–5 [Amended]

1. Section 401.103–5 is amended by inserting the words "or Lake Ontario Port" following "(C.I.P. 15)" in the Message Content for Newcastle under Upbound Vessels. This phrase was omitted in the FEDERAL REGISTER publication of Miscellaneous Amendments on March 27, 1971.

2. Section 401.103–5 is further amended by deleting Nos. 3, 4, and 5 of the Message Content for Tibbetts Point—Entering Sector 4 under Downbound Vessels and adding a new C.I.P. and check point immediately following Tibbetts Point—Entering Sector 4 to insure an accurate ETA for Whaleback Shoal from vessels arriving at Tibbetts Point. The new C.I.P. and check point reads as follows:

(a) * * *

| C.I.P. and check point | Station to call | Message content |
|---|---|---|
| * * * | * * * | * * * |
| | DOWNBOUND VESSELS | |
| * * * | * * * | * * * |
| Capt Vincent—(after River Pilot boards). | WAG Clayton (Call Ch. 16; Work Ch. 12). | 1. Name of Vessel.<br>2. Location.<br>3. Destination.<br>4. Drafts, fore and aft.<br>5. Cargo.<br>6. ETA Whaleback Shoal. |

II. Amend the rules on Transit Instructions as follows:

1. Section 401.104–1 is revised to reflect the present agreement as to the duration of the navigation season, and reads as follows:

§ 401.104–1 Navigation season.

Subject to variations prescribed in a Seaway Notice, weather and ice conditions permitting, navigation on the Seaway will normally open and close on the following dates in each year:

| | Open | Close |
|---|---|---|
| South Shore, Beauharnois, Wiley-Dondero, and Iroquois | Apr. 1 | Dec. 15 |
| Welland Canal | do | Dec. 22 [1] |
| Canadian Sault Ste. Marie Canal | Apr. 4 | Dec. 12 |

[1] In 1972 the closing date for the Welland Canal is December 15.

2. Section 401.104–9 is revised to eliminate the reference to a particular speed, thereby allowing the changing of speed limits without requiring a corresponding amendment to the regulations. The revised section reads as follows:

§ 401.104–9 Speed.

Maximum speed for vessels in designated areas of the Seaway is prescribed in a Seaway Notice, and every vessel in transit and under way shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

3. Section 401.104–10 is amended by inserting "(a)" before the present section and adding a paragraph "(b)" to cover the situation of meeting within the limits of approach signs since the Great Lakes Rules of the Road do not specifically cover this hazardous situation which should be prohibited. The new paragraph (b) reads as follows:

§ 401.104–10 Meeting and passing.

* * * * *

(b) Meeting other vessels is prohibited within the limits of approach signs at bridges.

§ 401.104–11 [Amended]

4. Section 401.104–11 is amended to more clearly reflect the purpose of the section by striking the title "Passing Restriction" and inserting the title "Restriction on Overtaking".

§ 401.104–23 [Amended]

5. Section 401.104–23(b) is amended by inserting the phrase "except as provided in paragraph (c) of this section," after the words "open gates".

6. Section 401.104–23(c) is amended by inserting the words "secured to the eye at the end of the mooring lines." after the words "its own hand lines" because many upbound vessels at Iroquois and at Lock 8, Welland, offer hand lines which are secured to the mooring lines 2 feet back of the splice of the eye (as detailed in § 401.104–23(b) for upbound vessels). These lines can be very difficult for linesmen to get ashore, particularly if the vessel is a few feet off the lock wall and the mooring line slips down between the chamber wall and the vessel.

III. Amend the rules on Toll Assessment and Collection as follows:

§ 401.106–3 [Amended]

1. Section 401.106–3 is amended to reflect the actual functions of the agencies involved by striking the title "Bureau of Statistics" and inserting the title "Statistics—Canada", and by striking the words "maintain and" after the words "Development Corporation will".

IV. Amend the rules on Forms as follows:

§ 401.120–1 [Amended]

1. Section 401.120–1 is amended to reflect an address change in the Preclearance Form by striking the address "P.O. Box 98" and inserting in its place "202 Pitt Street" in the first paragraph of the Instructions.

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

[FR Doc.72–3537 Filed 3–8–72;8:47 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

### Aluminum Phosphide

A petition (PP 2F1184) was filed by TRW/Hazleton Laboratories, 9200 Leesburg Pike, Vienna, VA 22180, on behalf of Hollywood Termite Control Co., Inc., Post Office Box 469, Alhambra, CA 91802, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that § 180.225

*Aluminum phosphide; tolerances for residues* be revised to provide for the fumigation of all nonperishable raw agricultural commodities by establishing a tolerance at 0.1 part per million for residues of phosphine from use of aluminum phosphide.

Because certain additional data are needed before a tolerance can be established for all nonperishable raw agricultural commodities, only the use of aluminum phosphide on peanuts is considered in this order.

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

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

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

2. The proposed usage on peanuts is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage 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), § 180.225 *Aluminum phosphide; tolerances for residues* is revised by alphabetically inserting the item "peanuts" in the list of raw agricultural commodities.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (3–9–72).

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

Dated: March 3, 1972.

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

[FR Doc.72–3517 Filed 3–8–72;8:46 am]

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

### Endosulfan

Three petitions (PP 1F1028, PP 1F1034, and PP 1F1058) were filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for total negligible residues of the insecticide endosulfan(6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3 - benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a - hexahydro - 6,9-methano - 2,4,3 - benzodioxathiepin - 3,3-dioxide) in or on the raw agricultural commodities blueberries; grain and straw of barley, oats, rye, and wheat; and sugar beet roots at 0.2 part per million.

Subsequently, the petitioner amended the petitions by changing "sugar beet roots" to "sugar beets (but not tops)" and by reducing the proposed tolerance for residues in or on blueberries; grain of barley, oats, rye, and wheat; and sugar beets (but not tops) from 0.2 to 0.1 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 petitions and other relevant material, it is concluded that:

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

2. Established tolerances for residues of the pesticide in meat and milk are adequate to cover combined residues from the proposed and established uses.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.182 is amended by revising the paragraph "0.2 part per million (negligible residue) * * *" and by adding a new paragraph "0.1 part per million * * *", as follows:

**§ 180.182 Endosulfan; tolerances for residues.**

* * * * *

0.2 part per million (negligible residue) in or on filberts; macadamia nuts; pecans; potatoes; safflower seed; straw of barley, oats, rye, and wheat; and walnuts.

0.1 part per million (negligible residue) in or on blueberries; grain of barley, oats, rye, and wheat; and sugar beets (without tops).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (3–9–72).

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

Dated: March 1, 1972.

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

[FR Doc.72–3518 Filed 3–8–72;8:46 am]

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

### Methomyl

Two petitions (PP 1F1158 and PP 1F1162) were 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 (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]-thioacetimidate) in or on the raw agricultural commodities peanuts and cottonseed at 0.2 part per million.

Subsequently, the petitioner amended the petitions by proposing a tolerance of 0.1 part per million in or on peanut hulls and a reduction of the proposed tolerance of 0.2 part per million in or on peanuts and cottonseed to 0.1 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 petitions and other relevant material, it is concluded that:

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

2. The proposed usages are not reasonably expected to result in residues of the pesticide in eggs, meat, milk, or poultry. The usages are classified in the category specified in § 180.6(a)(3).

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 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 "0.1 part per million * * *", as follows:

**§ 180.253 Methomyl; tolerances for residues.**

* * * * *

0.1 part per million (negligible residue) in or on corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), cottonseed, peanut hulls, and peanuts.

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 (3-9-72).

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

Dated: March 3, 1972.

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

[FR Doc.72-3519 Filed 3-8-72;8:46 am]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 9—Atomic Energy Commission

## PART 9-12—LABOR

### Subpart 9-12.8—Equal Opportunity in Employment

PREAWARD CONTRACT ACTION; NONEXEMPT CONTRACTS

The changes to AECPR Subpart 9-12.8, Equal Opportunity in Employment provide that requests for proposals for cost-type prime contracts and cost-type subcontracts covering construction work to be performed at AEC sites shall include a requirement that the affirmative action plan to be submitted within 120 days after contract commences shall conform in content with Subpart B of 41 CFR 60-2.

1. In Subpart 9-12.8, § 9-12.805-51 *Preaward contract actions—nonexempt contracts*, paragraph (b), *Construction contracts*, subparagraphs (2) and (3) are revised to read as follows:

**§ 9-12.805-51 Preaward contract actions—nonexempt contracts.**

* * * * *

(b) *Construction contracts.* * * *

(2) *Other nonexempt construction contracts.* (i) Prior to the award, of construction contracts covered in this paragraph, the Contracting Officer shall determine, in accordance with FPR 1-1.310-5(5), that the prospective contractor appears to be able to conform to the requirements of the Equal Opportunity clause.

(ii) Contracting Officers shall incorporate in requests for proposals for cost-type prime contracts and cost-type subcontracts covering construction work to be performed at AEC sites a requirement that the affirmative action plan to be submitted within 120 days after contract commencement shall conform in content with Subpart B of Part 60-2 of this title.

(iii) Except as provided in subdivision (ii) of this subparagraph, Contracting Officers are authorized, at their discretion, to incorporate in invitation for bids or requests for proposals for construction contracts the following provisions:

(*a*) A provision that the bidder or proposer agrees that he will make good faith efforts to adhere to the affirmative action plan set forth in the invitation for bid or request for proposal.

(*b*) A provision that the apparent successful bidder, prior to award of the contract, will furnish to the Contracting Officer estimates of the approximate numbers and crafts of minority group persons expected to be employed in carrying out the contract and that he will make good faith efforts to employ minority persons consistent with those estimates. It should be noted that (*a*) of this subdivision and this (*b*) may be used separately or may be used in combination.

(3) *Failure to submit an unqualified bid or proposal.* Qualification in any major respect of the provisions of the affirmative action requirements included in an invitation for bid or request for proposal for a construction contract in accordance with subparagraph (1) or subparagraph (2) (ii) and (iii) of this paragraph, or inability of the Contracting Officer to make the determination in subparagraph (2)(i) of this paragraph, shall constitute grounds for determination that the bidder or proposer does not qualify as a responsible bidder and for rejection of his bid or proposal. In the case of procurement actions by AEC prime cost-type contractors, this determination shall be made only with the approval of the Contracting Officer.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date.* These amendments are effective upon publication in the FEDERAL REGISTER (3-9-72).

Dated at Germantown, Md., this 1st day of March 1972.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
*Acting Director, Division of Contracts.*

[FR Doc.72-3514 Filed 3-8-72;8:45 am]

## Chapter 101—Federal Property Management Regulations

### SUBCHAPTER E—SUPPLY AND PROCUREMENT

### PART 101-25—GENERAL

### Tire Identification/Registration Programs

This amendment implements the regulations, tire identification, and recordkeeping, issued by the Department of Transportation, and contains guidelines for notifying tire manufacturers and retreaders of tires purchased or retreaded from or through GSA supply sources.

The table of contents for Part 101-25 is amended by the addition of the following new entries.

| Sec. | |
|---|---|
| 101-25.110 | Tire identification/registration program. |
| 101-25.110-1 | Tires obtained from GSA supply distribution facilities. |
| 101.25-110-2 | Tires obtained through Federal Supply Schedules or regional term contracts. |
| 101-25.110-3 | Tires accompanying new motor vehicles. |
| 101-25.110-4 | Recordkeeping responsibilities. |

### Subpart 101-25.1—General Policies

Section 101-25.110 is added as follows:

**§ 101-25.110 Tire identification/registration program.**

The regulations issued by the Department of Transportation in 49 CFR Part

574, tire identification and recordkeeping, require, in part, that tire manufacturers and retreaders maintain or have maintained for them the name and address of tire purchasers, the identification number of each tire sold, and the name and address of the tire seller (or other means by which the manufacturer can identify the tire seller). In addition, distributors and dealers are required to furnish such data to manufacturers in connection with purchases made directly from them. GSA provides support to the Federal Government for tires, and, in consequence, the following procedures apply with respect to tires purchased or retreaded from or through GSA supply sources.

**§ 101–25.110–1 Tires obtained from GSA supply distribution facilities.**

At the time of shipment of tires to a GSA supply distribution facility, the tire manufacturer will record the name and address of the facility and the identification numbers of the tires shipped. Registration forms, cards, or registry books furnished by the tire manufacturer to the GSA supply distribution facility will be distributed to the agency requisitioning tires from such facility. These forms, cards, or books shall be completed by the agency concerned and returned to the preprinted address, thereby permitting the tire manufacturer to update his records and to notify the registrant direct in the event of a tire recall.

**§ 101–25.110–2 Tires obtained through Federal Supply Schedules or regional term contracts.**

When tire manufacturers or retreaders ship tires direct against orders placed under Federal Supply Schedules or regional term contracts, the tire manufacturer or the prime contractor for the retreading contract will record the name and address of the purchaser of the tires and the identification numbers of the tires involved. If a subcontractor retreads tires for a prime contract retreader, the identification of the subcontractor will be used in the event of a tire recall.

**§ 101–25.110–3 Tires accompanying new motor vehicles.**

Each motor vehicle manufacturer or his designee will maintain a record of the identification numbers of tires on each vehicle shipped and the name and address of the consignee who will be notified directly in the event of a tire recall.

**§ 101–25.110–4 Recordkeeping responsibilities.**

The effectiveness of the tire identification and recordkeeping regulations depends on the active support and cooperation of all agencies to insure that tires subject to a recall program are not to continue in service thereby endangering the lives of the occupants of the vehicle. Therefore, agencies should establish procedures for promptly identifying and locating all tires whether in storage or on vehicles so that advice from GSA, the tire manufacturer, the prime contractor for the retreading contract, or the vehicle manufacturer may be acted upon expeditiously.

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

*Effective date.* This revision is effective upon publication in the FEDERAL REGISTER (3–9–72).

Dated: March 2, 1972.

ROD KREGER,
*Acting Administrator of General Services.*

[FR Doc.72–3614 Filed 3–8–72;8:54 am]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

## PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

### OMB Circular No. A–2, Revised

Subparts 101–47.2, 101–47.8, and 101–47.49 are amended to implement Office of Management and Budget Circular No. A–2, Revised, dated August 30, 1971, to further implement Executive Order 11508 of February 10, 1970, as amended by Executive Order 11560 of September 23, 1970, and to update certain references and citations.

The table of contents for Part 101–47 is amended as follows:

Sec.
101–47.4908 Office of Management and Budget Circular No. A–2, Revised, dated August 30, 1971.
101–47.4914 Executive Order 11508 as amended by Executive Order 11560.

### Subpart 101–47.2—Utilization of Excess Real Property

1. Section 101–47.201–1(a) is revised to read as follows:

**§ 101–47.201–1 Policy.**

* * * * *

(a) To stimulate the identification and reporting by executive agencies of excess real property consistent with the objective expressed in the Office of Management and Budget Circular No. A–2, Revised. (See § 101–47.4908.)

* * * * *

2. Sections 101–47.201–2 (a)(1) and (d)(2)(i) are amended and (c) is revised to read as follows:

**§ 101–47.201–2 Guidelines.**

(a) * * *

(1) Survey real property under its control (including property assigned on a permit basis to other Federal agencies, or outleased to States, local governments, other public bodies, or private interests) at least annually to identify property which is not needed, underutilized, or not being put to optimum use. When other needs for the property are identified or recognized, the agency shall determine whether continuation of the then existing use or another Federal or other use would better serve the public interest, considering both the agency's needs and the property's location. In conducting each review, agencies shall be guided by § 101–47.801(b), other applicable General Services Administration regulations, and such criteria as may be established by the Property Review Board;

* * * * *

(c) To preclude the acquisition by purchase of real property when excess or surplus property of another Federal agency may be available which would meet the need, each executive agency shall notify GSA of its needs and ascertain whether any such property is available. However, in specific instances where the agency's proposed acquisition of real property is dictated by such factors as exact geographical location, topography, engineering, or similar characteristics which limit the possible use of other available property, the notification shall not be required. For example, for a dam site or reservoir area or the construction of a generating plant or a substation specific lands are needed and, ordinarily, no purpose would be served by such notification.

(d) * * *

(2) * * *

(i) Screen the holdings of the bureaus or other organizations within the agency to determine whether the new requirement can be met through improved utilization. Any utilization, however, must be for purposes that are consistent with the highest and best use of the property under consideration; and

* * * * *

3. Section 101–47.203–1 is revised to read as follows:

**§ 101–47.203–1 Reassignment of real property by the agencies.**

Each executive agency shall as far as practicable and within the policies expressed in this Subpart 101–47.2 and in OMB Circular No. A–2, Revised (see § 101–47.4908), make reassignments of real property and related personal property under its control and jurisdiction among activities within the agency in lieu of acquiring such property from other sources.

4. Section 101–47.203–2 is revised to read as follows:

**§ 101–47.203–2 Transfer and utilization.**

Each executive agency shall as far as practicable and within the policies expressed in this Subpart 101–47.2 and in OMB Circular No. A–2, Revised, transfer excess real property under its control to other Federal agencies and to the organizations specified in § 101–47.203–7, and shall fulfill its requirements for real property by obtaining excess real property from other Federal agencies. Transfers of property shall be made in accordance with the provisions of this subpart.

5. Sections 101–47.203–7 (b), (c), and (d) are revised and (f) is amended to read as follows:

**§ 101–47.203–7 Transfers.**

* * * * *

(b) Upon determination by GSA with the concurrence of OMB when required (see § 101–47.203–7(c)) that a transfer of the property requested is in the best interest of the Government and that the requesting agency is the appropriate agency to hold the property, the transfer may be made among Federal agencies, to mixed-ownership Government corporations, and to the municipal government of the District of Columbia.

(c) GSA will secure the concurrence of OMB to the transfer of excess land which together with any improvements thereon has a total appraised fair market value of $100,000 or more.

(d) Transfers of property to executive agencies shall be made when the proposed land use is in compliance with the provisions of OMB Circular No. A–2, Revised, and is consistent with the policy of the Administrator of General Services as prescribed in § 101–47.201–1 and the policy guidelines prescribed in § 101–47.201–2. In determining whether a proposed transfer should be approved under the policy guidelines, GSA and OMB may consult informally to obtain all available data concerning actual program needs for the property.

* * * * *

(f) Pursuant to an agreement between the Director, Office of Management and Budget, and the Administrator of General Services, reimbursement for transfers of excess real property is prescribed as follows:

* * * * *

## Subpart 101–47.8—Identification of Unneeded Federal Real Property

1. Section 101–47.800 is revised to read as follows:

**§ 101–47.800 Scope of subpart.**

This subpart is designed to implement section 2 of Executive Order 11508 of February 10, 1970, as amended by Executive Order 11560 of September 23, 1970 (see § 101–47.4914), which provides that the Administrator of General Services shall (a) establish uniform standards and procedures for the identification of property that is not utilized, is underutilized, or is not being put to its optimum use; (b) survey property holdings of all executive agencies to identify any such properties in those categories; and (c) report any properties so identified which in the judgment of the Administrator should be reported as excess property. Section 2 of Executive Order 11508 as amended by Executive Order 11560 also provides that the heads of executive agencies shall conform their policies, regulations, and practices to the provisions of the standards and procedures established by the Administrator of General Services. The terms "executive agency," "property," and "excess property" as used in this subpart are defined in Executive Order 11508 as amended by Executive Order 11560. The provisions of this subpart are presently limited to fee-owned properties and supporting leaseholds and lesser interests located within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. The scope of this subpart may be enlarged at a later date to include properties in additional geographical areas and other interests in property.

2. Sections 101–47.801 (a) (3) (ii) and (b) (1) (i), (iii), (5), (8), (10), (11), and (15) are amended to read as follows:

**§ 101–47.801 Standards.**

* * * * *

(a) * * *

(3) * * *

(ii) The costs of occupying are substantially higher than would be applicable for other suitable properties that could be made available to the accountable executive agency through transfer, purchase, or lease with total net savings to the Government after consideration of property values as well as costs of moving, occupancy, efficiency of operations, environmental effects, regional planning, and employee morale.

(b) * * *

(1) * * *

(i) Consider such aspects as surrounding neighborhood, zoning, and other environmental factors;

* * * * *

(iii) Consider whether Federal use of the property would be justified if an equivalent commercial rental charge for its use was added to the program costs for the function it is serving.

* * * * *

(5) Will local zoning provide sufficient protection for necessary buffer zones if a portion of the property is released?

* * * * *

(8) Can net savings be realized through relocation considering property values or rentals, cost of moving, occupancy, and increased efficiency of operations?

* * * * *

(10) If Federal employees are housed in Government-owned residential property, is the local market willing to acquire Government-owned housing or can it provide the necessary housing and other related services, thereby enabling the Government-owned housing area to be released?

(11) Can the land be disposed of and program requirements satisfied through reserving rights and interests to the Government in the property if it is released?

* * * * *

(15) Is there land or space in Government-owned buildings which can be made available for utilization by others within or outside Government on a temporary basis?

3. Sections 101–47.802 (a) (2) and (b) (5) are amended to read as follows:

**§ 101–47.802 Procedures.**

(a) *Executive agency annual review.* Commencing with fiscal year 1971, each executive agency shall make an annual review of its property holdings, which review, to the extent of the properties covered by the review, also shall constitute compliance with the annual review requirements of OMB Circular No. A–2, Revised. (See § 101–47.4908.)

* * * * *

(2) A written record of the review of each individual facility shall be prepared, and a copy of the review record shall be made available to GSA upon request or to the GSA survey representative at the time of the survey of each individual facility. The written review record shall contain comments relative to each of the above guidelines.

* * * * *

(b) *GSA survey.* Pursuant to section 2(2) of Executive Order 11508 of February 10, 1970, as amended by Executive Order 11560 of September 23, 1970, GSA will conduct, on a continuing basis, a survey of real property holdings of all executive agencies to identify properties which, in the judgment of the Administrator of General Services, are not utilized, are underutilized, or are not being put to their optimum use.

* * * * *

(5) Upon completion of the field work for the survey, the GSA representative will so inform the executive agency official designated pursuant to § 101–47.802 (b) (1). To avoid any possibility of misunderstanding or premature publicity, preliminary findings will not be discussed with this official. The GSA regional office will evaluate and incorporate the results of the field work into a survey report and forward the survey report to the GSA Central Office. The GSA Central Office will notify the head of the executive agency or his designee, in writing, of the survey findings. A copy of the survey report will be enclosed when a recommendation is made that some or all of the property should to reported excess, and the comments of the executive agency will be requested thereon. The executive agency will be afforded a period of 20 calendar days from the date of the notice in which to make such comments. If the executive agency concurs in the survey recommendations, the case will be closed at such time as the agency reports the property excess to GSA for disposal. If the executive agency disagrees with the survey recommendations, the GSA Central Office will attempt to reach an accord with the agency on those matters in dispute. Failing to reach an agreement with the agency, the GSA Central Office will submit the case to the Property Review Board for review and recommendations to the President as prescribed in sections 2(3) and 3 of Executive Order 11508 as amended by Executive Order 11560. If comments are not received from the executive agency within the prescribed time period, the GSA Central Office will submit the case immediately without such comments.

## Subpart 101–47.49—Illustrations

Sections 101–47.4904, 101–47.4904–1(e), 101–47.4908, and 101–47.4914 are revised as follows:

**§ 101–47.4904 GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.**

**§ 101–47.4904–1 Instructions for preparation of GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property.**

**§ 101–47.4908 Office of Management and Budget Circular No. A–2, Revised, dated August 30, 1971.**

**§ 101–47.4914 Executive Order 11508 as amended by Executive Order 11560.**

NOTE: The illustrations listed in §§ 101–47.4904, 101–47.4904–1, 101–47.4908, and 101–47.4914 are filed as part of the original document.

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

*Effective date.* This amendment is effective upon publication in the FEDERAL REGISTER (3–9–72).

Dated March 2, 1972.

ROD KREGER,
*Acting Administrator of General Services.*

[FR Doc.72–3613 Filed 3–8–72;8:54 am]

# Title 46—SHIPPING

## Chapter I—Coast Guard, Department of Transportation

[CGFR 72–45]

## DAVITS AND LAUNCHING DEVICES

The purpose of these amendments to the Coast Guard regulations is to (a) establish a service use life of 3 years for self-activating smoke signals; (b) require additional life preservers that are accessibly stored for personnel on watch in the engine room, pilothouse, and at the bow lookout station; and (c) provide that all vessels have lifeboat/liferaft emergency illumination.

These amendments were proposed in a notice of proposed rule making published in the FEDERAL REGISTER of February 24, 1971 (36 F.R. 3425), and in the Merchant Marine Council Public Hearing Agenda dated March 29, 1971 (CG–249). The proposed amendments in this document were identified as Item PH 7–71 (PH 7a–71 through PH 7c–71).

A public hearing was held on March 29, 1971, in Washington, D.C. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing.

Item PH 7a–71 proposed amendments to §§ 33.40–1(c), 75.43–5(c), 94.43–5(c), and 192.43–10(c) and received two comments. One comment suggested that § 75.43–10(c) be amended by requiring the water light to be attached to a bracket. The Coast Guard determined that the suggestion was not responsive to the proposal and would require notice and public procedure thereon before any action could be taken; therefore, the Coast Guard determined not to act on the suggestion at this time.

The second comment requested that the service use of the self-activating smoke signal be extended from 3 years to 4 years. The specification for the smoke signal has always provided for a 3-year service use and the Coast Guard has not been apprised of a sufficient technical reason to extend this use upon its inclusion in the regulations. Accordingly, the Coast Guard has rejected this suggestion. Item PH 7a–71 has been adopted with no substantive change, but the form has been changed to facilitate reader understanding and reference.

Item PH 7b–71 proposed amendments to §§ 75.40–10 and 75.40–15 and received no comments. The Coast Guard adopted the proposed amendments with the following minor editorial changes: (a) The phrase "that is stowed in accordance with § 75.40–15(c)" has been added to § 75.40–10(c) to provide a reference for the required stowage of life preservers; and (b) § 75.40–15(c) has been changed in form only to facilitate reader understanding and reference.

Item PH 7c–71 proposed amendments to §§ 33.20–1(c)(3), 75.50–10(a), 75.50–15(a), 94.50–10(a), 94.50–15(a), 112.15–1, and 112.15–5 and received two comments. One comment suggested that the proposed amendment of § 75.50–15(a) be changed to include a requirement for "over the side" illumination. The Coast Guard determined that the proposed regulation does provide for "over the side" illumination by requiring that the entire process of the launch, from the stowed position of the liferaft until it is waterborne, be illuminated. The other comment suggested that the words "on an international voyage" be eliminated from §§ 192.50–10 and 192.50–15. The Coast Guard found merit in this suggestion but determined that the change would require separate rule-making procedures since it was not included in the present proposal. The Coast Guard adopted the proposal designated Item PH 7c–71 with minor editorial changes.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations is amended as follows:

### SUBCHAPTER D—TANK VESSELS

### PART 33—LIFESAVING DEVICES

1. By revising § 33.20–1(c)(3) to read as follows:

**§ 33.20–1 Davits and launching devices—TB/ALL.**

* * * * *

(c) * * *

(3) A tank vessel must have lights that illuminate the entire process of launching lifeboats and liferafts from their stowed position until they are waterborne. For detailed requirements of such illumination for tank vessels contracted for on or after November 19, 1955, see § 111.75–15(e) of this chapter.

* * * * *

2. By revising § 33.40–1(c) to read as follows:

**§ 33.40–1 Ring life buoys and water lights, general requirements.—TB/ALL**

* * * * *

(c) A self-activating smoke signal—

(1) Must be approved in accordance with Subpart 160.057 of this chapter; and

(2) May not be more than 3 years older than the stamped date of manufacture.

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### SUBCHAPTER H—PASSENGER VESSELS

### PART 75—LIFESAVING EQUIPMENT

3. By adding paragraph (c) to § 75.40–10 to read as follows:

**§ 75.40–10 Number and type required.**

* * * * *

(c) In addition to the life preservers required by paragraphs (a) and (b) of this section, each person on watch in the engineroom, pilothouse, and at the bow lookout station must be provided with a Coast Guard approved life preserver that is stowed in accordance with § 75.40–15(c).

4. By amending § 75.40–15 by striking the words ", one of which shall be stowed near the bow" in paragraph (b) and adding paragraph (c) to read as follows:

**§ 75.40–15 Distribution.**

* * * * *

(c) The additional number of life preservers required by § 75.40–10(c) must be stowed in locations that are accessible to each person on watch in the—

(1) Engine room;

(2) Pilothouse; and

(3) Bow lookout station.

5. By revising § 75.43–5(c) to read as follows:

**§ 75.43–5 General.**

* * * * *

(c) A self-activating smoke signal—

(1) Must be approved in accordance with Subpart 160.057 of this chapter; and

(2) May not be more than 3 years older than the stamped date of manufacture.

6. By revising § 75.50–10 to read as follows:

**§ 75.50–10 Illumination for lifeboat launching operations.**

A passenger vessel must have lights for the continuous illumination of lifeboats that are being launched and lifeboats that are in the water in the immediate vicinity of the vessel. For detailed requirements of the illumination, see § 111.75–15(e) of this chapter.

7. By revising § 75.50–15 to read as follows:

**§ 75.50–15 Illumination for inflatable liferaft launching operations.**

A passenger vessel that is equipped with Coast Guard approved launching devices must have lights that illuminate the entire process of the launch from the stowed position of the liferaft until it is waterborne. Other passenger vessels must have lights that illuminate the stowage position of liferafts. For detailed requirements of the illumination, see § 111.75–15(e) of this chapter.

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### SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

### PART 94—LIFESAVING EQUIPMENT

8. By revising § 94.43–5(c) to read as follows:

**§ 94.43–5 General.**

* * * * *

(c) A self-activating smoke signal—

(1) Must be approved in accordance with Subpart 160.057 of this chapter; and

(2) May not be more than 3 years older than the stamped date of manufacture.

* * * * *

9. By revising § 94.50–10 to read as follows:

§ 94.50–10 Illumination for lifeboat launching operations.

Each vessel subject to this subchapter must have lights for the continuous illumination of lifeboats that are being launched and lifeboats that are in the water in the immediate vicinity of the vessel. For detailed requirements of the illumination, see § 111.75–15(e) of this chapter.

10. By revising § 94.50–15 to read as follows:

§ 94.50–15 Illumination for liferaft stowage areas.

Each vessel subject to this subchapter must have lights for the continuous illumination of the stowage position of liferafts. For detailed requirements of the illumination system, see § 111.75–15 (e) of this chapter.

SUBCHAPTER J—ELECTRICAL ENGINEERING

## PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

11. By amending § 112.15–1 by adding paragraph (n) to read as follows:

§ 112.15–1 Temporary emergency source loads.

* * * * *

(n) Lights must provide continuous illumination for—

(1) The launching gear of a lifeboat or a liferaft; and

(2) The entire process of launching a lifeboat or a liferaft from its stowed position until waterborne.

§ 112.15–5 [Amended]

12. By revoking paragraph (c) of § 112.15–5.

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

## PART 192—LIFESAVING EQUIPMENT

13. By revising § 192.43–5(c) to read as follows:

§ 192.43–5 General.

* * * * *

(c) A self-activating smoke signal—

(1) Must be approved in accordance with Subpart 160.057 of this chapter; and

(2) May not be more than 3 years older than the stamped date of manufacture.

(R.S. 4405, as amended, R.S. 4462, as amended, R.S. 4488, as amended, R.S. 4491, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 481, 489, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

*Effective date.* These amendments shall become effective on April 10, 1972.

Dated: March 2, 1972.

T. R. SARGENT,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[FR Doc.72–3594 Filed 3–8–72; 8:53 am]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 72–193]

## PART 87—AVIATION SERVICES

### Detailed Operational Plan for Security Control of Non-Federal Air Navigation Aids

*Order.* In the matter of adoption of a revised detailed operational plan for the security control of non-Federal air navigation aids and amendment of Part 87, Subpart Q of the Commission's rules to reflect the changes therein.

1. The Commission has under consideration amendment of Part 87, Subpart Q of the rules and a revised detailed operational plan for the Security Control of Non-Federal Air Navigation Aids, heretofore adopted by the Commission on September 17, 1968. The plan prescribes detailed operational procedures for the security control of non-Federal air navigation aids to be taken under the Plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA). It was amended to conform to the changes made in the revised SCATANA [1] plan of June 1971.

2. Executive Order 11490 and section 1 of the Communications Act of 1934, as amended, places upon the Commission various functions including the development of plans and procedures covering authorization, operation and use of safety and special radio services facilities and personnel in the national interest in an emergency.

3. We find that the notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. section 553, are inapplicable because this rule making involves a military function of the United States.

4. *It is ordered,* Pursuant to sections 1 and 4(i), of Communications Act of 1934, as amended, and Executive Order 11490, that the revised detailed operational plan for the Security Control of Non-Federal Air Navigation Aids, corrected to January 31, 1972, is approved, and

5. *It is further ordered,* That, effective March 14, 1972, Part 87 of the Commission's rules is amended as set forth below.

(Secs. 1, 4, 48 Stat., as amended, 1064, 1066; 47 U.S.C. 151, 154)

Adopted: March 1, 1972.

Released: March 6, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
*Secretary.*

1. In § 87.601, paragraph (b) is amended to read as follows:

[1] 36 F.R. 22153, Nov. 20, 1971.

[2] Commissioners Bartley and H. Rex Lee absent.

§ 87.601 Scope and objective.

* * * * *

(b) Sections 87.606 and 87.607 are for the purpose of providing for continued radio service and operation of facilities to the extent necessary for the safety or control of friendly aircraft during periods of attack or imminent threat thereof or as otherwise specified in these sections. These sections also provide for the security control of selected non-Federal air navigation aids during specified conditions under the provisions of the approved plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA). In addition, it is the objective to provide for actions to be taken under a detailed operational plan for the Security Control of Non-Federal Air Navigation Aids (SCATANA), in the interest of national security, to effect control of selected accurate non-Federal air navigation stations (VOR, VORTAC and TACAN) by the Regional Commanders, North American Air Defense Command during periods of Defense Emergency/Air Defense Emergency, or when the NORAD Region is under attack which will provide most effective utilization of such aids by military and civil aircraft, while denying their use to an enemy.

2. In § 87.602, paragraphs (a), (b), (c), (d), (l), (n), (o), and (p) are amended to read as follows:

§ 87.602 Definition of terms.

(a) *Accurate Air Navigation Aids.* Radionavigation stations in the following categories: Very High Frequency Omnidirectional Range (VOR), Very High Frequency Omnidirectional Range and Tactical Air-Navigation (VORTAC) and Tactical Air Navigation (TACAN).

(b) *Air Defense Emergency.* An emergency condition which exists when attack upon the continental United States, Alaska, Canada, or U.S. installations in Greenland by hostile aircraft or missiles is considered probable, is imminent, or is taking place and is declared by either CINCNORAD or CINCONAD.

(c) *Defense Emergency.* An emergency condition which exists when:

(1) A major attack is made upon U.S. forces overseas, or allied forces in any area, and is confirmed either by the commander of a unified or specified command or higher authority.

(2) An overt attack of any type is made upon the United States and is confirmed by the commander of a unified or specified command or higher authority.

(d) *Detailed operational plan for the Security Control of Non-Federal Air Navigation Aids.* A plan to establish the responsibilities, procedures, and general instructions for the security control of selected non-Federal air navigation aids (VOR, VORTAC and TACAN), under the provisions of the SCATANA Plan, during a Defense Emergency/Air Defense Emergency or imminence thereof.

* * * * *

(l) *Non-Federal Air Navigation Aids.* VOR, VORTAC and TACAN stations licensed by the Federal Communications Commission.

* * * * *

(n) *North American Air Defense Command (NORAD).* An integrated United States-Canadian Command. NORAD includes, as component commands, the U.S. Aerospace Defense Command, U.S. Army Air Defense Command, and the Canadian Forces Air Defence Command.

(o) *SCATANA.* The short title for the Joint Department of Defense/Department of Transportation/Federal Communications Commission plan for the Security Control of Air Traffic and Air Navigation Aids.

(p) *Tactical Air Traffic.* Military flights actually engaged in operational missions against the enemy, flights engaged in immediate deployment for a combat mission, and preplanned combat and logistical support flights contained in Emergency War Plans.

* * * * *

3. In § 87.607, paragraph (a) is amended to read as follows:

§ 87.607 Security Control of Air Traffic and Air Navigation Aids (SCATANA).

* * * * *

(a) Upon receipt of notification from a Federal Aviation Administration Air Route Traffic Control Center (ARTCC) that an air defense emergency exists, or is imminent, each licensee of a radio range (VOR, VORTAC, or TACAN) station shall comply with the direction of the ARTCC with regard to beginning or terminating transmissions by the station.

* * * * *

[FR Doc.72-3621 Filed 3-8-72;8:56 am]

# Title 49—TRANSPORTATION

## Chapter V—National Highway Traffic Safety Administration, Department of Transportation

## PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

### Motorcycle Brake Systems

This notice amends Part 571 of Title 49, Code of Federal Regulations, to add a new Motor Vehicle Safety Standard No. 122 (49 CFR 571.122) that establishes performance requirements for motorcycle brake systems. A notice of proposed rule making on this subject was published on March 24, 1971 (36 F.R. 5516).

The safety afforded by a motorcycle's braking system is determined by several factors, including stopping distance, linear stability while stopping, fade resistance, and fade recovery. A safe system should have features that both guard against malfunction and stop the vehicle should a malfunction occur in the normal service system. Standard No. 122 covers each of these aspects of brake safety, establishing equipment and performance requirements appropriate for two-wheeled and three-wheeled motorcycles. These requiremnts do not differ greatly from the proposals, and comments received in response to the notice have been considered in promulgating the rule.

I. *Equipment.* Each motorcycle is required to have either a split hydraulic service brake system or two independently actuated service brake systems. The latter system encompasses a hydraulic service brake system combined with a hand operated parking brake system. Although several objections were received to the split hydraulic service brake system proposal, the NHTSA has determined that partial failure braking features are necessary in the event of a hydraulic pressure loss in the normal service brake system. If a motorcycle has a hydraulic service brake system, it must also have a reservoir for each master cylinder, and a master cylinder reservoir label advising the proper grade of DOT brake fluid. If the service brake system is a split hydraulic type, a failure indicator lamp is required.

Additionally, three-wheeled motorcycles must be equipped with a friction type parking brake with a solely mechanical means to retain engagement. Some commenters felt that pin or pawl type brakes should be permitted. The Administration does not know of an impact test adequate to test the strength of a mechanical lock, and pin or pawl type brakes, prone to failure upon impact, have been found to be inadequate. The NHTSA concurs, however, with comments objecting to the proposed parking brake indicator lamp, and has determined that the safety benefits involved are negligible in comparison with the expense of providing it.

II. *Performance.* Conformity with performance requirements will be determined by subjecting motorcycles to a series of road tests. Vehicles must demonstrate the effectiveness of their service brake systems by stopping within specified distances from 30 m.p.h., 60 m.p.h., 80 m.p.h., and from a speed divisible by 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the maximum vehicle speed.

Motorcycles will demonstrate fade resistance of their braking systems by making recovery stops subsequent to a series of fade stops from 60 m.p.h. The hand lever force for the final recovery stop must be within plus 20 pounds and minus 10 pounds of the baseline check average force. This is a modification of the proposed "plus 10 pounds or 20 percent, whichever is less, and minus 20 percent," based upon comments requesting the substitution of absolute values. The same modification is made in the final water recovery stop. The maximum speed fade and recovery proposal has not been adopted, as two-wheeled and three-wheeled motor vehicles do not have the inherent cooling problems that braking systems on four-wheeler vehicles experience. Retention of the 60 m.p.h. stops will insure that the system maintain adequate stopping ability despite the high temperatures created by prolonged use, and may reveal undesirable brake lining characteristics such as glazing.

The test sequence has been rearranged so that the parking brake system test for three-wheeled motorcycles occurs immediately before the water recovery test. At this point in the test sequence the brakes will have been fully burnished, and the test will therefore be more indicative of service performance. Parking brake application forces have been modified from the proposal, and specify a maximum applied force of not more than 90 pounds for a foot-operated system and 55 pounds for a hand-operated system. These forces are identical to those specified in S6.10, the test condition on brake actuation forces, and result in a uniformity of brake actuation forces throughout the standard.

Finally, a motorcycle must demonstrate acceptable stopping performance after its brake system has been exposed to water. Comments expressed dissatisfaction with the proposed test procedure, stating that complete immersion of the brakes is not indicative of the manner in which they become wet in actual service. NHTSA agrees that poor braking performance often is not attributable to complete immersion, but rather to prolonged exposure to a constant spray from the road surface. However, there is no basis on which to specify a test procedure reflecting these conditions, and the immersion procedure has, therefore, been retained.

At the end of the test procedure the brake system must pass a durability inspection.

All stops must be made without lockup of any wheel. Two-wheeled motorcycles must remain within an 8-foot-wide lane during stops (modified from the proposed 6-foot-wide lane), and three-wheeled ones within a lane equal to vehicle width plus 5 feet. Some commenters asked that tests be performed with the clutch engaged. However, the effectiveness of a brake system in bringing a vehicle to a stop within required distances is more accurately judged by requiring that stops be made with the clutch disengaged; there is less reliance on extraneous factors such as use of engine retardation as a braking assist and the varying skills of individual drivers when shifting downward through gears.

Regarding test conditions, comments were received that it is unnecessary for both braking systems of a two-wheeled motorcycle to be within the specified pedal and lever force range simultaneously. The Administration did not concur with these comments. The safety of cyclists requires not only that motorcycles be capable of stopping within specified distances, but also that this capability be demonstrated when reasonable forces are applied to the brake lever and pedal.

Several commenters also objected to the "impossibility" of the test condition that "the wind velocity is zero." The comment reveals misunderstanding of the significance of the test conditions. A manufacturer may test for compliance by running the tests under any wind conditions that are adverse to the vehicle; obviously if the vehicle meets the

requirements under adverse wind conditions, it will meet them under no-wind conditions. Similarly, the Government will prove noncompliance by orienting the test runs so that wind conditions are favorable to the vehicle. Thus, the condition uniquely allows testing under whatever wind conditions are present. It is retained as the most practicable and least burdensome test method for all parties.

Effective date: September 1, 1973. Because of the necessity to allow manufacturers sufficient production leadtime, it is found for good cause shown, that an effective date later than 1 year after issuance is in the public interest.

In consideration of the foregoing, Title 49, Code of Federal Regulations, is amended by adding § 571.122, Motor Vehicle Safety Standard No. 122, Motorcycle Brake Systems, as set forth below.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51.

Issued on March 1, 1972.

CHARLES H. HARTMAN,
*Acting Administrator.*

**§ 571.122 Standard No. 122; motorcycle brake systems. (Effective Sept. 1, 1973)**

S1. *Scope.* This standard specifies performance requirements for motorcycle brake systems.

S2. *Purpose.* The purpose of the standard is to insure safe motorcycle braking performance under normal and emergency conditions.

S3. *Application.* This standard applies to motorcycles.

S4. *Definitions.*

"Braking interval" means the distance measured from the start of one brake application to the start of the next brake application.

"Initial brake temperature" means the temperature of the hottest service brake of the vehicle 0.2 mile before any brake application.

"Skid number" means the frictional resistance of a pavement measured in accordance with American Society for Testing and Materials Method E–274–65T at 40 m.p.h. omitting water delivery as specified in paragraph 7.1 of that method.

"Speed attainable in 1 mile" means the speed attainable by accelerating at maximum rate from a standing start for 1 mile, on a level surface.

"Stopping distance" means the distance traveled by a vehicle from the start of the brake application to the point where the vehicle stops.

"Split service brake system" means a brake system consisting of two or more subsystems actuated by a single control designed so that a leakage-type failure of a pressure component in a single subsystem (except structural failure of a housing that is common to all subsystems) shall not impair the operation of the other subsystem(s).

S5. *Requirements.* Each motorcycle shall meet the following requirements under the conditions specified in S6, when tested according to the procedures and in the sequence specified in S7. Corresponding test procedures of S7 are indicated in parentheses. If a motorcycle is incapable of attaining a specified speed, its service brakes shall be capable of stopping the vehicle from the multiple of 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the speed attainable in 1 mile, within stopping distances that do not exceed the stopping distances specified in Table 1.

S5.1 *Required equipment—split service brake system.* Each motorcycle shall have either a split service brake system or two independently actuated service brake systems.

S5.1.1 *Mechanical service brake system.* Failure of any component in a mechanical service brake system shall not result in a loss of braking ability in the other service brake system on the vehicle.

S5.1.2 *Hydraulic service brake system.* A leakage failure in a hydraulic service brake system shall not result in a loss of braking ability in the other service brake system on the vehicle. Each motorcycle equipped with a hydraulic brake system shall have the equipment specified in S5.1.2.1 and S5.1.2.2.

S5.1.2.1 *Master cylinder reservoirs.* Each master cylinder shall have a separate reservoir for each brake circuit, with each reservoir filler opening having its own cover, seal, and cover retention device. Each reservoir shall have a minimum capacity equivalent to one and one-half times the total fluid displacement resulting when all the wheel cylinders or caliper pistons serviced by the reservoir move from a new lining, fully retracted position to a fully worn, fully applied position. Where adjustment is a factor, the worst condition of adjustment shall be used for this measurement.

S5.1.2.2 *Master cylinder label.* Each motorcycle shall have the following information, located so as to be visible by direct view, permanently affixed, stamped, or embossed, either on or within 4 inches of the brake fluid master cylinder filler plug or cap, in lettering at least three thirty-seconds of an inch high on a contrasting background:

WARNING: Use only DOT [3] [4] brake fluid from a sealed container. Clean filler cap before removing.

S5.1.3 *Split service brake system.* In addition to the equipment required by S5.1.2 each motorcycle equipped with a split service brake system shall have a failure indicator lamp as specified in S5.1.3.1.

S5.1.3.1 *Failure indicator lamp.*

(a) One or more electrically operated service brake system failure indicator lamps that is mounted in front of and in clear view of the driver, and that is activated—

(1) In the event of pressure failure in any part of the service brake system, other than a structural failure of either a brake master cylinder body in a split integral body type master cylinder system or a service brake system failure indicator body, before or upon application of not more than 20 pounds of pedal force upon the service brake.

(2) Without the application of pedal force, when the level of brake fluid in a master cylinder reservoir drops to less than the recommended safe level specified by the manufacturer or to less than one-half the fluid reservoir capacity, whichever is the greater.

(b) All failure indicator lamps shall be activated when the ignition switch is turned from the "off" to the "on" or to the "start" position.

(c) Except for the momentary activation required by S5.1.3.1(b), each indicator lamp, once activated, shall remain activated as long as the condition exists, whenever the ignition switch is in the "on" position. An indicator lamp activated when the ignition is turned to the "start" position shall be deactivated upon return of the switch to the "on" position unless a failure exists in the service brake system.

(d) Each indicator lamp shall have a red lens with the legend "Brake Failure" on or adjacent to it in letters not less than three thirty-seconds of an inch high that shall be legibile to the driver in daylight when lighted.

S5.1.4 *Parking brake.* Each three-wheeled motorcycle shall be equipped with a parking brake of a friction type with a solely mechanical means to retain engagement.

S5.1.5 *Other requirements.* The brake system shall be installed so that the lining thickness of drum brake shoes may be visually inspected, either directly or by use of a mirror without removing the drums, and so that disc brake friction lining thickness may be visually inspected without removing the pads.

S5.2 *Service Brake System* first (preburnish) effectiveness.

S5.2.1 *Service brake system.* The service brakes shall be capable of stopping the motorcycle from 30 m.p.h. and 60 m.p.h. within stopping distances which do not exceed the stopping distances specified in Columr I of Table I (S7.3.1).

S5.2.2 *Partial service brake system.* Each independently actuated service brake system on each motorcycle shall be capable of stopping the motorcycle from 30 m.p.h. and 60 m.p.h. within stopping distances which do not exceed the stopping distances specified in Column II of Table I (S7.3.2).

S5.3 *Service brake system—second effectiveness.* The service brakes shall be capable of stopping the motorcycle from 30 m.p.h., 60 m.p.h., 80 m.p.h., and the multiple of 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the speed attainable in 1 mile if this speed is 95 m.p.h. or greater, within stopping distances that do not exceed the stopping distances specified in Column III of Table I (S7.5).

S5.4 *Service brake system—fade and recovery.*

S5.4.1 *Baseline check—minimum and maximum pedal forces.* The pedal and

lever forces used in establishing the fade baseline check average shall be within the limits specified in S6.10 (S7.6.1).

S5.4.2 *Fade.* Each motorcycle shall be capable of making 10 fade stops from 60 m.p.h. at not less than 15 f.p.s.p.s. for each stop (S7.6.2).

S5.4.3 *Fade recovery.* Each motorcycle shall be capable of making five recovery stops with a pedal force that does not exceed 90 pounds, and a hand lever force that does not exceed 55 pounds for any of the first four recovery stops and that for the fifth recovery stop is within plus 20 pounds and minus 10 pounds of the fade test baseline check average force (S7.6.3).

S5.5 *Service brake system—final effectiveness.*

S5.5.1 *Service brake system.* The service brakes shall be capable of stopping the motorcycle in a manner that complies with S5.3(S7.8.1).

S5.5.2 *Hydraulic service brake system—partial failure.* In the event of a pressure component leakage failure, other than a structural failure of either a brake master cylinder body in a split integral body type master cylinder system or a service brake system failure indicator body, the remaining portion of the service brake system shall continue to operate and shall be capable of stopping the motorcycle from 30 m.p.h. and 60 m.p.h. within stopping distances that do not exceed the stopping distances specified in Column IV of Table I (S7.8.2).

S5.6 *Parking brake system.* The parking brake system shall be capable of holding the motorcycle, for 5 minutes, in both forward and reverse directions, on a 30 percent grade, with an applied force of not more than 90 pounds for a foot-operated system, and 55 pounds for a hand-operated system (S7.9).

S5.7 *Service brake system—water recovery.*

S5.7.1 *Baseline check.* The pedal and lever forces used in establishing the water recovery baseline check average shall be within the limits specified in S6.10 (S7.10.1).

S5.7.2 *Water recovery test.* Each motorcycle shall be capable of making five recovery stops with a pedal force that does not exceed 90 pounds, and a hand lever force that does not exceed 55 pounds, for any of the first four recovery stops, and that for the fifth recovery stop, is within plus 20 pounds and minus 10 pounds of the baseline check average force (S7.10.2).

S5.8 *Service brake system design durability.* Each motorcycle shall be capable of completing all braking requirements of S5 without detachment of brake linings from the shoes or pad, detachment or fracture of any brake system components, or leakage of fluid or lubricant at the wheel cylinder, and master cylinder reservoir cover, seal, or retention device (S7.11).

S6 *Test conditions.* The requirements of S5 shall be met under the following conditions. Where a range of conditions is specified, the motorcycle shall be capable of meeting the requirements at all points within the range.

S6.1 *Vehicle weight.* Motorcycle weight is unloaded vehicle weight plus 200 pounds (including driver and instrumentation), with the added weight distributed in the saddle or carrier if so equipped.

S6.2 *Tire inflation pressure.* Tire inflation pressure is the pressure recommended by the manufacturer for the vehicle weight specified in paragraph S6.1.

S6.3 *Transmission.* Unless otherwise specified, all stops are made with the clutch disengaged.

S6.4 *Engine.* Engine idle speed and ignition timing settings are according to the manufacturer's recommendations. If the vehicle is equipped with an adjustable engine speed governor, it is adjusted according to the manufacturer's recommendation.

S6.5 *Ambient temperature.* The ambient temperature is between 32° F. and 100° F.

S6.6 *Wind velocity.* The wind velocity is zero.

S6.7 *Road surface.* Road tests are conducted on level roadway having a skid number of 75. The roadway is 8 feet wide for two-wheeled motorcycles, and overall vehicle width plus 5 feet for three-wheeled motorcycles.

S6.8 *Vehicle position.* The motorcycle is aligned in the center of the roadway at the start of each brake application. Stops are made without any part of the motorcycle leaving the roadway and without lockup of any wheel.

S.6 *Thermocouples.* The brake temperature is measured by plug-type thermocouples installed in the approximate center of the facing length and width of the most heavily loaded shoe or disc pad, one per brake, as shown in Figure 1.

S6.10 *Brake actuation forces.* Except for the requirements of the fifth recovery stop in S5.4.3 and S5.7.2 (S7.6.3 and S7.10.2) the hand lever force is not less than five and not more than 55 pounds and the foot pedal force is not less than 10 and not more than 90 pounds. The point of initial application of the lever forces is 1.2 inches from the end of the brake lever grip. The direction of the force is perpendicular to the handle grip on the plane along which the brake lever rotates, and the point of application of the pedal force is the center of the foot contact pad of the brake pedal. The direction of the force is perpendicular to the foot contact pad on the plane along which the brake pedal rotates, as shown in Figure 2.

S7. *Test procedures and sequence.* Each motorcycle shall be capable of meeting all the requirements of this standard when tested according to the procedures and in the sequence set forth below without replacing any brake system part, or making any adjustments to the brake system other than as permitted in S7.4. A motorcycle shall be deemed to comply with S5.2, S5.3 and S5.5 if at least one of the stops specified in S7.3, S7.5 and S7.8 is made within the stopping distances specified in Table I.

S7.1 *Braking warming.* If the initial brake temperature for the first stop in a test procedure (other than S7.10) has not been reached, heat the brakes to the initial brake temperature by making up to 10 stops from 30 m.p.h. at a deceleration of not more than 10 f.p.s.p.s. On independently operated brake systems, the coldest brake shall be within 10° F. of the hottest brake.

S7.2 *Pretest instrumentation check.* Conduct a general check of test instrumentation by making not more than 10 stops from a speed of not more than 30 m.p.h. at a deceleration of not more than 10 f.p.s.p.s. If test instrument repair, replacement, or adjustment is necessary, make not more than 10 additional stops after such repair, replacement or adjustment.

S7.3 *Service brake system—first (preburnished) effectiveness test.*

S7.3.1 *Service brake system.* Make six stops from 30 m.p.h. and then six stops from 60 m.p.h. with an initial brake temperature between 130° F. and 150° F.

S7.3.2 *Partial service brake system.* For a motorcycle with two independently actuated service brake systems, repeat S7.3.1 using each service brake system individually.

S7.4 *Service brake system—burnish procedure.* Burnish the brakes by making 200 stops from 30 m.p.h. at 12 f.p.s.p.s. The braking interval shall be either the distance necessary to reduce the initial brake temperature to between 130° F. and 150° F. or 1 mile, whichever occurs first. Accelerate at maximum rate to 30 m.p.h. immediately after each stop and maintain that speed until making the next stop. After burnishing adjust the brakes in accordance with the manufacturer's recommendation.

S7.5 *Service brake system—second effectiveness test.* Repeat S7.3.1. Then, make four stops from 80 m.p.h. and four stops from the multiple of 5 m.p.h. that is 4 m.p.h. to 8 m.p.h. less than the speed attainable in 1 mile if that speed is 95 m.p.h. or greater.

S7.6 *Service brake system—fade and recovery test.*

S7.6.1 *Baseline check stops.* Make three stops from 30 m.p.h. at 10 to 11 f.p.s.p.s. for each stop. Compute the average of the maximum brake pedal forces and the maximum brake lever forces required for the three stops.

S7.6.2 *Fade stops.* Make 10 stops from 60 m.p.h. at not less than 15 f.p.s.p.s. for each stop. The initial brake temperature before the first brake application shall be between 130° F and 150° F. Initial brake temperatures before brake applications for subsequent stops shall be those occurring at the distance intervals. Attain the required deceleration as quickly as possible and maintain at least this rate for not less than three-fourths of the total stopping distance for each stop. The interval between the starts of

service brake applications shall be 0.4 mile. Drive 1 mile at 30 m.p.h. after the last fade stop and immediately conduct the recovery test specified in S7.6.3.

S7.6.3 *Recovery test.* Make five stops from 30 m.p.h. at 10 to 11 f.p.s.p.s. for each stop. The braking interval shall not be more than 1 mile. Immediately after each stop accelerate at maximum rate to 30 m.p.h. and maintain that speed until making the next stop.

S7.7 *Service brake system—reburnish.* Repeat S7.4 except make 35 burnish stops instead of 200 stops. Brakes may be adjusted after reburnish if no tools are used.

S7.8 *Service brake system—final effectiveness test.*

S7.8.1 *Service brake system.* Repeat S7.6 including S7.3.1.

S7.8.2 *Partial service brake system test.* Alter the service brake system on three-wheeled motorcycles to induce a complete loss of braking in any one subsystem. Determine the line pressure or pedal force necessary to cause the brake system failure indicator to operate. Make six stops from 30 m.p.h. and then six stops from 60 m.p.h. with an initial brake temperature between 130° F. and 150° F. Repeat for each subsystem. Determine that the brake failure indicator is operating when the master cylinder fluid level is less than the level specified in S5.1.3.1(a)(2), and that it complies with S5.1.3.1(c). Check for proper operation with each reservoir in turn at a low level. Restore the service brake system to normal at completion of this test.

S7.9 *Parking brake test.* Starting with an initial brake temperature of not more than 150° F., drive the motorcycle downhill on the 30 percent grade with the longitudinal axis of the motorcycle in the direction of the grade. Apply the service brakes with a force not exceeding 90 pounds to stop the motorcycle and place the transmission in neutral. Apply the parking brake by exerting a force not exceeding those specified in S5.6. Release the service brake and allow the motorcycle to remain at rest for 5 minutes. Repeat the test with the motorcycle parked in the reversed (uphill) position on the grade.

S7.10 *Service brake system—water recovery test.*

S7.10.1 *Baseline check stops.* Make three stops from 30 m.p.h. at 10 to 11 f.p.s.p.s. for each stop. Compute the average of the maximum brake pedal forces and of the maximum brake lever forces required for the three stops.

S7.10.2 *Wet brake recovery stops.* Completely immerse the brake assemblies of the motorcycle in water for 5 minutes with the brakes fully released. Immediately after removal from the water accelerate at a maximum rate to 30 m.p.h. without a brake application. Immediately upon reaching that speed make five stops each from 30 m.p.h. at 10 to 11 f.p.s.p.s. for each stop. After each stop (except the last) accelerate the vehicle immediately at a maximum rate to 30 m.p.h. and begin the next stop.

S7.11 *Final inspection.* Upon completion of all the tests inspect the brake system in an assembled condition, for compliance with the brake lining inspection requirements. Disassemble all brakes and inspect:

(a) The entire brake system for detachment or fracture of any component.

(b) Brake linings for detachment from the shoe or pad.

(c) Wheel cylinder, master cylinder, and axle seals for fluid or lubricant leakage.

(d) Master cylinder for reservoir capacity and retention device.

(e) Master cylinder label for compliance with S5.1.2.2.

TABLE I

STOPPING DISTANCES FOR EFFECTIVENESS, FADE AND PARTIAL SYSTEM TESTS

| Vehicle test speed, m.p.h. | Stopping distance, feet | | | |
|---|---|---|---|---|
| | Effectiveness tests | | | |
| | Preburnish effectiveness total system (S5.2.1) | Preburnish effectiveness partial mechanical systems (S5.2.2) | Effectiveness total system (S5.4) (S5.7.1) | Effectiveness partial hydraulic systems (S5.7.2) |
| | I | II | III | IV |
| 30 | 54 | 121 | 43 | 97 |
| 35 | 74 | 165 | 58 | 132 |
| 40 | 96 | 216 | 75 | 173 |
| 45 | 121 | 273 | 95 | 218 |
| 50 | 150 | 337 | 128 | 264 |
| 55 | 181 | 407 | 155 | 326 |
| 60 | 216 | 484 | 185 | 388 |
| 65 | ..... | ..... | 217 | 455 |
| 70 | ..... | ..... | 264 | 527 |
| 75 | ..... | ..... | 303 | 606 |
| 80 | ..... | ..... | 345 | 689 |
| 85 | ..... | ..... | 389 | 778 |
| 90 | ..... | ..... | 484 | 872 |
| 95 | ..... | ..... | 540 | 971 |
| 100 | ..... | ..... | 598 | 1076 |
| 105 | ..... | ..... | 659 | 1188 |
| 110 | ..... | ..... | 723 | 1302 |
| 115 | ..... | ..... | 791 | 1423 |
| 120 | ..... | ..... | 861 | 1549 |

TABLE II

BRAKE TEST SEQUENCE AND REQUIREMENTS

| Sequence L.C. | Test procedure | Requirements |
|---|---|---|
| 1. Instrumentation check | S7.2 | |
| 2. First (Preburnish) effectiveness test: | | |
| (a) Service brake system | S7.3.1 | S5.2.1 |
| (b) Partial service brake system | S7.3.2 | S5.2.2 |
| 3. Burnish procedure | S7.4 | |
| 4. Second effectiveness test | S7.5 | S5.3 |
| 5. First fade and recovery test | S7.6 | S5.4 |
| 6. Reburnish | S7.7 | |
| 7. Final effectiveness test: | | |
| (a) Service brake system | S7.8.1 | S5.5.1 |
| (b) Partial service brake system | S7.8.2 | S5.5.2 |
| 8. Parking brake test (three-wheeled motorcycles only) | S7.9 | S5.6 |
| 9. Water recovery test | S7.10 | S5.7 |
| 10. Design durability | S7.11 | S5.8 |

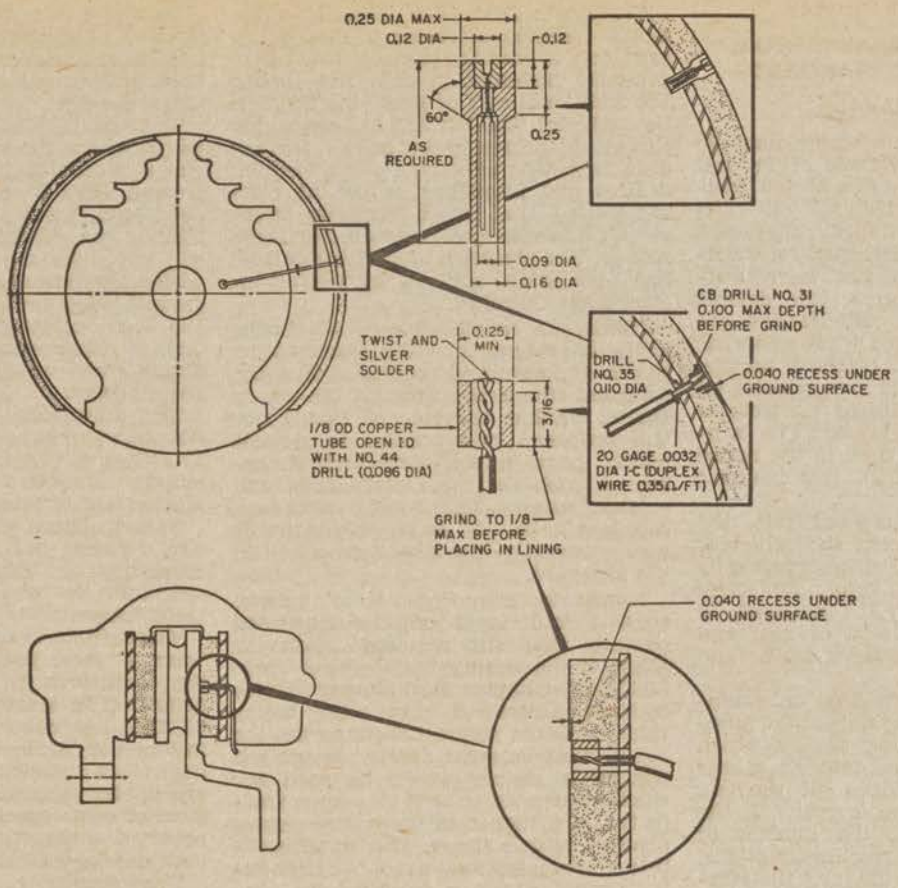
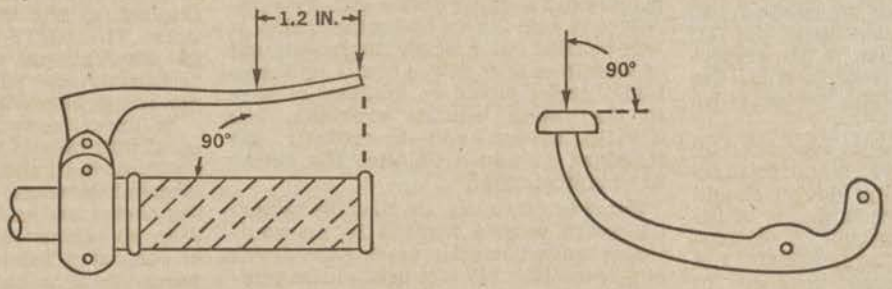



FIGURE 1 - TYPICAL PLUG TYPE THERMOCOUPLE INSTALLATIONS

FIG. 2 DIRECTION OF FORCE




(BRAKE LEVER) (BRAKE PEDAL)

[FR Doc.72-3473 Filed 3-8-71;8:45 am]

[Docket No. 4–2; Notice 4]

## PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

### Warning Devices

The purpose of this amendment to Part 571 of Title 49, Code of Federal Regulations, is to add a new Motor Vehicle Safety Standard No. 125 (49 CFR 571.125) that would establish shape, size, and performance requirements for warning devices that do not have self-contained energy sources. The devices are carried in motor vehicles and are erected to alert approaching motorists to the presence of a disabled vehicle.

A notice of proposed rule making on this subject was published on November 11, 1970 (36 F.R. 17350). The comments received in response to the notice have been considered in this issuance of a final rule.

As noted in the proposed rule, the standard will supplement the vehicular hazard warning signal lamps required by F.M.V.S.S. No. 108, *Lamps, Reflective Devices, and Associated Equipment*, in minimizing the likelihood of rear end collisions between oncoming traffic and disabled vehicles.

The standard is issued as an equipment standard and establishes requirements only for warning devices which do not have self-contained energy sources. Because provision of warning devices in new vehicles is optional, the instructions regarding the number of devices to be used are recommendations, rather than requirements, and the storage location requirement is deleted.

The standard requires that the device be bidirectional, lowers the minimum length of the triangle legs, and increases the permissible deviation from a vertical plane for the triangle when the device is placed on the road. It reduces the required minimum candlepower of the red reflective material and raises the luminance requirement for the orange fluorescent material. It also adds definitions of "reflex reflective," deletes one of the two definitions of the colors "red" and "orange," and deletes one of the two reflectivity requirements. With respect to the conditioning requirements, the standard lowers the high temperature requirements.

Several of the comments submitted by foreign motor vehicle manufacturers stated that the warning device should conform to the recommendations of international advisory groups. The Economic Commission of Europe (E.C.E.), a United Nations-sponsored council of which 26 nations, including the United States, are members, is in the process of developing specifications for warning triangles to be ratified by national governments. The NHTSA has adopted most of the proposed E.C.E. requirements with the exception of the minimum candlepower requirement for wide angle positioning of the device. The NHTSA has determined that a lower minimum candlepower than that required by the E.C.E. provides adequate protection and is a more realistic reflection of the state of the art.

Comments from the domestic automobile industry objecting to mandatory provision of warning devices stated that available information does not justify the additional cost of supplying them in new vehicles. The NHTSA has concluded that it is necessary to collect further data regarding effectiveness of warning devices and frequency of use by consumers so that more accurate cost-benefit analyses may be made. For these reasons, the provision of warning devices has been made optional by issuing an equipment standard.

Numerous manufacturers of fusees submitted comments which described the merits of fusees and concluded that the proposed rule would prohibit the use of fusees. Neither the rule as issued nor the proposed rule applies to devices which have a self-contained energy source, such as fusees, flare pots, and electric lanterns. Thus these devices may continue to be used as an alternative or a supplement to the device described in the standard.

Numerous comments from private citizens and State officials expressed concern that the required triangular shape of the warning device would prohibit the triangular Slow Moving Vehicle emblem currently used on many motor vehicles. Other comments supported the use of the triangular device because the triangular shapes would be used for similar purposes, to alert oncoming traffic that a reduction of speed is necessary due to a vehicle ahead. The Administration supports the dual use of the triangular symbol and it is intended that the warning device and the Slow Moving Vehicle emblem be complementary. As discussed in the notice of proposed rulemaking, State laws regarding slow moving vehicle emblems would be preempted by the standard only to the extent that they forbid the use of the triangular warning device intended by the standard.

Many comments recommended that the warning device be bidirectional in order to eliminate the possibility of placing the warning device with the nonreflective side facing oncoming traffic. It was pointed out that the increased cost of a bidirectional device over a unidirectional device would be minimal relative to the safety benefits provided. The NHTSA agrees, and accordingly the standard as issued requires the device to be bidirectional.

Some commenters felt that the motorist would subject himself to an additional safety hazard in placing the device approximately 100 feet behind the vehicle. Some suggested that the device be placed either on top of the vehicle or be capable of attaching to a window frame. While it is of course true that walking in a roadway can be hazardous, in the judgment of the NHTSA this risk is outweighed by the safety benefits of positioning the device at a distance behind the vehicle. Such positioning provides a greater distance over which oncoming traffic can recognize and respond to the warning and thus affords greater protection to the disabled vehicle.

Figures 3 through 9 indicating recommended positioning of warning devices have been consolidated into a single diagram indicating the suggested placement of the devices.

The permissible deviation from a vertical plane for the triangle when the device is placed on the road has been increased from 5° to 10° in response to comments from manufacturers. The NHTSA has determined that the change will not alter the effectiveness of the device. The required distance above the ground of the lower edge of the triangle has been increased from one-half to 1 inch to improve the effectiveness of the device when water or mud collects on the roadway.

The minimum length of the legs of the triangle has been lowered from 18 to 17 inches, to correspond to the range of lengths permitted by the Bureau of Motor Carrier Safety.

The minimum width of the red reflective material has been clarified at the request of two manufacturers of reflex reflectors to correspond to industry terminology.

The definitions of the colors "red" and "orange" have been clarified in light of the comments, by the deletion of the definition in terms of nanometers. The NHTSA has concluded that definitions in terms of chromaticity coordinates and purity are sufficient. In order to standardize the requirement with respect to current color specification practice, the required chromaticity coordinates have been changed slightly.

The reflectivity requirement has been clarified to state that the material must be reflex reflective, and a definition of "reflex reflective" has been added to the standard. The reflectivity requirement in terms of candlepower per square inch has been found to be superfluous, and accordingly has been deleted.

The Economic Commission of Europe requested that the required total minimum candlepower per incident foot candle for an observation angle of 0.2° be lowered from 120 candlepower to correspond to the international specifications. The NHTSA has concluded that 80 candlepower will provide sufficient protection and the minimum candlepower has been lowered accordingly.

In order to standardize the requirement with respect to current photometric practice, the luminance requirement for orange fluorescent material in the warning device has been raised from not less than 30 percent to not less 35 percent of that of a flat magnesium oxide surface. The luminance criterion, "when compared under the light from an overcast sky," has been changed to read "when subjected to a 150-watt high pressure xenon compact arc lamp."

Many equipment manufacturers stated that the 200° F. requirement for the high temperature conditioning is not justified by evidence showing that the device must withstand temperatures at that level when in use. This contention has been found to have merit, and the temperature requirement has been lowered to 150°.

Effective date: January 1, 1974. Because the standard is issued later than

anticipated, the effective date has been extended from January 1, 1972 to January 1, 1974. The NHTSA has concluded that this date will permit manufacturers of warning devices which do not have self-contained energy sources and which do not meet the specificatcns of the standard to retool for manufacture of complying devices. It is therefore found, for good cause shown, that an effective date more than 1 year from the date of issuance is in the public interest.

In consideration of the above, a new § 571.125, Standard No. 125, Warning Devices, is added to Title 49, Code of Federal Regulations, as set forth below.

This rule is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407) and the delegation of authority at 49 CFR 1.51.

Issued on March 1, 1972.

CHARLES H. HARTMAN,
*Acting Administrator.*

**§ 571.125 Standard No. 125; Warning Devices. (Effective Jan. 1, 1974)**

S1. *Scope.* This standard establishes requirements for devices, without self-contained energy sources, that are designed to be carried in motor vehicles and used to warn approaching traffic of the presence of a stopped vehicle, except for devices designed to be permanently affixed to the vehicle.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries due to rear end collisions between oncoming traffic and disabled vehicles.

S3. *Application.* This standard applies to devices, without self-contained energy sources, that are designed to be carried in motor vehicles and used to warn approaching traffic of the presence of a stopped vehicle, except for devices designed to be permanently affixed to the vehicle.

S4. *Definitions.* "Entrance angle" means the angle having as its sides the line through the center, and normal to the face, of the object to be tested, and the line from the center of the object to the center of the source of illumination (Figure 2).

"Fluorescent" means the property of emitting visible light due to the absorption of radiation of a wave-length which may be outside the visible spectrum.

"Observation angle" means the angle having as its sides the line from the observation point to the center of the object to be tested and the line from the center of that object to the center of the source of illumination (Figure 2).

"Reflex reflective" means reflective of light in directions close to the direction of incident light, over a wide range of variations in the direction of incident light.

S5. *Requirements.*

S5.1 *Equipment.*

S5.1.1 Reflex reflective material and fluorescent material that meet the requirements of this standard shall be affixed to both faces of the warning device.

S5.1.2 Each warning device shall be enclosed in an opaque protective reusable container, except that two or three warning devices intended to be sold for use as a set with a single vehicle may be enclosed in a single container.

S5.1.3 The warning device shall be designed to be erected, and replaced in its container, without the use of tools.

S5.1.4 The warning device shall be permanently and legibly marked with:

(a) Name of manufacturer;

(b) Month and year of manufacture, which may be expressed numerically, as "6/72"; and

(c) The symbol DOT, or the statement that the warning device complies with all applicable Federal motor vehicle safety standards.

S5.1.5 Each warning device shall have instructions for its erection and display.

(a) The instructions shall be either indelibly printed on the warning device or attached in such a manner that they cannot be easily removed.

(b) Instructions for each warning device shall include a recommendation that the driver activate the vehicular hazard warning signal lamps before leaving the vehicle to erect the warning device.

(c) Instructions shall include an illustration similar to Figure 3 indicating recommended positioning.

S5.2 *Configuration.*

S5.2.1 When the warning device is erected on level ground:

(a) Part of the warning device shall form an equilateral triangle that stands in a plane not more than 10° from the vertical, with the lower edge of the base of the triangle horizontal and not less than 1 inch above the ground.

(b) None of the required portion of the reflective material and fluorescent material shall be obscured by any other part of the warning device except for any portion of the material over which it is necessary to provide fasteners, pivoting beads or other means to allow collapsibility or support of the device. In any event, sufficient reflective and fluorescent material shall be used on the triangle to meet the requirements of S5.4 and S5.5.

S5.2.2 Each of the three sides of the triangular portion of the warning device shall not be less than 17 and not more than 22 inches long, and not less than 2 and not more than 3 inches wide (Figure 1).

S5.2.3 Each face of the triangular portion of the warning device shall have an outer border of red reflex reflective material of uniform width not less than 0.75 and not more than 1.75 inches wide, and an inner border of orange fluorescent material of uniform width and not less than 1.25 and not more than 1.30 inches wide (Figure 1).

S5.2.4 Each vertex of the triangular portion of the warning device shall have a radius of not less than 0.25 inch and not more than 0.50 inch.

S5.2.5 All edges shall be rounded or chamfered, as necessary, to reduce the possibility of cutting or harm to the user.

S5.3 *Color.*

S5.3.1 The color of the red reflective material on the warning device shall have the following characteristics both before and after the warning device has been conditioned in accordance with S6.1:

(a) A chromaticity coordinate y of not more than 0.33.

(b) Chromaticity coordinates x and y whose sum is not less than 0.992.

(c) Purity of not less than 98 percent.

S5.3.2 The color of the orange fluorescent material on the warning device shall have the following characteristics both before and after the warning device has been conditioned in accordance with S6.1:

(a) A chromaticity coordinate y of not less than 0.351 and not more than 0.424.

(b) Chromaticity coordinates x and y whose sum is not less than 0.943.

(c) Purity of not less than 85 percent.

S5.4 *Reflectivity.* When the red reflective material on the warning device is tested in accordance with S6.2, both before and after the warning device has been conditioned in accordance with S6.1, its total candlepower per incident foot candle shall be not less than the values specified in Table I for each of the listed entrance angles.

S5.5 *Luminance.* Both before and after the warning device has been conditioned in accordance with S6.1, the orange fluorescent material on the warning device shall have a luminance not less than 35 percent of that of a flat magnesium oxide surface when subjected to a 150-watt high-pressure xenon compact arc lamp, in a manner that prevents the red reflective material from affecting the photometric measurement of the luminance of the orange fluorescent material.

S5.6 *Stability.* When the warning device is erected on a horizontal brushed concrete surface both with and against the brush marks and subjected to a horizontal wind of 40 miles per hour in any direction for 3 minutes—

(a) No part of it shall slide more than 3 inches from its initial position;

(b) Its triangular portion shall not tilt to a position that is more than 10° from the vertical; and

(c) Its triangular position shall not turn through a horizontal angle of more than 10° in either direction from the initial position.

S5.7 *Durability.* When the warning device is conditioned in accordance with S6.1, no part of the warning device shall become warped or separated from the rest of the warning device.

S6. *Test procedures.*

S6.1 *Conditioning.*

S6.1.1 Submit the warning device to the following conditioning sequence, returning the device after each step in the sequence to ambient air at 68° F. for 2 hours.

(a) Minus 40° F. for 16 hours in a circulating air chamber using ambient air which would have not less than 30 percent and not more than 70 percent relative humidity at 70° F.;

(b) 150° F. for 16 hours in a circulating air oven using ambient air which would have not less than 30 percent and not more than 70 percent relative humidity at 70° F.;

(c) 100° F. and 90 percent relative humidity for 16 hours;

(d) Salt spray (fog) test in accordance with American Society of Testing and Materials Standard B–117, Standard Method of Salt Spray (Fog) Testing, August 1964, except that the test shall be for 4 hours rather than 40 hours; and

(e) Immersion for 2 hours in water at a temperature of 100° F.

S6.2 *Reflectivity test.* Test the red reflective material as follows:

(a) Prevent the orange fluorescent material from affecting the photometric measurement of the reflectivity of the red reflective material, either by separation or masking.

(b) Use a lamp with a filament operating at 2,854° Kelvin color temperature as the source of illumination.

(c) Place the source of illumination 100 feet from the red reflective material (Figure 2).

(d) Place the observation point directly above the source of illumination (Figure 2).

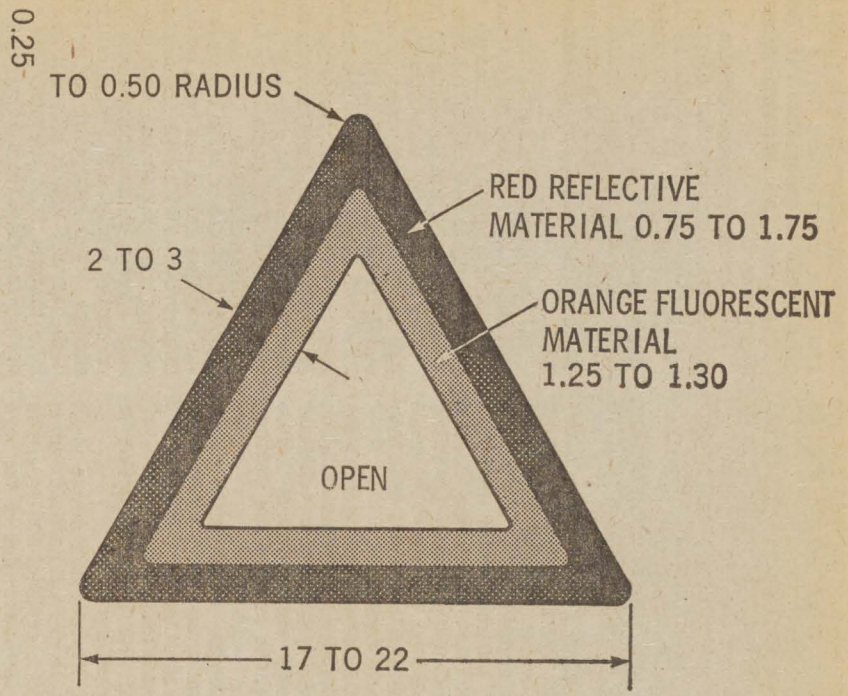
(e) Calculate the total candlepower per incident foot-candle of the red reflective material at each of the entrance and observation angles specified in Table 1.

## TOTAL MINIMUM CANDLEPOWER PER INCIDENT FOOT CANDLE

| Observation Angles - Degrees | Entrance Angles - Degrees | | | | | | |
|---|---|---|---|---|---|---|---|
| | 0 | 10 up | 10 down | 20 left | 20 right | 30 left | 30 right |
| 0.2 | 80 | 80 | 80 | 40 | 40 | 8.0 | 8.0 |
| 1.5 | 0.8 | 0.8 | 0.8 | 0.4 | 0.4 | 0.08 | 0.08 |

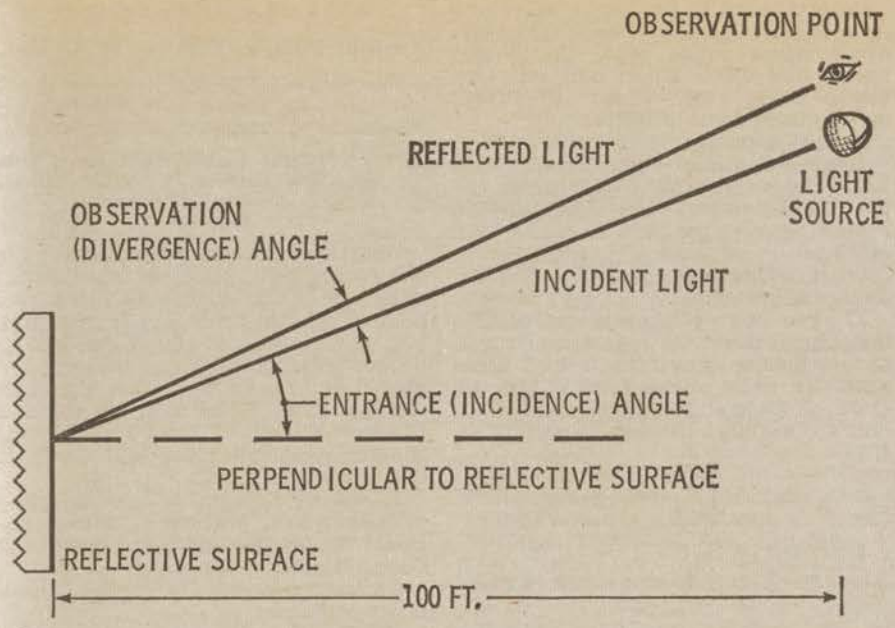
TABLE 1

## WARNING DEVICE



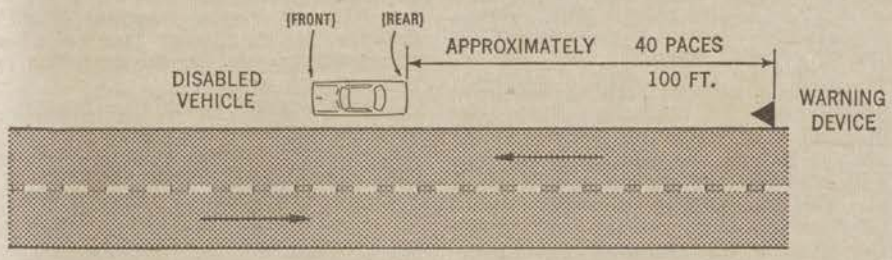

DIMENSIONS OF WARNING DEVICE (Inches)

Figure 1




REFLECTIVITY TEST DIAGRAM

**Figure 2**




RECOMMENDED WARNING DEVICE POSITIONING

**Figure 3**

[FR Doc.72-3472 Filed 3-3-72;12:02 pm]

# 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

### Certain National Wildlife Refuges in California

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (3-9-72).

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

CALIFORNIA

*General conditions.* Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

1. *Colusa National Wildlife Refuge*—(Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988).

Special conditions:

(1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

2. *Delevan National Wildlife Refuge*—(Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988).

Special conditions:

(1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

3. *Modoc National Wildlife Refuge*—(Headquarters: Sheldon - Hart - Modoc NWR, Post Office Box 111, Lakeview, OR 97630).

Special conditions:

(1) Fishing will not be permitted during the migratory waterfowl hunting season.

(2) The taking of frogs on refuge lands is prohibited except by special permit obtainable at refuge headquarters, Modoc, Calif.

4. *Sacramento National Wildlife Refuge*—Route 1, Box 311, Willows, CA 95988.

Special conditions:

(1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

5. *San Luis National Wildlife Refuge*—Post Office Box 2176, Los Banos, CA 93635.

Special conditions:

(1) Fishing permitted from sunrise to one hour after sunset.

(2) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

6. *Salton Sea National Wildlife Refuge*—Post Office Box 247, Calipatria, CA 92233.

Special conditions:

(1) Fishing is permitted in that portion of the refuge which is inundated by the Salton Sea.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

JOHN D. FINDLAY,
*Regional Director, Bureau of Sport Fisheries & Wildlife.*

FEBRUARY 28, 1972.

[FR Doc.72-3584 Filed 3-8-72;8:52 am]

## PART 33—SPORT FISHING

### Certain Wildlife Refuges in Montana

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (3–9–72).

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

MONTANA

General conditions:

Fishing shall be in accordance with applicable State regulations except for special conditions listed.

All areas open to fishing are designated by signs and delineated on a map available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

1. *Bowdoin National Wildlife Refuge*—UL Bend Bowdoin National Wildlife Refuges, Post Office Box J, Malta, MT 59538.

Sport fishing is permitted on Bowdoin Refuge as posted.

2. *Charles M. Russell National Wildlife Range*—Post Office Box 110, Lewistown, MT 59457.

Sport fishing is permitted year-round in the Missouri and Musselshell Rivers and Fort Peck Reservoir.

3. *Medicine Lake National Wildlife Refuge*—Medicine Lake, Mont. 59247.

Sport fishing is permitted only on the area designated by signs as open to fishing. This area comprises 750 acres in the west end of Medicine Lake.

4. *National Bison Range*—Moiese, Mont. 59824.

Sport fishing is permitted only on the Jocko River south of the Big Game Fence.

5. *Ninepipe National Wildlife Refuge*—(Headquarters: National Bison Range, Moiese, Mont. 59824).

Sport fishing is permitted on Ninepipe Reservoir as posted.

Special conditions:

(1) All islands are closed to fishing or trespass.

(2) No ice fishing shelters may be left overnight.

6. *Pablo National Wildlife Refuge*—(Headquarters: National Bison Range, Moiese, Mont. 59824).

Sport fishing is permitted on Pablo Reservoir as posted.

Special conditions:

(1) All islands are closed to fishing or trespass.

(2) No ice fishing shelters may be left overnight.

7. *Ravalli National Wildlife Refuge*—No. 5 Third Street, Stevensville, Mont. 59870.

Sport fishing is permitted in the Bitterroot River, which borders the refuge for about 4 miles, and in Burnt Fork Creek and its related Oxbow (Francois Slough).

8. *Red Rock Lakes National Wildlife Refuge*—Monida Star Route, Lima, Mont. 59739.

Sport fishing is permitted as posted from June 18 through November 30, 1972. Areas closed entire year: Upper and Lower Red Rock Lakes and adjacent marsh (collectively known as Rivermarsh) and Shambow Pond.

Special condition:

Boats with motors are prohibited.

9. *UL Bend National Wildlife Refuge*—UL Bend-Bowdoin National Wildlife Refuge, Post Office Box J, Malta, MT 59538.

Sport fishing is permitted on UL Bend Refuge as posted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

JOHN D. FINDLAY,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 29, 1972.

[FR Doc.72-3588 Filed 3-8-72;8:52 am]

## PART 33—SPORT FISHING

### Certain Wildlife Refuges in Nevada

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (3–9–72).

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

NEVADA

*General conditions.* Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

1. *Charles Sheldon Antelope Range*—(Headquarters: Post Office Box 111, Lakeview, OR 97630).

2. *Ruby Lake National Wildlife Refuge*—Ruby Valley, Nev. 89833.

3. *Stillwater National Wildlife Refuge*—Post Office Box 592, Fallon, NV 89406.

*Special condition for refuges above.* Refuges closed to fishing during the migratory waterfowl hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

JOHN D. FINDLAY,
*Regional Director, Bureau of Sport Fisheries & Wildlife.*

FEBRUARY 28, 1972.

[FR Doc.72-3565 Filed 3-8-72;8:50 am]

## PART 33—SPORT FISHING

### Certain Wildlife Refuges in Oregon

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (3–9–72).

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

OREGON

*General conditions.* Fishing shall be in accordance with applicable State regulations and special conditions listed. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

1. *Ankeny National Wildlife Refuge*—(Headquarters: William L. Finley, National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330).

*Special conditions.* (1) The use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from 1 hour before sunrise to 1 hour after sunset. Use of artificial lights will not be permitted.

2. *Hart Mountain National Antelope Refuge*—(Headquarters: Sheldon-Hart Mountain National Antelope Refuges, U.S. Post Office Building, Post Office Box 111, Lakeview, OR 97630).

3. *Klamath Forest National Wildlife Refuge*—(Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

*Special condition.* (1) Use of boats is not permitted.

4. *Malheur National Wildlife Refuge*—Post Office Box 113, Burns, OR 97720.

*Special condition.* (1) Refuge waters, with the exception of Krumbo Reservoir, are closed to the use of boats for fishing purposes. The use of motors on boats is not permitted.

5. *Upper Klamath National Wildlife Refuge*—(Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, CA 96134).

*Special condition.* (1) Speed boats shall not exceed 10 miles per hour in any stream, creek, or canal, and that portion of Pelican Bay west of a line beginning at a point on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of the lake.

6. *William L. Finley National Wildlife Refuge*—Route 2, Box 208, Corvallis, OR 97330.

*Special conditions.* (1) Use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from 1 hour before sunrise to 1 hour after sunset. Use of artificial lights will not be permitted.

7. *Cold Springs National Wildlife Refuge*—(Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Easton Post Office Building, Umatilla, OR 97882).

*Special conditions.* (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) Boats without motors may be used for purpose of fishing.

8. *McKay Creek National Wildlife Refuge*—(Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Easton Post Office Building, Umatilla, OR 97882).

*Special condition.* (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

JOHN D. FINDLAY,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 29, 1972.

[FR Doc.72-3566 Filed 3-8-72;8:50 am]

# Title 6—ECONOMIC STABILIZATION

## Chapter I—Cost of Living Council

## PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATION OF ECONOMIC UNITS

### Miscellaneous Amendments

Part 101—Coverage, Exemptions and Classification of Economic Units was added to a new Title 6 and a new chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was amended and republished on January 27, 1972 (37 F.R. 1237) and further amended on February 4, 1972 (37 F.R. 2678) and February 24, 1972 (37 F.R. 3913).

The purpose of this amendment is to add a new paragraph to § 101.16 modifying the prenotification requirements for certain regulated milk and milk products and to make clear that charges for rent by the governmental entities described in § 101.34(a) are exempt.

Because the purpose of this regulation is to amend and modify Part 101 to provide immediate guidance and information as to Cost-of-Living-Council decisions, the Cost of Living Council find that its publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days.

This amendment shall become effective when filed with the Office of the Federal Register.

DONALD RUMSFELD,
*Director, Cost of Living Council.*

Part 101 of chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart A is revised and amended in § 101.16 by adding a new paragraph (h) to read as follows:

**§ 101.16 Modification of prenotification requirements.**

Notwithstanding the provisions of § 101.11 the following price adjustments by price category I firms need not be prenotified:

* * * * *

(h) Price adjustments for regulated milk and milk products subject to the conditions and procedures prescribed in § 300.17 of this title.

2. Subpart D is revised and amended in § 101.34 by revising paragraph (a) to read as follows:

**§ 101.34 Certain price adjustments.**

(a) *Federal, State, and local governments.* (1) Price adjustments including rent adjustments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred by any Federal department, agency, or other instrumentality including the Postal Service and wholly owned Government corporations as defined in the Government Corporation Control Act of 1945, as amended.

(2) Price adjustments including rent adjustments by State and local governments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, facilities, materials, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred including tuition and other charges for schools, colleges, and universities owned or operated by a State and local government; except, however, that fees or charges for health services and for utility services (including gas, electricity, telephone, telegraph, public transportation by vehicle or pipeline, but not including water or sewage disposal services) provided directly or indirectly by a State and local government are not exempt under the provisions of this section.

* * * * *

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640)

[FR Doc.72-3718 Filed 3-8-72;10:53 am]

## Chapter III—Price Commission

## PART 300—PRICE STABILIZATION

### Allowable Minimum Prices for Regulated Milk and Milk Products

The purpose of this amendment is to add a new § 300.17 to provide a method whereby all sellers of milk and milk products in States which establish the minimum prices for such products by regulatory agencies may raise their prices to the minimums so established, notwithstanding any other provision of Part 300. This relief is necessary because in most instances the minimum prices so established in reality become the maximums and shifting suppliers, changing quantities purchased, and percentage margin limitations operate in some cases to prohibit the processors and sellers of milk and fluid milk products from selling at the minimums established by the regulatory bodies. This may have an adverse effect on supplies. The regulatory bodies conduct hearings and establish cost-based prices necessary to assure the continued adequate supply of wholesome fresh milk and milk products.

Each regulatory agency will be required to certify to the Price Commission the former minimum price, the date it was established, the new minimum price and the percentage of increase; that the prices are cost-based; that in its proceedings enough evidence was taken to determine that the prices proposed do not reflect future inflationary expectations; that the increase for each item is needed to assure a continued adequate supply of milk and milk products; and that the prices established will not exceed on a weighted basis a 2½ percent annual increase, excluding raw milk (an exempt commodity) and partially processed products made therefrom, consistent with the Price Commission goals.

Prenotification firms (except as provided in paragraph (b) of the new § 300.17) and reporting firms subject to this section are required to continue to comply with §§ 300.51 and 300.52 of the Commission's regulations.

The Price Commission will have 10 days after receiving the regulatory agency certification to act upon it. The Price Commission reserves the right (within the time limit specified) to require the furnishing of additional information, to delay the effective date of the increases, or to approve, reject, limit, rescind, reduce, or modify the increase. Where prices are established on industry averages or a sample of the industry, the Price Commission reserves the right to require the regulatory agency or the regulated sellers to provide additional information as to percentage markups and profit margins and any other relevant data.

Because the purpose of this amendment is to provide immediate relief to certain sellers and to assure that no impediment to the supply of milk develops, it is hereby found that notice and public procedures thereon are impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, § 300.17, as set forth below, is added to Part 300 of Title 6 of the Code of Federal Regulations effective March 8, 1972.

Issued in Washington, D.C., on March 7, 1972.

C. JACKSON GRAYSON, Jr.,
*Chairman, Price Commission.*

**§ 300.17 Regulated milk and milk products.**

(a) *Definitions.* The following definitions apply in this section:

"Regulated milk and milk products" means milk and milk products with respect to which the minimum price is established or the minimum and maximum prices are established by a regulatory agency.

"Regulatory agency" means any commission, board, or other legal body established in any State or the District of Columbia, which has jurisdiction to order increases, or reductions, or both in the prices charged for fluid milk and milk products.

"Milk and milk products" includes fluid milk (other than raw milk), lowfat milk, nonfat (skim) milk, buttermilk, cream, half-and-half, chocolate milk, and cottage cheese.

"Regulated seller of milk and milk products" means any seller of milk and milk products whose minimum selling prices are fixed by a regulatory agency and includes a processor, distributor, wholesaler, or retailer.

(b) *Regulated sellers of milk and milk products.* Notwithstanding any other provision of this part, but subject to paragraph (c) of this section, a regulated seller of milk and milk products may charge a price in excess of the base price or in excess of an adjusted price if that increased price has been approved as a minimum price by a regulatory agency. A regulated seller of fluid milk and milk products which is a prenotification firm, whose minimum prices for such products to its customers are established by that regulatory agency, may sell milk and milk products at the minimums so established without prenotifying.

(c) *Report by regulatory agency.* A regulatory agency which establishes minimum prices for sellers of milk and milk products must furnish to the Price Commission at least 15 days before the proposed increases are to be effective—

(1) A statement of the types of price increases subject to its jurisdiction and generally describing the method used for establishing prices;

(2) A certification as to each price increase it approves (in the order granting the increase or in a separate document) of the following:

(i) The former price, the date it was established, the new price, the percentage increase, and the proposed effective date of the new price;

(ii) That the increase is cost-based, does not reflect future inflationary expectations, and includes a reflection of productivity gains;

(iii) That the increase is the minimum required to assure a continued, adequate supply of pure and wholesome milk and milk products; and

(iv) That excluding price increases paid for raw milk (which is exempt from this title) and partially processed products made therefrom, the increases established by the regulatory agency will not increase the weighted average prices of such milk and milk products more than 2½ percent a year.

(d) *Industry averages.* If a price increase by the regulatory agency is premised on cost or other data compiled on the basis of industry averages or samples of the industry, the Price Commission reserves the right to require the regulatory agency to submit, or to require any regulated seller of milk and milk products to provide, any additional information that the Commission considers relevant, including requesting the regulatory agency to obtain from the industry or the same sample on which its increases were predicated, the following information:

(1) For processors—the base period profit margin and the profit margin in a period reflecting the new prices; or

(2) For wholesalers or retailers—the customary initial percentage markup; the percentage markup reflected by the allowed price increases; the profit margin in the base period, and the profit margin in the period reflecting the new prices.

(e) *Effective date of price increases.* At any time within 10 days after receiving a report under paragraph (c) of this section the Price Commission may take any action provided in paragraph (f) of this section, or it may take no action in which case the price increases permitted by this section may become effective on the date specified in the regulatory agency order.

(f) *Price Commission actions.* With respect to any price increase permitted by this section, the Price Commission may—

(1) Require the regulatory agency to furnish additional information concerning the increase;

(2) Delay the effective date of the increase pending further Commission action, but not for longer than 15 days after receiving the additional information requested under subparagraph (1) of this paragraph;

(3) Suspend all or part of the increase pending further action by the Commission or the regulatory agency; or

(4) Approve, reject, limit, rescind, reduce, or modify the increase.

[FR Doc.72-3647 Filed 3-8-72;10:53 am]

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## PART 300—PRICE STABILIZATION

### Low-Profit Firms

The purpose of this amendment is to add a new § 300.31 *Low-profit firms* to Part 300 of the regulations of the Price Commission. The new section replaces and expands upon the subject matter of two notices dealing with loss firms and low profit firms which were published by the Commission on December 28, 1971, and January 19, 1972 (36 F.R. 25067 and 37 F.R. 828), which are hereby expressly revoked, effective at 12 p.m. on March 9, 1972.

The new section defines "low-profit firms," which includes firms which have suffered losses and sets forth the method under which such firms may increase prices to levels necessary to bring themselves to an applicable profit margin, based on capital turnover. Increases on individual products or services, however are limited to 8 percent. Prenotification and reporting firms which increase prices pursuant to the section will be required to comply with the applicable prenotification and reporting requirements of §§ 300.51 and 300.52, as the case may be. The new section does not apply to service organizations, public utilities, providers of health services, insurers or public benefit corporations.

The new section is intended to provide relief to loss or low-profit firms which are subject to economic hardship as a result of application of price stabilization rules. Firms which are unable to obtain such relief under this section because of unusual circumstances may still request an exception under § 305.30 of the Commissions regulations.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect for firms having losses or low profits it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended by adding a new § 300.31, as set forth below effective March 10, 1972.

Issued in Washington, D.C., on March 7, 1972.

C. JACKSON GRAYSON, Jr.,
*Chdirman, Price Commission.*

**§ 300.31 Low-profit firms.**

(a) *Definition.* For the purposes of this section, "low-profit firm" means any manufacturer, retailer, or wholesaler which, during its most recently ended fiscal year, or during its alternative fiscal year computed in accordance with paragraph (b) of this section, had during that fiscal year—

(1) Net sales of less than $1 million and a profit margin which was less than 3 percent; or

(2) Net sales of $1 million or more and a profit margin which was less than the percentage set forth in column B of the following table, corresponding to the firm's capital turnover ratio for such fiscal year.

The capital turnover ratio is computed by dividing the net sales for the year by the average total capital (long-term debt plus owner's equity) for the year. The average total capital for any fiscal year is computed by adding the outstanding total capital at the beginning of that fiscal year to the outstanding total capital at the end of that fiscal year, and dividing by two:

| *Column A, Capital turnover ratio* | *Column B, Applicable profit margin (percent)* |
|---|---|
| Less than 3.4 | 3.0 |
| 3.4 or more, but less than 3.6 | 2.9 |
| 3.6 or more, but less than 3.7 | 2.8 |
| 3.7 or more, but less than 3.8 | 2.7 |
| 3.8 or more, but less than 4.0 | 2.6 |
| 4.0 or more, but less than 4.2 | 2.5 |
| 4.2 or more, but less than 4.3 | 2.4 |
| 4.3 or more, but less than 4.5 | 2.3 |
| 4.5 or more, but less than 4.8 | 2.2 |
| 4.8 or more, but less than 5.0 | 2.1 |
| 5.0 or more, but less than 5.3 | 2.0 |
| 5.3 or more, but less than 5.6 | 1.9 |
| 5.6 or more, but less than 5.9 | 1.8 |
| 5.9 or more, but less than 6.3 | 1.7 |
| 6.3 or more, but less than 6.7 | 1.6 |
| 6.7 or more, but less than 7.1 | 1.5 |
| 7.1 or more, but less than 7.7 | 1.4 |
| 7.7 or more, but less than 8.3 | 1.3 |
| 8.3 or more, but less than 9.1 | 1.2 |
| 9.1 or more, but less than 10.0 | 1.1 |
| 10.0 or more, but less than 11.1 | 1.0 |
| 11.1 or more, but less than 12.5 | 0.9 |
| 12.5 or more, but less than 14.3 | 0.8 |
| 14.3 or more, but less than 16.7 | 0.7 |
| 16.7 or more, but less than 20.0 | 0.6 |
| 20.0 or more, but less than 25.0 | 0.5 |
| 25.0 or more, but less than 33.3 | 0.4 |
| 33.3 or more, but less than 50.0 | 0.3 |
| 50.0 or more | 0.2 |

(b) *Base period low profit-alternative fiscal year.* Any manufacturer, retailer, or wholesaler may compute an average fiscal year for use as an alternative fiscal year for the purposes of paragraph (a) of this section by combining and dividing by two the net sales and the average total capital, respectively, for any two of that firm's base period years.

(c) *General rule.* Notwithstanding § 300.12 or § 300.13, but subject to paragraph (d) of this section, a low profit firm may increase any of its prices by an amount reasonably calculated to bring the firm to its applicable profit margin by the end of the third fiscal quarter following the fiscal quarter in which the prices are increased. For firms covered by paragraph (a)(1) of this section, the applicable profit margin is 3 percent. For firms covered by paragraph (a)(2) of this section, the applicable profit margin is that set forth in column B of the table in paragraph (a) of this section.

(d) *Limitation.* No firm may increase the price of any of its individual products under this section by more than 8 percent of the base price or other price authorized under this part for that product.

(e) *Reporting-prenotification firms.* Each prenotification firm intending to increase its prices pursuant to this section shall comply with the applicable prenotification and reporting requirements of § 300.51.

(f) *Reporting-reporting firms.* Each reporting firm which increases its prices pursuant to this section shall comply with the reporting requirements of § 300.52.

(g) *Persons to which section does not apply.* This section does not apply to any service organization covered by § 300.14, any public utility covered by § 300.16; any provider of health services covered by § 300.18 or § 300.19; any insurer covered by § 300.20; or any public benefit corporation covered by § 300.51(k).

[FR Doc.72-3722 Filed 3-8-72;11:19 am]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### [ 25 CFR Part 221 ]

### FLATHEAD IRRIGATION PROJECT

### Operation and Maintenance Rates

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938), and by virtue of the authority delegated to the Commissioner of Indian Affairs to the Area Director (10 BIAM–3; 34 F.R. 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10–2, 10 BIAM 7.0, Sections 2.70–275.

Notice is hereby given that it is proposed to revise §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1972 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Project Engineer, Bureau of Indian Affairs, Flathead Indian Irrigation Project, St. Ignatius, Mont. 59865, within 30 days of publication of this notice in the FEDERAL REGISTER.

Section 221.16 is amended to read as follows:

**§ 221.16 Charges, Jocko Division.**

(a) An annual minimum charge of $3.85 per acre, for the season of 1972 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an irrigation district organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and fifty-six cents ($2.56) per acre foot or fraction thereof.

Section 221.17 is amended to read as follows:

**§ 221.17 Charges, Mission Valley and Camas Division.**

(a) (1) An annual minimum charge of $4.10 per acre, for the season of 1972 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an irrigation district organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of pro rata per acre share of the available water up to 1½ acre feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and seventy-four cents ($2.74) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $4.85 per acre, for the season of 1972 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an irrigation district organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of three dollars and twenty-four cents ($3.24) per acre foot or fraction thereof.

GEORGE L. MOON,
*Project Engineer.*

[FR Doc.72-3564 Filed 3-8-72;8:50 am]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

### [ 7 CFR Part 46 ]

### FRESH OR FROZEN FRUITS AND VEGETABLES OR CHERRIES IN BRINE

### License Fees

Notice is hereby given that the U.S. Department of Agriculture is considering a revision of § 46.6 of the regulations (other than rules of practice) (7 CFR 46.1–46.44) effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

*Statement of considerations leading to the proposed revision.* This Act is designed to prevent unfair and fraudulent practices of persons engaged in the business of marketing fresh or frozen fruits and vegetables or cherries in brine in interstate or foreign commerce. All persons engaged in business subject to the Act are required to be licensed.

The cost of administering this Act, except for the cost of legal services, is financed entirely by the annual license fees. The Act authorizes the Secretary of Agriculture to fix the license fee at such amount, not to exceed $100, as he deems necessary to meet reasonably anticipated expenses for administering the Act.

The source of funds for administering the Act has been shrinking steadily for more than a decade due to the decline in the number of firms handling fruits and vegetables subject to the Act. For example, the number of produce firms licensed under the Act declined from an all-time high of over 27,000 in 1956 to 17,750 on January 1, 1972. Mergers and acquisitions have been common among produce firms of all sizes, and have been one of the major factors attributing to this decline in the number of firms licensed under the Act. This trend is expected to continue.

The caseload of complaints handled under the Act, however, has remained relatively stable, while operating costs have increased, even though there has been no increase in the number of employees engaged in the administration of the Act.

The steady decline of the number of firms operating subject to the Act, and the gradually increasing operating costs resulted in a deficit of more than $73,000 in the PACA Fund during the past fiscal year. This deficit is continuing.

Because the present license fee of $60 per year is not producing sufficient revenue to meet current administrative expenses, it is proposed, in order to assure continued effective administration of the Act, to increase the annual license fee to $75, effective July 1, 1972.

All persons who desire to submit written data, views, or comments concerning the proposed increase in the fee should file the same in duplicate, with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed revision of § 46.6 reads as follows:

**§ 46.6 License fee.**

The annual license fee is seventy-five dollars ($75). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check or certified check made payable to Consumer and Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

Done at Washington, D.C., this 7th day of March 1972.

JOHN C. BLUM,
*Deputy Administrator,*
*Regulatory Programs.*

[FR Doc.72-3668 Filed 3-8-72;8:57 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 295 ]

## HOUSEHOLD SUBSTANCES CONTAINING SODIUM AND/OR POTASSIUM HYDROXIDE

### Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has determined that the accidental ingestion of household products containing sodium and/or potassium hydroxide has been a significant cause of hospitalizations and fatalities of children under 5 years of age.

Sodium and/or potassium hydroxide are found in a number of household products such as household lye, oven cleaners, and certain drain and toilet bowl cleaners. The corrosive action of these caustic substances on the eyes, mouth, esophagus, and stomach is well known and thoroughly documented in the medical literature. Ingestion of such household products has caused acute injury due to corrosion and destruction of the esophageal wall and the stomach wall, which in turn may lead to mediastinitis, peritonitis, and death. Contracture of scars following damage to the wall of the esophagus and stomach may produce strictures causing partial or total obstruction to the passage of food and require repeated and prolonged surgical treatment. The operative procedures required for children with nonfatal injuries result in extensive physical and psychological trauma.

The injuries and deaths of young children due to sodium and/or potassium hydroxide were primarily responsible for the enactment of the Federal Caustic Poisons Act of 1927. More recently, these injuries and deaths resulted in the classification under the Federal Hazardous Substances Act of liquid drain cleaners containing 10 percent or more sodium and/or potassium hydroxide as banned hazardous substances unless packaged in accordance with a child protection packaging standard promulgated under provisions of the Poison Prevention Packaging Act of 1970 (21 CFR 191.9(a)(4); 36 F.R. 11190).

Results of a recently concluded collaborative study reveal that both sodium hydroxide and potassium hydroxide in liquid form are corrosive to living tissue at concentrations of 2 percent or more. It has been demonstrated conclusively that both sodium and potassium hydroxide in liquid form at a 2 percent concentration produce severe necrosis and ulceration of the epithelium of the esophagus. These research data further indicate that such substances at a 2 percent concentration are corrosive to the eyes.

Reports from the National Clearinghouse for Poison Control Centers for the period 1968–70 show more than 1,661 ingestions and 609 hospitalizations resulting from accidental ingestion by children under 5 years of age of household substances containing sodium and/or potassium hydroxide. Poison control center reports indicate that one particular brand of caustic drain cleaner is the 10th most frequently specified product ingested by children and the fourth leading cause of hospitalization. Data from death certificates for 1968–70 indicate seven deaths of children under 5 years of age due to the accidental ingestion of household products containing sodium and/or potassium hydroxide. Incomplete data from the poison control centers for 1970 and a portion of 1971 indicate at least seven incidents where such household substances have been sprayed or otherwise introduced accidentally into the eyes of children under 5 years of age.

After review of the above information and upon consultation, pursuant to section 3, with the Technical Advisory Committee convened in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Commissioner concludes that the nature of the hazard to children posed by household products containing sodium and/or potassium hydroxide in the concentrations specified herein, by reason of their availability and packaging, is such that special packaging is necessary to protect children from serious personal injury or serious illness resulting from the handling or accidental ingestion of such products.

Section 3(a)(2) of the Poison Prevention Packaging Act of 1970 provides that a prerequisite to establishing standards for special packaging is a finding that such special packaging is technically feasible, practicable, and appropriate for such substance. On the basis of reports and data from industry and other relevant information, the Commissioner finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to the standard proposed herein. At least 11 different special packages have been tested in accordance with § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151; 37 F.R. 741) and have met or exceeded the child-resistant effectiveness and adult-use effectiveness specifications of § 295.3(b). This includes special packaging for products packaged in pressurized spray containers.

2. Practicable in that such packaging is adaptable to modern mass production and assembly line techniques. Reported production data indicate a capability to adequately meet the needs of the affected industries.

3. Appropriate since such special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

This proposal is in addition to the banning order of June 10, 1971, under the Federal Hazardous Substances Act (21 CFR 191.9(a)(4)) of those liquid drain cleaners containing 10 percent or more sodium and/or potassium hydroxide. Under that banning order, liquid drain cleaners containing 10 percent or more sodium and/or potassium hydroxide may not be packaged in noncomplying packages as provided in section 4(a) of the Poison Prevention Packaging Act of 1970.

In the notice published December 10, 1971 (36 F.R. 23556), confirming the effective date of that banning regulation (21 CFR 191.9(a)(4)), notice was given that a response to the banning order from Dr. Franklin M. Foote, Commissioner of Health for the State of Connecticut, requested that all household liquid drain cleaners containing a sufficiently high concentration of sodium or potassium hydroxide to be effective be banned unless packaged in compliance with prescribed special packaging standards under the Poison Prevention Packaging Act of 1970. The notice stated that this additional action was presently under consideration. The standards proposed herein would have the effect of granting this request in that liquid drain cleaners containing 2 percent or more of these substances would require special packaging except that such liquid drain cleaners containing less than 10 percent of these substances may be packaged in a noncomplying package as provided by section 4(a) of the Poison Prevention Packaging Act of 1970.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471–74), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 295.2(a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of February 16, 1972; 37 F.R. 3427):

**§ 295.2 Substances requiring "special packaging."**

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(5) *Sodium and/or potassium hydroxide.* Household substances in dry forms, such as granules, powder, and flakes, containing 10 percent or more by weight of sodium and/or potassium hydroxide, and all other household substances containing 2 percent or more by weight of sodium and/or potassium hydroxide, shall be packaged in accordance with the provisions of § 295.3 (a) and (b).

* * * * *

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 3, 1972.

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

[FR Doc.72-3474 Filed 3-8-72;8:45 am]

## Office of Education

## [ 45 CFR Part 151 ]

## EXPERIMENTAL SCHOOLS

### Notice of Proposed Rule Making

Pursuant to the authority contained in section 2 of the Cooperative Research Act (68 Stat. 533, as amended; 20 U.S.C. 331a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subpart E of Part 151 of Title 45 of the Code of Federal Regulations as set forth below.

Subpart E (45 CFR 151.50–151.56), which governs Federal financial assistance under the experimental schools program, was enacted July 29, 1971, at 36 F.R. 13993. Four major changes in the regulations are proposed to provide greater flexibility in making future awards under the program.

(1) To delete the limitations presently contained in § 151.54(a)(1) respecting the number and grade levels of children to be served by a project;

(2) To eliminate those provisions which were only applicable to the first two competitions under the program;

(3) To make § 151.54(a)(1) (regarding the type of children to be served) into a matter of priority, rather than an absolute limitation on Federal assistance; and

(4) To permit the Commissioner, under § 151.56(a), to adjust the contribution to a project of an applicant which is not supported with public taxes, according to such applicant's ability to contribute.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to Experimental Schools, U.S. Office of Education, Room 4012, 400 Maryland Avenue SW., Washington, DC 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered.

Dated: February 17, 1972.

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

Approved: March 2, 1972.

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

Subpart E of Part 151 of Title 45 of the Code of Federal Regulations is amended by revoking §§ 151.52(b), 151.54(a) (1), (2), (4), (7), and 151.55; and by amending §§ 151.51, 151.52(a), 151.53, 151.54 (a)(3) and (b), and 151.56(a), reading as follows:

### Subpart E—Experimental Schools

**§ 151.50 Scope.**

The provisions contained in this subpart apply to the experimental schools program to be carried out by the Commissioner pursuant to the provisions of the Cooperative Research Act, Public Law 83-531. Except as otherwise provided in this subpart, the program is also subject to the provisions contained in Subparts A and B of this part. (20 U.S.C. 331a)

**§ 151.51 Purpose.**

Payment of Federal funds under this subpart to eligible parties (as defined in § 151.3) shall be solely for the purpose of planning, development, and operation of experimental school projects which seek to achieve educational reform (a) through a comprehensive design that includes use of selected current promising educational practices, and products of educational research; or (b) through a comprehensive design that provides significant new approaches and alternatives to current educational structures, programs, practices, and performances. (20 U.S.C. 331a)

**§ 151.52 Eligible applicants; applications.**

(a) Assistance under this subpart will be made available only upon submission of an application (which may be in the form of a letter of interest) meeting the requirements of § 151.4 at such time or times, and in such manner, as the Commissioner deems necessary. One or more eligible parties may apply for assistance under a single application pursuant to a cooperative arrangement. In addition to such other information as the Commissioner may require, an application under this subpart shall set forth the goals of the project, including (1) the educational problems to be addressed, and (2) the kind and purpose of the learning experiences to be provided.

(b) [Revoked]

(c) An applicant for assistance under this subpart must demonstrate, to the satisfaction of the Commissioner, that such applicant is capable and competent to design and successfully implement a project thereunder. (20 U.S.C. 331a)

**§ 151.53 Geographic scope of project.**

Assistance may be available under this subpart for an experimental schools project which may be carried out in one or more school districts, counties, States, or other political subdivisions. (20 U.S.C. 331a)

**§ 151.54 Project requirements.**

(a) Federal financial assistance may not be made available for a project pursuant to this subpart unless the Commissioner determines that—

(1) [Revoked]

(2) [Revoked]

(3) The applicant has provided satisfactory assurance that the project will involve the broad participation of the affected community (or communities) in its design, implementation, and operation. Except in the case of an application for planning assistance, the application shall:

(i) Set forth such policies and procedures as will insure that the project to be assisted has been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such project;

(ii) Contain satisfactory assurance that such parents have had an opportunity to present their views with respect to the application; and

(iii) Set forth policies and procedures for adequate dissemination of project plans and evaluations to such parents and the public;

(4) [Revoked]

(5) The applicant has provided satisfactory assurance that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for the continuing evaluation of the effectiveness of the project in meeting its stated goals;

(6) The applicant has provided satisfactory assurance that it will furnish to the Commissioner such information and reports as he may deem necessary for the administration of the program.

(7) [Revoked]

(20 U.S.C. 331a, 1231d)

(b) The project shall involve a comprehensive educational program whose elements are compatible with, and mutually reinforcing of, its goals. Such elements shall include, but not be restricted to:

(1) The nature and substance of the curriculum;

(2) The nature, role, and organization of staff and necessary staff training;

(3) The use of time and space, including possible variations in the length of the school day, school year, or the numbers of years required of participants in the project;

(4) An administrative and organizational structure consistent with and supportive of the program; and

(5) An evaluation design and a strategy for its implementation.

(20 U.S.C. 331a)

**§ 151.55 [Revoked]**

**§ 151.55-1 Priorities.**

In considering applications under this subpart, in addition to the criteria set

forth in § 151.7, the Commissioner shall give priority to applications otherwise meeting the applicable requirements contained in this part which—

(1) Serve communities of learners who are from low income families (as determined by the Commissioner);

(2) Are designed to serve members of the community who are not achieving or have not achieved educational success. (20 U.S.C. 331a)

**§ 151.56 Federal financial participation.**

(a) Federal financial assistance to public agencies, institutions, or organizations under this subpart for any given period may not exceed the difference between (1) the total cost of the project and (2) the number of students in the project multiplied by the average per pupil expenditure (as determined by the Commissioner) for the area to be served with respect to such period. Assistance to any other eligible party under this subpart may be limited by the Commissioner to an amount which is less than the total cost of the project. In making such a determination, the Commissioner may take into account such factors as the party's financial ability to contribute to the cost of the project.

(b) An applicant for assistance under this subpart must establish that it has, or will have, the resources to continue the project without Federal support at the expiration of the demonstration period. (20 U.S.C. 331a)

[FR Doc.72-3599 Filed 3-8-72;8:53 am]

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## [ 45 CFR Parts 166, 167 ]

# STATE ADULT EDUCATION PROGRAMS, SPECIAL PROJECTS AND TEACHER TRAINING IN ADULT EDUCATION

## Proposal Regarding Financial Assistance

Notice is hereby given that the regulations set forth in Parts 166 and 167 below prescribe certain policies and procedures with respect to Federal financial assistance for State adult education programs, and special projects and teacher training in adult education under the Adult Education Act (title III of the Elementary and Secondary Education Amendments of 1966, as amended by title III of Public Law 91-230, 20 U.S.C. 1201-1211).

These regulations are a complete revision of those now published in 45 CFR Part 166, and are intended primarily to (1) implement the amendments to this Act by title III of Public Law 91-230 and (2) streamline State plan requirements.

Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the U.S. Commissioner of Education, U.S. Office of Education, 400 Maryland Avenue SW., Washington, DC 20202, within a period of 30 days from the date of publication in the FEDERAL REGISTER. Comments received in response to this notice will be available for public inspection at the Office of the Director of the Division of Adult Education Programs, Room 5082, GSA Regional Office Building No. 3, Seventh and D Streets SW., Washington, DC 20407, on Monday through Friday between 8 a.m. and 4:30 p.m.

Subpart A—General

Sec.
166.1 Purpose and scope.
166.2 Applicability of civil rights regulation.
166.3 Definitions.

Subpart B—State Plan Provisions

166.11 State plan—general.
166.12 Program for use of grants.
166.13 Program requirements and criteria.
166.14 Certification of the State plan.
166.15 Amendment of State plan.
166.16 Approval of State plan.

Subpart C—Federal Financial Participation

166.21 Custody and use of Federal funds.
166.22 Effective date of allowable expenditures.
166.23 Availability of funds.
166.24 Application of State rules.
166.25 Payments by State agency.
166.26 Proration of costs.
166.27 Adjustments.
166.28 Audits.
166.29 Retention of records.
166.30 Disposition of equipment.
166.31 Inventories.
166.32 Federal and non-Federal share of expenditures.
166.33 Eligible costs.
166.34 Computation of allowable expenditures.
166.35 Use of funds for sectarian or religious purposes.
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Subpart D—Payments and Reports

166.41 Conditions for payments to States.
166.42 Withholding of payments.
166.43 Method of payment.
166.44 Effect of Federal payments.
166.45 Reallotments.
166.46 Disposition of unexpended Federal funds.
166.47 Reports.

APPENDIX A

AUTHORITY: The provisions of this Part 166 issued under 84 Stat. 159-164, 20 U.S.C. 1201-1211.

## Subpart A—General

**§ 166.1 Purpose and scope.**

(a) *Purpose.* The purpose of the regulations in this part is to implement the provisions of the Adult Education Act which provides Federal assistance to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

(b) *Scope.* The scope of the regulations in this part covers grants to States for adult basic education and other adult education programs pursuant to section 304(b) of the Act. The regulations in Part 167 will govern Federal assistance for special projects and teacher training in adult education pursuant to section 309 of the Act. (20 U.S.C. 1201)

**§ 166.2 Applicability of civil rights regulation.**

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights of 1964, approved July 2, 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. 2000d, et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of that title; and the State plan shall contain an assurance to this effect. (20 U.S.C. 1231e and 42 U.S.C. 2000d, et seq.)

**§ 166.3 Definitions.**

(a) "Academic education" means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

(b) "Act" means the Adult Education Act (title III of the Elementary and Secondary Education Amendments of 1966, as amended by title III of Public Law 91-230, 20 U.S.C. 1201-1211).

(c) "Adult" means any individual who has attained the age of 16 and is not currently required to be enrolled in a school offering elementary and/or secondary education.

(d) "Adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(e) "Adult education" means academic education, services, or instruction below the college level (which, for purposes of this definition, means at or below the 12th grade level) for adults who—

(1) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) Are not currently required to be enrolled in schools.

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

(g) "Department" means the Department of Health, Education, and Welfare.

(h) "Fiscal year" means the period beginning on the first day of July and ending on the following June 30, and is designated by the calendar year in which the fiscal year ends.

(i) "Local educational agency" means a public board of education or other public authority legally constituted within a

State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools; except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(j) "Private nonprofit agency" means an agency, organization, or institution no part of whose net earnings may legally inure to the benefit of any private shareholder or individual.

(k) "Public agency" means an entity established by a State or a political subdivision thereof supported in whole or in part by public funds, and administered and controlled by publicly elected or appointed officials.

(l) "School or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(m) "State" includes the District of Columbia, and (except for the purposes of section 305(a) of the Act) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(n) "State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purposes of the Act by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of the Act by the Governor. (20 U.S.C. 1202 and 1210)

## Subpart B—State Plan Provisions

### § 166.11 State plan—general.

(a) *Purpose.* The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to carry out the purpose set forth in § 166.1, and to provide the basis on which Federal payments to the State under this part are made. State agencies desiring to participate under the Act shall submit to the Commissioner a State plan which shall meet the requirements of section 306(a) of the Act and the regulations in this subpart 90 days after the effective date of these regulations.

(b) *Format.* The State plan shall be in a form prescribed by the Commissioner, the text of which is attached hereto as an appendix and made a part hereof; and shall include the State's program for the use of grants provided for in § 166.12 which shall be available for inspection by the Commissioner. (20 U.S.C. 1205(a)).

### § 166.12 Program for use of grants.

(a) *General.* The State shall develop a program for the use of grants made available to the State under section 304 (b) of the Act to pay the Federal share of the cost of establishing or expanding adult basic education programs and other adult education programs to be carried out by local educational agencies and private nonprofit agencies in the State. The program shall meet the requirements of the Act, the regulations in this part, and the State plan provisions set forth in the appendix to this part; and shall be developed in accordance with the program requirements and criteria established by the State pursuant to § 166.13.

(b) *Content.* The State's program shall contain a statement of the policies, procedures, criteria, and priorities to be followed by the State agency in approving local educational agency programs which will assure substantial progress (with respect to all segments of the adult population and all areas of the State) in the establishment or expansion of adult basic education programs. Such criteria and priorities shall be designed to assure that first priority will be given to programs which provide for instruction in speaking reading, or writing the English language for persons functioning at the fourth grade level or below. Second priority will be given to such instruction for persons functioning above the fourth and through the eight grade level. Third priority will be given to such instruction for persons functioning above the eighth and through the twelfth grade level or its equivalency. (20 U.S.C. 1205(a))

### § 166.13 Program requirements and criteria.

(a) The State agency shall not approve a program application unless it determines that the program will (1) utilize qualified administrative personnel and instructional staff, and adequate facilities, equipment, materials, and guidance and counseling services; (2) provide for effective recruitment and retention of adults in adult education programs; and (3) provide for effective administration and supervision to assure efficient and economical operation in providing an adequate learning environment.

(b) In developing the criteria referred to in § 166.12, the State agency shall give consideration to factors such as the following:

(1) Whether and to what extent a program will serve adults in those geographic areas of the State which have high concentrations of adults in need of basic education;

(2) Whether and to what extent a program will serve adults with the greatest basic education deficiencies which are impairing their ability to obtain employment and become more productive and responsible citizens;

(3) Whether and to what extent a program has been planned and/or will be conducted in cooperation with Community Action programs, Work Experience programs (WIN), VISTA, Work-study programs, Manpower Development and Training programs. Vocational and Career Education programs, Model Cities, and other programs relating to the anti-poverty effort;

(4) Whether and to what extent a program will provide health information and services to the extent available through cooperative arrangements with State health authorities;

(5) Whether and to what extent a program will provide for the use of personnel in college work-study programs, VISTA, and other antipoverty programs;

(6) Whether and to what extent a program incorporates the results of research or techniques which have been proven effective;

(7) Whether and to what extent a program incorporates innovative or imaginative instructional methods; and

(8) Whether and to what extent consideration is given to the findings and recommendations of recent independent evaluation reports available to and/or sponsored by the State agency. (20 U.S.C. 1205(a))

### § 166.14 Certification of the State plan.

The State plan and all amendments thereto shall include a certification by the State's Attorney General, or other official designated in accordance with State law to advise the State agency on legal matters, that all plan provisions and amendments thereto are consistent with State law. He shall further certify the official title of the officer authorized to submit the State plan; that the State agency named in the plan has authority under State law to submit the State plan; that the State Treasurer (or, if there be no State Treasurer, the officer identified by title exercising similar functions for the State) has authority under State law to receive, hold, and disburse Federal funds under the State plan. (20 U.S.C. 1205(a))

### § 166.15 Amendment of State plan.

The State plan shall be amended to reflect any changes in pertinent State or Federal law and policies, or any changes in the designation or organization of operations, policies, and methods of administration to be followed by the State. Notification of such amendments will be submitted and certified in the same manner as the State plan. (20 U.S.C. 1205(a))

### § 166.16 Approval of State plan.

(a) *Governor's comments.* Prior to the submission to the Commissioner of any State plan under this subpart, or of any amendment thereto, the State educational agency shall afford the Governor of such State an opportunity to comment on the relationship of such State plan (or amendment) to comprehensive and other State plans and programs. The Governor shall be afforded a period of not less than 45 days in which to make such comments. Any such comments, or, if the Governor makes no comments, a statement to that effect,

shall be attached to such plan or amendment when the same is submitted to the Commissioner. (OMB Circular A-95)

(b) *Approval by the Commissioner.* The Commissioner will not approve a State plan or amendment thereto unless he determines that the plan or amendment complies with all applicable provisions of the Act and these regulations. The Commissioner will not finally disapprove a State plan or amendment thereto without first affording the State reasonable notice and opportunity for a hearing. (20 U.S.C. 1205 (a) and (b))

## Subpart C—Federal Financial Participation

### § 166.21 Custody and use of Federal funds.

(a) *Custody.* The State Treasurer (or if there is no State Treasurer, the officer designated by the State to exercise similar functions for the State) shall be responsible for receiving, and for the proper safeguarding, of all Federal funds granted to the State under the Act.

(b) *Use.* All Federal funds (and State and/or local funds necessary to earn such Federal funds) shall be expended in accordance with the requirements of the Act, the regulations in this part, and the State plan, and only for programs, services, and activities related to adult basic education; except that if the need for adult basic education programs in the State can be met by expenditure of a lesser amount than the total available to the State under this part, then the remainder of such total amount may be used for programs, services, and activities related to adult education other than adult basic education. (20 U.S.C. 1203(b) and 1205(a)(8))

### § 166.22 Effective date of allowable expenditures.

Federal financial participation under the Act shall be available only with respect to amounts expended after the effective date of the State plan, which shall be the date on which the State plan is submitted in substantially approvable form, but in no case earlier than July 1 of the fiscal year for which it is submitted. (20 U.S.C. 1205)

### § 166.23 Availability of funds.

(a) Funds allotted to States under the Act for each fiscal year shall be available for use by the State and local educational agencies and other participating agencies only during such fiscal year.

(b) A use of funds under the Act by such agencies shall be determined as that prescribed by State and local laws and regulations which govern the allocation of uses of State and local funds to a particular time period (such as a fiscal year or biennium); or, if there is no State or local law governing a particular use of funds, such a use of funds shall be determined on a basis which is not inconsistent with State and local laws, rules, regulations, and customs.

(c) Notwithstanding paragraphs (a) and (b) of this section, any funds allotted to the States to carry out the programs under the Act for any fiscal year ending prior to July 1, 1973, which are not used prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for use by State and local educational agencies and other participating agencies during such succeeding fiscal year, provided that such carryover funds as may be available are accurately reflected and assigned for use in the proposed budget for the next fiscal year. (20 U.S.C. 1204(a), 1211, and 1225(b))

### § 166.24 Application of State rules.

Subject to the provisions and limitations of the Act and regulations in this part, Federal financial participation under the State plan shall be available only for expenditures made in accordance with applicable State and local laws, rules, regulations, and standards governing expenditures by the States and their political subdivisions, or agencies thereof. (10 Comp. Gen. 948)

### § 166.25 Payments by State agency.

Payments may be made by the State agency to local educational agencies and other participating agencies for activities under the State plan in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments. (20 U.S.C. 1232d)

### § 166.26 Proration of costs.

Only costs attributable to the carrying out of the provisions of the State plan are allowable costs. To cover situations where an expenditure is only partly attributable to an eligible purpose or activity under the State plan or where an expenditure is attributable to two or more eligible purposes or activities, each State agency and other participating agencies shall maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, and equipment. (20 U.S.C. 1232c)

### § 166.27 Adjustments.

The State agency shall adjust its accounts, records, and reports to reflect refunds, credits, underpayments, or overpayments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's financial reports filed with the Commissioner. (20 U.S.C. 1205(a)(6) and 1232c)

### § 166.28 Audits.

(a) *Federal audits.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant or contract received under any applicable program. The program may be audited at both State and local levels by the Federal auditors. The extent of audits at local agencies will depend upon the adequacy of State agency controls, including project review and approval procedures, the scope and frequency of program reviews, and audits by State or local auditors. Decisions regarding the necessity for, and the scope of, audits at the local level will be made by the Federal audit agency. The State agency will be advised whenever local audits are planned.

(b) *State and local audits.* Accounts and supporting documents of the State agency, local educational agencies, and other participating agencies, relating to program expenditures involving Federal financial participation, shall be adequate to permit an accurate and expeditious audit. All expenditures claimed for Federal financial participation shall be audited either by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other subdivision of the United States. Such State and local audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. The audit should include making financial and compliance reviews and examining whether Federal funds were used within program intent and financial controls and accounting systems were adequate. Copies of audit reports shall be made available to the State agency to assure that proper use has been made of the funds expended. (20 U.S.C. 1205(a) (6) and (7) and 1232c)

### § 166.29 Retention of records.

(a) *General rule.* The State agency shall provide for keeping accessible and intact all (1) records identified as to individual program allotments to which they relate supporting claims for Federal grants or relating to the accountability of the State agency, or any local educational agency or other agency participating under the plan for the expenditure of such grants and matching funds; and (2) records supporting compliance with maintenance-of-effort and other requirements of the Act, the regulations in this part, and the State plan.

(b) *Time period.* Records referred to in paragraph (a) of this section shall be retained for 3 years after the close of the fiscal year in which the expenditure was made under the State plan; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the expenditure was made under the State plan or (2) until the State agency is notified of the completion of the Federal audit, whichever is earlier.

(c) *Questioned expenditures.* The records involved in any claim or expenditure which has been questioned by the Federal audit shall be maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner. (20 U.S.C. 1205 (a)(6) and 1232c)

**§ 166.30 Disposition of equipment.**

Whenever items of equipment, in which cost the Federal Government has participated, are no longer used for a purpose permitted under the Act, or are sold and the proceeds from such sale are not used for such a purpose, the Federal Government shall be credited with its proportionate share of the value of such equipment at the time of such diversion or sale, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than adult education purposes. (20 U.S.C. 1232e)

**§ 166.31 Inventories.**

Each State agency and other participating agency shall maintain inventories of items of equipment acquired by it with funds under the Act, and costing more than $300 per unit. These inventories shall be maintained at least until depreciation of such equipment results in a fair market value of less than $300 per unit or until its disposition in accordance with § 166.30. The records of inventories required by this section shall be subject to the records retention requirements of § 166.29. (20 U.S.C. 1205(a)(6) and (7) and 1232c)

**§ 166.32 Federal and non-Federal share of expenditures.**

(a) *Federal share.* The Federal share of expenditures incurred under the State plan and payable to the States from their allotments shall not exceed 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

(b) *Non-Federal share.* The non-Federal share of expenditures under the State plan shall be the difference between the Federal share meeting the requirements of paragraph (a) of this section and the total expenditures for the purposes for which the Federal share is paid. The non-Federal share of expenditures under the State plan may be computed on a statewide basis; and may come from any source other than Federal assistance for a specific purpose so long as such expenditures are made in furtherance of the purposes of the Act and do not inure to the personal benefit of any donor. (20 U.S.C. 1206(a))

**§ 166.33 Eligible costs.**

(a) Funds under the Act may, at the discretion of the State agency, be applied to expenditures in categories such as the following which are attributable to the activities under the State plan:

(1) Salaries, wages, and other personnel service costs of permanent and temporary staff employees, members of advisory groups and consultants for the performance of services reasonably related to programs, services, and activities under the State plan, including

(i) The costs of regular contributions of employers and employees to retirement, workmen's compensation, and other welfare funds, and

(ii) Payments for leave earned with respect to such services, including educational leave:

*Provided,* That such leave is approved in advance by the State agency and is in conformity with the policy of the State. The fact that funds are used for the salary of an employee on such leave does not preclude Federal financial participation in the salary of the person employed to replace him, as long as the replacement is otherwise eligible;

(2) Fees, tuition charges, or other payments for the education or training of employees whether or not on educational leave, while attending courses, workshops, conferences, or seminars, approved in advance by the State agency for the benefit of programs, services, and activities under the State plan;

(3) Travel and transportation expenses to the extent necessary for and attributable to programs, services, and activities under the State plan, and in accordance with State laws and regulations, but in no case in excess of the costs of transportation by common carrier or, in the absence of suitable transportation by common carrier, in excess of reasonable rates established by the State for transportation by official or private conveyance;

(4) Acquisition, maintenance (including insurance) and repair of equipment, supplies, teaching aids, and other materials;

(5) Production and acquisition of printed and published materials, including records, films, tapes, and other media material;

(6) Communications, utilities, and custodial services;

(7) Minor remodeling and alterations in previously completed building space to the extent that such costs are not included in rental; and

(8) Rental of space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if:

(i) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program;

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

(iii) The amounts paid by the State agency or other participating agency are not in excess of comparable rental in a particular locality;

(iv) Expenditures represent a current cost to the State agency or other participating agency; and

(v) In publicly owned buildings like charges are made to other agencies occupying similar space for similiar purposes. (20 U.S.C. 1203(b))

**§ 166.34 Computation of allowable expenditures.**

Allowable expenditures referred to in § 166.33 shall be computed in accordance with plans submitted by States and approved by the Department pursuant to Office of Management and Budget Circular No. A–87 and implementing instructions of the Department. (20 U.S.C. 1203(b))

**§ 166.35 Use of funds for sectarian or religious purposes.**

No payment may be made from a State's allotment under the Act for any program, service, or activity related to sectarian instruction or religious worship, or provided by a school or department of divinity, as defined in § 166.3(k). An institution which has a school, branch, department, or other administrative unit within the definition of "school or department of divinity" is not precluded for that reason from participating in programs, services, or activities under this part if the program is not offered by that school, branch, department, or administrative unit and, as in all other cases, the program, service, or activity is not related to sectarian instruction or religious worship. (20 U.S.C. 1210)

**§ 166.36 Tuition and fees.**

(a) Adults enrolled in an adult basic education program conducted under this part may not be charged tuition, fees, or any other charges; or be required to purchase any books or any other materials.

(b) Tuition and fees, if any, collected from students enrolled in other adult education programs, may not be included as part of the Federal or non-Federal expenditures under the State plan. (20 U.S.C. 1203(b))

## Subpart D—Payments and Reports

**§ 166.41 Conditions for payments to States.**

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file a State plan which was adopted by the State agency and approved by the Commissioner; and

(b) The State has certified to the Commissioner that there will be available for expenditure by the State, including its political subdivisions, for adult education from non-Federal sources during the fiscal year for which the allotment is made an amount equal to not less than the total amount expended for such purposes from such sources during the preceding fiscal year. No State will be required to use its funds to supplant any portion of the Federal share. (20 U.S.C. 1205 and 1206)

**§ 166.42 Withholding of payments.**

Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, determines on the basis of information available to him that (a) the State plan has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (b) in the administration of the State plan, there is a failure to comply substantially with any such requirement, the Commissioner will notify such State agency that no further payments will be made to the State until he is satisfied that the State has complied with such

requirements. At his discretion, the Commissioner may notify the State agency that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements. (20 U.S.C. 1207(a))

§ 166.43 Method of payment.

(a) Payment of Federal funds to States having approved State plans will ordinarily be accomplished through the DHEW–OE letter-of-credit procedures. (See "Instructions to Recipient Organizations for Use of Letter-of-Credit," issued by the Department of Health, Education, and Welfare; "Letter-of-Credit," Supplement No. 1, Revised August 30, 1968, issued by the Office of Education, DHEW, plus supplemental special memoranda concerning the payment system.) Payment vouchers may be issued by the States as often as necessary to procure cash to meet current disbursement needs only and under no circumstances in such amounts that will result in the accumulation of large cash balances at either the State or local agency levels.

(b) Continued authorization for a State to utilize the letter-of-credit payment method is dependent upon the appropriate use thereof and the furnishing of accurate report data on a timely basis. (20 U.S.C. 1206(a))

§ 166.44 Effect of Federal payments.

(a) *No waiver.* Neither the approval of the State plan, the issuance of a letter of credit, the approval of withdrawals thereunder, nor the making of any direct payments to the State shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of failure of the State to observe any Federal requirements set out in the Act or regulations related thereto or any other relevant Federal Act or order, either before or after such administrative action respecting payment.

(b) *Settlement of accounts.* The final amount to which a State is entitled for any period is determined on the basis of expenditures under the State plan with respect to which Federal financial participation is authorized. (20 U.S.C. 1206 and 1207(a))

§ 166.45 Reallotments.

The amount of any State's allotment for any fiscal year under section 305(a) of the Act which the Commissioner determines will not be required in the period during which such allotment is available for carrying out that State's plan may be reallotted by the Commissioner on such dates during such period as he may fix, to other States for carrying out their plans in the same proportion as the original allotments were made for such purposes to such other States in the manner provided for in section 305 (b) of the Act. Any amounts reallotted shall be determined by the Commissioner on the basis of (a) reports filed by the States of the amounts required to carry out the State plan, and (b) such other information as he may have available. Any amounts reallotted shall be deemed part of the State's allotment for that fiscal year. (20 U.S.C. 1204(b))

§ 166.46 Disposition of unexpended Federal funds.

Whenever the Commissioner determines through review of the expenditures report filed by the States that any portion of an allotment to any State under the Act has not been used in the State for the purposes of the Act, and has not been reallotted to other States pursuant to § 166.45 in the period during which such allotment was available, the unused portion will be deobligated. Federal expenditures reported in any fiscal year cannot exceed the amount of the grant awards. Payment of Federal funds due because of expenditures in any fiscal year shall be made to reimburse the States prior to payment of any Federal funds in suceeding fiscal year. (20 U.S.C. 1203(b))

§ 166.47 Reports.

The State agency shall submit at such times, in such form, and in accordance with procedures established by the Commissioner an annual report concerning the conduct of adult education activities under the State plan for the preceding fiscal year. Such report shall consist of two parts: Fiscal and statistical.

(a) *Fiscal report.* The fiscal report shall set forth the total receipts and expenditures of Federal funds for that year. The report shall show that the Federal funds expended in the State have been matched by the non-Federal share, if any, required for such allotment, that the maintenance-of-effort requirement set forth in § 166.41(b) has been met, and that all other conditions and requirements of the Act of a fiscal nature have been satisfied. All expenditures of non-Federal funds which meet the requirements of the Act, the regulations in this part, and the State plan and which are eligible for Federal financial participation under the Act shall be included, whether or not such expenditures are required for inclusion in the non-Federal share under the State's allotment.

(b) *Statistical report.* The statistical report shall include supporting data with respect to programs, services, and activities under the State plan for which expenditures of funds are reported in the fiscal report.

(c) *Other reports.* Within 15 days after the State agency's approval of a grant under section 306(a)(4) of the Act for special projects, teacher training, and research, the State agency shall forward to the Commissioner an information copy of the approved proposal for which the grant was made. The State agency shall, upon his request, submit to the Commissioner copies of final reports of programs or projects conducted by grantees under section 306(a)(4) of the Act. (20 U.S.C. 1205(a)(6))

APPENDIX A

COVER SHEET

☐ State Plan for Adult Education Programs under Adult Education Act.

☐ Amendment to State Plan for Adult Education Programs under Adult Education Act.

Submitted by the State of _____ in accordance with the provisions of the Adult Education Act and the Regulations promulgated thereunder.

Submitted by _____
(Name of State agency)

on _____
(Date)

By _____
(Authorized official)

_____
(Title)

*To be completed by the Office of Education:*

Date on which plan or amendment is effective: _____.

Approval recommended _____
(Regional Commissioner)

_____
(Date)

Concurred _____
(Associate Commissioner, BAVTE)

_____
(Date)

Concurred _____
(Deputy Commissioner for School Systems)

_____
(Date)

Approved _____
(U.S. Commissioner of Education)

_____
(Date)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

STATE PLAN

(State-Federal Agreement)

*Adult Education Act (Public Law 91–230)*

The _____
(Officially designated State agency)
of the State of _____, hereinafter called the State Agency, hereby agrees and assures that this State plan which serves as an agreement between State and Federal Governments under the Adult Education Act, for which Federal funds are being requested for the fiscal year ending June 30, 19__, will be administered in accordance with the following provisions:

(1) The State Agency will administer, or supervise the administration of, the program authorized by the Act; and has adequate fiscal and legal authority to do so (certificate of legal authority attached);

(2) The State Agency has entered into cooperative arrangements with the State Health Authority, authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to the Act;

(3) The State Agency will provide for grants to public and private nonprofit agencies for special projects, teacher training, and research;

(4) The State Agency will cooperate with Community Action programs, Work Experience programs, VISTA, Work Study, Model Cities, and other programs relating to the antipoverty effort;

(5) The State Agency will make such reports, including reports of evaluations, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under the Act, and to determine the extent to which funds provided under the Act have been effective in carrying out its purposes;

(6) The State Agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of all reports submitted to him;

(7) The State Agency has provided for such fiscal control and fund accounting procedures as will assure proper disbursement of, and accounting for, Federal funds paid to the State under the Act (including any funds paid by the State to local educational agencies and private nonprofit agencies under this State plan);

(8) The State Agency will insure that special emphasis will be given to adult basic education programs except where such needs can be shown to have been met in the State;

(9) The State Agency will provide such further information and assurances as may be required by applicable regulations; and

(10) The State Agency has available from non-Federal sources for expenditure for adult education, in the fiscal year for which the allotment is made, an amount not less than the amount expended for such purpose from such sources during the preceding fiscal year;

(11) Assurance is hereby given that in accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the regulation issued thereunder by the Department of Health, Education, and Welfare (45 CFR Part 80) no individual shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this plan.

The State Agency has established and will maintain methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with the preceding paragraph of this statement. A copy of such methods of administration and any amendments thereto will be submitted to the regional office of the Department of Health, Education, and Welfare for determination as to adequacy. The State Agency will amend its methods of administration from time to time as necessary to carry out the purposes for which this statement is given.

The State Agency recognizes and agrees that Federal financial assistance will be extended in consideration of, and in reliance on, the representations and agreements made in this statement, and that the United States shall have the right to seek administrative and judicial enforcement thereof.

(12) This State plan has been submitted to the Governor for his review; and his comments, or a statement that no comments have been made, is attached. Any amendment to this plan, as well as other periodic reports required under the program, will also be submitted for the Governor's review; and comments, if any, will accompany the amendments or other required program materials when they are submitted to the U.S. Office of Education.

(13) The program for the use of grants has been developed by the State Agency in accordance with section 304(b) of the Act and affords assurance of substantial progress with respect to all segments of the adult population and all areas of the State toward carrying out the purpose of the Act and applicable regulations.

Such program for use of grants is set forth in _____,
(Name of existing identifiable document)
which is hereby incorporated by reference and (attached hereto) (available for inspection by the Commissioner) at the

_____
(State Agency)

_____
(Address)

By: _____
(Signature of authorized official)

_____
(Title)

_____
(Date)

## PART 167—SPECIAL PROJECTS AND TEACHER TRAINING IN ADULT EDUCATION

Sec.
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167.27 Interest on grants.
167.28 Final accounting.

AUTHORITY: The provisions of this Part 167 issued under 84 Stat. 163; 20 U.S.C. 1201–1211.

### § 167.1 Applicability.

(a) The regulations in this part apply to grants by the U.S. Commissioner of Education for special experimental demonstration projects in adult education under subsection (b), and teacher training under subsection (c), of section 309 of the Adult Education Act. The Commissioner is also authorized to provide teacher training (directly or by contract) under section 309(c).

(b) The regulations in Part 166 apply to grants to States for adult basic education and adult education programs pursuant to section 304(b) of the Act. (20 U.S.C. 1203)

### § 167.2 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d, et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of this title. (20 U.S.C. 1231e and 42 U.S.C. 2000d, et seq.)

### § 167.3 Definitions.

As used in this part:

(a) "Academic education" means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

(b) "Act" means the Adult Education Act (title III of the Elementary and Secondary Education Amendments of 1966, as amended by title III of Public Law 91–230, 20 U.S.C. 1201–1211).

(c) "Adult" means any individual who has attained the age of 16.

(d) "Adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(e) "Adult education" means academic education, services, or instruction below the college level (which, for purposes of this definition, means at or below the 12th-grade level) for adults who—

(1) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) Are not currently required to be enrolled in schools.

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

(g) "Department" means the Department of Health, Education, and Welfare.

(h) "Fiscal year" means the period beginning on the first day of July and ending on the following June 30, and is designated by the calendar year in which the fiscal year ends.

(i) "Institution of high education" means an educational institution in any State which meets all of the following criteria:

(1) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(2) It is legally authorized within such State to provide a program of education beyond high school.

(3) It provides at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree;

(ii) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree;

(iii) A 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge.

(4) It is a public or other nonprofit institution.

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

(j) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools; except that if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(k) "Private nonprofit agency" means an agency, organization, or institution no part of whose net earnings may legally inure to the benefit of any private shareholder or individual.

(l) "Public agency" means an entity established by a State or a political subdivision thereof supported in whole or in part by public funds, and administered and controlled by publicly elected or appointed officials.

(m) "School or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion, to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(n) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(o) "State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purposes of the Act by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of the Act by the Governor. (20 U.S.C. 1202 and 1210)

### § 167.4 Eligible projects.

Funds available under section 309 of the Act may be used by the Commissioner for the following purposes:

(a) Grants for special experimental demonstration projects to be carried out in furtherance of the purposes set forth in section 302 of the Act, and which

(1) Involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under the Act, or

(2) Involve programs of adult education carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

(b) Grants to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes set forth in section 302 of the Act. (20 U.S.C. 1208)

### § 167.5 Eligible applicants.

(a) *Special projects.* The following categories of agencies and institutions are eligible for grants under this part for special experimental demonstration projects:

(1) Local educational agencies; and

(2) Other public or private nonprofit agencies, including educational television stations.

(b) *Teacher training.* The following categories of agencies and institutions are eligible for grants under this part for teacher training:

(1) Institutions of higher education;

(2) State educational agencies;

(3) Local educational agencies; and

(4) Other appropriate public or private nonprofit agencies and organizations.

(c) *Ineligible applicants.* The following are not eligible for any grants under this part:

(1) Individuals; or

(2) Any school or department of divinity. (20 U.S.C. 1205 and 1210)

### § 167.6 Applications for grants.

(a) Any applicant eligible for a grant under § 167.5 may file on or before the cutoff date or dates announced by the Commissioner for each fiscal year an application for either a special experimental demonstration project, or a teacher-training project, or both. A separate application must be submitted for each type of proposed project. Such application shall be in accordance with such forms and instructions as may be prescribed by the Commissioner, and shall contain—

(1) The name, title, and qualifications of the project director who will be responsible for the project;

(2) A full statement of the services to be rendered and objectives to be achieved;

(3) The portion of the project cost to be borne by the applicant (which in the case of special experimental demonstration projects shall be at least 10 percent wherever feasible and not inconsistent with the purposes of this part);

(4) Such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant, which meet the requirements of § 167.13;

(5) Such program evaluation and accountability procedures as may be necessary to assure that the purposes of the project are being accomplished and which meet the requirements of § 167.14;

(6) An assurance that no fees or charges will be collected from students as a condition of enrollment in, participation in, completion of, or receipt of academic credit for, or with respect to, any training or instruction offered in the project; and

(7) Such other pertinent information and assurances as the Commissioner may require.

(b) The application shall be executed by an individual authorized to act for the applicant. Applications and requests for information shall be sent to: Division of Adult Education Programs, Bureau of Adult, Vocational, and Technical Education, U.S. Office of Education, Washington, D.C. 20202. (20 U.S.C. 1208 and 1232c)

### § 167.7 Review of applications.

(a) *General.* The Commissioner will not approve any application for a grant under this part unless and until such application has been reviewed by the Commissioner in accordance with such procedures as he may establish. Such review will take into account the extent to which there is a continuing need for adult basic education in the area in which the program is to be carried out and the factors specified in paragraphs (b) and (c) of this section.

(b) *Special projects.* The Commissioner will not approve an application for a special project grant unless he determines that the project is soundly designed and has educational significance, that the applicant will utilize competent and adequate personnel, both professional and administrative, that the applicant has and will make available adequate facilities to insure successful operation of the proposed project, and that there will be effective administration and

supervision of the project sufficient to assure efficient and economical operation. In evaluating applications for special project grants, the Commissioner will give consideration to such factors as:

(1) Whether and to what extent the project involves the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs to encourage and expand adult education;

(2) Whether and to what extent the project is to be carried out in cooperation with other Federal, federally assisted, State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies;

(3) Whether and to what extent the project has unusual promise in establishing or improving adult education;

(4) Whether and to what extent the project is related to and is carried out in conjunction with a teacher-training project in adult education;

(5) Whether and to what extent the applicant proposes to make periodic, systematic, and objective reviews and evaluations in order to determine the status and progress of the project in terms of its over-all objective; and

(6) Whether and to what extent the project will result in the development of new materials and methods which may be of value in increasing the effectiveness of adult education programs.

(c) *Teacher-training projects.* The Commissioner will not approve an application for a teacher-training grant unless he determines that the project is soundly designed and has educational significance, that the applicant will utilize competent and adequate personnel, both professional and administrative, that the applicant has and will make available adequate facilities to insure successful operation of the proposed project, and that there will be effective administration and supervision of the project sufficient to assure efficient and economical operation. In evaluating applications for teacher-training grants, the Commissioner will give consideration to such factors as:

(1) Whether and to what extent the teacher-training project will include training in the utilization of innovative methods, systems, materials, or programs;

(2) Whether and to what extent the teacher-training project will meet local needs;

(3) Whether and to what extent the teacher-training project can be expected to meet needs for teachers of adult education beyond the geographic region in which the applicant is located;

(4) Whether and to what extent the applicant proposes to make periodic, systematic, and objective reviews and evaluations of the teacher-training project;

(5) Whether and to what extent the teacher-training project is related to and carried out in conjunction with a special project under this Act; and

(6) Whether and to what extent the teacher-training project is coordinated with the adult education program being sponsored under the State plan of the State in which the applicant is located or of any other State from which trainees are drawn or to which trainees may be expected to return.

### § 167.8 Disposition of applications.

On the basis of his review of an application pursuant to § 167.7, the Commissioner will either (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further review. Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. The grant award document will incorporate the grant terms and conditions in accordance with the regulations in this part and will include such other provisions as are appropriate. (20 U.S.C. 1208)

### § 167.9 Payment procedure.

Federal payments pursuant to a grant under this part may be made either in advance or by way of reimbursement, to be determined consistent with the nature of the activities and the services involved in the project, and in accordance with the applicable requirements of these regulations and the terms and conditions of the grant award. Ten percent of the grant amount may be withheld pending receipt of program and fiscal reports required by § 167 18 (a) and (b) when there is a consistent pattern of failure on the part of the grantee to file such reports on a timely basis. (20 U.S.C. 1208 and 1232d)

### § 167.10 Amount of grant.

The amount of the grant shall be set forth in the grant award document. The total cost to the Government for the performance of the program or project will not exceed the amount set forth in the grant award document or any appropriate modification thereof. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amount unless or until the Commissioner has notified the grantee in writing that such amount has been increased and has specified such increased amount in a revised grant award document pursuant to § 167.12. Such revised amount shall thereupon constitute the revised total cost of the performance of the program or project. (20 U.S.C. 1208)

### § 167.11 Duration of the program or project.

(a) All funds received by the grantee with respect to each grant shall remain available for obligation and/or expenditure during the budget period specified in the grant award document or until otherwise terminated in accordance with § 167.21. Such period may be extended by revision of the grant without additional funds pursuant to paragraph (b) of this section.

(b) When it is determined that special or unusual circumstances will delay the completion of the program or project beyond the period for which the grant is awarded, the grantee shall in writing request the Commissioner to extend such period and shall indicate the reasons therefor.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, teacher-training projects shall be not less than 1 week or 40 hours of instruction in duration. (20 U.S.C. 1208)

### § 167.12 Revisions.

(a) In order for a grant to be substantially changed, or for the amount of the grant award to be increased pursuant to § 167.10, the grantee shall submit to the Commissioner a written request therefor. Minor deviations of specific amounts of expenditures among categories from those estimated in the budget set forth in the grant award document will not require revision of such application.

(b) Requests for revisions shall be submitted in writing and reviewed by the Commissioner. Such revisions may be initiated by the Commissioner if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing such grants. (20 U.S.C. 1208)

### § 167.13 Fiscal accounting and auditing procedures.

(a) *Fiscal accounting.* The grantee shall maintain accounts, records, and other evidence pertaining to all costs incurred, and revenues or other applicable credits acquired in connection with the grant. The system of accounting employed by the grantee shall be in accordance with generally accepted accounting procedures and will be applied in a consistent manner so that expenditures under the grant may be clearly identified.

(b) *Cost sharing records.* When the grant award requires cost sharing, the grantee shall maintain records which demonstrate that its contributions to the program or project are not less, in proportion to the charges against the grant, than the amount specified in the grant award document, or any subsequent revision thereof.

(c) *Auditing records.* Each grantee shall make appropriate provision for the auditing of the program or project expenditure records referred to in paragraphs (a) and (b) of this section. Such audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Such expenditure records, the reports of such audits, and other records relating to the grant shall be subject to inspection and audit by the auditors of the Federal Government at all reasonable times during the period of retention provided for in § 167.17. The audit should include making financial and compliance reviews and examining whether Federal funds were used within program intent and financial controls and accounting systems were adequate.

(d) *Federal audits.* The Secretary and the Comptroller General of the United States, or any of their duly authorized

representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant or contract received under any applicable program. The extent of grantee audits will depend upon the adequacy of internal control, including project review and approval procedures, and the scope and frequency of program reviews. Decisions regarding the necessity for, and the scope of, audits at the grantee level will be made by the Federal audit agency.

(e) *Adjustments.* Each grantee shall, in maintaining program or project expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from administrative reviews and audits by the Federal Government or by the grantee. Such adjustments shall be set forth in the financial reports filed with the Commissioner. (20 U.S.C. 1208 and 1232c)

**§ 167.14 Program accountability and evaluation procedures.**

Each program or project proposal may include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. If such plan is included, it should describe the steps by which the grantee will

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into adult education programs supported with funds other than those provided under the grant. (20 U.S.C. 1208)

**§ 167.15 Allowable costs.**

(a) Except as otherwise indicated in paragraph (b) of this section, allowable costs for any approved grant shall be determined in accordance with, and governed by, the principles and procedures set forth in the following documents and any other Federal requirements concerning cost determination as may be applicable:

(1) Office of Management and Budget Circular No. A–21 and implementing instructions of the Department, if the grantee is an educational institution;

(2) Office of Management and Budget Circular No. A–87 and implementing instructions of the Department, if the grantee is a State or local government organization;

(3) Exhibit X–2–66–1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the grantee is a hospital; or

(4) Exhibit X–2–68–1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the grantee is a nonprofit agency or institution other than a hospital or an educational institution, or a State or local government organization.

(b) With respect to training programs—

(1) There may be included in direct costs for payments to training program participants only those allowances provided for in § 167.16,

(2) Indirect costs incurred by grantees other than State and local governmental entities shall be based on actual indirect costs or a fixed rate of 8 percent of allowable direct costs (including the allowances referred to in subparagraph (1) of this paragraph), whichever is less, and

(3) For States and locals, the actual indirect cost rate as approved by the Department of Health, Education, and Welfare, Office of Grants Administration Policy.

(c) Travel allowances to other than training program participants shall be paid in accordance with applicable State and local laws and regulations and agency and institutional practices. If there are no such applicable laws, regulations, and practices, travel cost shall be in accordance with the Standardized U.S. Government Travel Regulations (Office of Management and Budget Circular No. A–7). No foreign travel will be authorized under the grant unless prior approval is obtained from the Commissioner. (20 U.S.C. 1208)

**§ 167.16 Stipends and travel allowances for teacher-training participants.**

(a) Subject to the conditions set forth therein, the grant award document may provide that teacher-training participants will upon application therefor receive subsistence allowances from the grantee, which shall not exceed:

(1) The sum of $75 per week (as defined in § 167.11(c)) in the case of a training program lasting no longer than 8 weeks, and an amount to be fixed by the Commissioner in accordance with departmental policy contained in Grants Administration Manual, Chapter 3–140 in the case of a training project lasting longer than 8 weeks; plus

(2) The sum of $15 per week for each dependent of a trainee attending a training program lasting no longer than 8 weeks. If the training period exceeds 8 weeks, the amount of the dependency allowance must be in accordance with departmental policy contained in Grants Administration Manual, Chapter 3–140. For purposes of this part, a dependent shall be deemed to be an individual who receives, or is treated for Federal income tax purposes as having received, one-half or more of his support from the trainee and is either (i) his spouse or (ii) a person for whom the trainee receives a deduction for personal exemption for Federal income tax purposes.

(b) Any amounts received under any other Federal grant program (except veterans, widows, and war orphans' educational assistance under title 38, United States Code) shall be set off against the amount which a trainee would be otherwise eligible to receive under this program. A trainee shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program; and neither the amount of such loan nor any Federal interest payment made during the period covered by his traineeship award shall be deducted from the amount a trainee is entitled to receive under this part.

(c) Allowances may also be paid for participant travel cost for one round trip between each participant's home and the place at which the training program is conducted. Such allowance shall not exceed 8 cents per mile by private transportation or the tourist air or coach rail rate by common carrier, but the total cost of travel by private conveyance may not exceed the common carrier cost of such travel. (20 U.S.C. 1208, 26 U.S.C. 151, and 38 U.S.C. 1781)

**§ 167.17 Retention of records.**

(a) Each grantee shall provide for keeping accessible and intact all records relating to the receipt and expenditure of Federal grant funds and to the expenditure of the grantee's contribution to the cost of the training program, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the grant. Such records shall be retained for 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time; or if such audit has not occurred by that time:

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

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

(b) The records involved in any claim or expenditure which has been questioned by the Federal audit shall be further retained until resolution of any such audit questions. (20 U.S.C. 1208 and 1232c)

**§ 167.18 Reports.**

The grantee shall submit the reports indicated in paragraphs (a) through (d) of this paragraph, and such other reports as may be provided for in the grant award document or as may be required by the Commissioner from time to time in order to carry out his responsibilities under the Act:

(a) Periodic project status reports containing such information as the Commissioner may require;

(b) A final project report to be submitted at the conclusion of the project containing such information as the Commissioner may require;

(c) A final accounting report required by § 167.28; and

(d) A report of the evaluation conducted in accordance with § 167.14. (20 U.S.C. 1208)

**§ 167.19 Publications.**

(a) Material produced as a result of any program or project supported with grants under this part may be published without prior review by the Commissioner in accordance with paragraph (b) of this section: *Provided,* That (1) 15 copies of such material shall be furnished to the Commissioner; (2) that no such material may be published for sale without the prior approval of the

Commissioner, which approval shall be subject to such requirements as he deems appropriate; and (3) that no motion pictures for viewing by the general public shall be produced without prior clearance by the Department. All such published material shall contain the following statement:

The (program) (project) presented or reported herein was performed pursuant to a grant from the U.S. Office of Education, Department of Health, Education, and Welfare. The opinions expressed herein, however, do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred.

(b) All printing or duplicating authorized under a grant under this part shall be subject to the restrictions and limitations contained in the current issue of the "Printing and Binding Regulations," published by the Joint Committee on Printing, Congress of the United States. (20 U.S.C. 1208)

**§ 167.20 Patents and copyrights.**

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

(b) Any material of a patentable nature produced through a program or project supported with grants under this part shall be subject to the provisions of 45 CFR, Parts 6 and 8. Provisions implementing these parts will be included in the terms and conditions of the grant award document. (20 U.S.C. 1208)

**§ 167.21 Termination of grant.**

Any grant may be terminated by the Commissioner—

(a) If he determines that the program or project is no longer susceptible of productive results or

(b) If the grantee fails to comply with any grant requirement or condition. (20 U.S.C. 1208)

**§ 167.22 Use of and accountability for equipment.**

(a) *Definition.* As used in this section, the term "equipment" means nonconsumable personal property procured or fabricated which is complete in itself, is of a durable nature, and has an expected useful life of more than 1 year.

(b) *Use.* Equipment procured or fabricated with grant funds shall be used only to accomplish the purposes of the grant. The grantee shall certify in its application that the equipment being acquired is not already on hand and that it will safeguard and protect all such equipment in accordance with prudent property management practices.

(c) *Accountability.* The grantee shall maintain current records on all equipment procured or fabricated under the grant, and costing more than $300 or having a residual value of more than $100. Such equipment may not be disposed of by the grantee without the prior consent of the Commissioner and shall, upon the expiration or termination of the grant, be made available by the grantee for such disposition as the Commissioner may direct in accordance with the applicable provisions of the Department's Grants Administration Manual, Chapter 1–410. (20 U.S.C. 1208)

**§ 167.23 Sale of goods and services.**

The grantee shall obtain from the Commissioner prior approval of any sale of goods and services resulting from the program and such approval will be subject to the condition that the proceeds from such sales will be disposed of in either one of the following two ways:

(a) Returning the funds to the Federal Government by (1) reducing the level of expenditures from grant funds by an amount equal to the Federal share of the grant related income, (2) treating the funds as a partial payment to the award of a succeeding (continuation) grant, or (3) payment to miscellaneous receipts of the Treasury, or

(b) Using the funds to further the purposes of the grant program from which the award was made. (20 U.S.C. 1208)

**§ 167.24 Service contracts.**

The grantee may enter into contracts or agreements for the provision of part of the services to be provided under the grant by other appropriate public or private agencies or institutions. Such contract or agreement shall incorporate the regulations of this part and other applicable Federal requirements, describe the services to be provided for the agency or institution, and contain provisions assuring that the grantee will retain supervision and administrative control over the provision of services under the contract or agreement. Services to be provided by contract or agreement pursuant to this section shall be specified in the program or project proposal or in an amendment thereto, and the proposed contract or agreement shall be submitted to the Commissioner for prior approval. (20 U.S.C. 1208)

**§ 167.25 Changes in key personnel.**

If for any reason it becomes necessary to substitute the project director or other key professional staff listed in the program or project proposal, the grantee shall in writing notify the Commissioner of such substitution. Such written notification shall include the name and qualifications of the successor. (20 U.S.C. 1208)

**§ 167.26 Dual compensation.**

If a program or project staff member or consultant is involved simultaneously in two or more programs or projects supported by Federal funds either under this part or otherwise, he may not be compensated for more than 100 percent of his time from Federal funds during any part of the period of dual involvement. The grantee shall not use any grant funds or funds from other sources to pay a fee to, or travel expenses of, employees of the U.S. Office of Education for lectures, attending program or project functions, or any other activities in connection with the grant. (20 U.S.C. 1208)

**§ 167.27 Interest on grants.**

Interest earned on grants made under this part to grantees other than States shall be credited to the United States. The grantee shall submit as a part of each financial report required under the grant a statement showing the amount of interest earned on Federal funds during the period covered by the report. (20 U.S.C. 1208)

**§ 167.28 Final accounting.**

In addition to such other accounting as the Commissioner may require, the grantee shall render, with respect to the program or project under the grant, a full account of

(a) Funds expended, obligated, and remaining under the grant;

(b) All equipment and supplies purchased with Federal funds for which accountability is required by § 167.22(c);

(c) All instructional materials developed for use in the program or project; and

(d) All salable items resulting from the program or project.

A report of such accounting shall be submitted to the Commissioner within 60 days of the expiration or termination of the grant, and the grantee shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. (20 U.S.C. 1208)

Dated: February 4, 1972.

S. P. MARLAND, JR.,
*U.S. Commissioner of Education.*

Approved: March 2, 1972.

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

[FR Doc.72-3598 Filed 3-8-72;8:53 am]

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

## [ 46 CFR Part 66 ]

[CGFR 72-39]

## PORTS OF DOCUMENTATION

### Notice of Proposed Rule Making

The Coast Guard is considering an amendment to the documentation and measurement of vessels regulations to revoke the designations of Gulfport and Pascagoula, Miss., as ports of documentation.

If the regulations are so amended, the Coast Guard would close the documentation offices at Gulfport and Pascagoula, and—

(a) Transfer their documentation records to the office of the Documentation

Officer, U.S. Coast Guard, Federal Building, Biloxi, Miss. 39533; and

(b) Designate Biloxi as the home port of all vessels now having Gulfport and Pascagoula as their home ports.

If the proposals in this document are adopted, all vessels marked with the name of a home port that is proposed to be revoked will be deemed to be properly marked within the meaning of R.S. 4178, as amended (46 U.S.C. 46), and the regulations issued thereunder, for a period of 2 years from the effective date of the adopted rules.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Eighth Coast Guard District, U.S. Coast Guard, 332 Customhouse, 423 Canal Street, New Orleans, La. 70130. Each person submitting comments should identify the notice (CGFR 72–39), the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received before April 11, 1972, will be considered and evaluated before final actions are taken on the proposals. The proposals may be changed in the light of comments received.

At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officals by contacting the Office of the Commander, Eighth Coast Guard District. Any data or views presented during such informal conferences must be submitted in writing to the Commander, Eighth Coast Guard District, in accordance with this notice, in order that they may become part of the docket. Copies of all written comments received by the Commander will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District, 332 Customhouse, 423 Canal Street, New Orleans, La., both before and after the closing date.

The Coast Guard is making this proposal to reduce the cost of vessel documentation without substantial reduction of services to the public.

In consideration of the foregoing, it is proposed to amend Subpart 66.05 of Title 46, Code of Federal Regulations, as follows:

1. By amending § 66.05–1 by revoking Gulfport, Miss., and Pascagoula, Miss., from the list of ports of documentation for the Mobile Marine inspection zones in the Eighth Coast Guard District.

This proposal is made under the authority of sec. 2, 23 Stat. 118, as amended (46 U.S.C. 2), sec. 1, 43 Stat. 947, as amended (46 U.S.C. 18), sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 1655(b)(1)); and 49 CFR 1.46(b).

Dated: February 11, 1972.

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

[FR Doc.72–3597 Filed 3–8–72;8:57 am]

## [ 46 CFR Part 161 ]

[CGFR 72–48]

## FLOATING ELECTRIC WATER LIGHTS

### Notice of Proposed Rule Making

The Coast Guard is considering amendments to its Floating Electric Water Light regulations to adapt them to current methods for determining the effective intensity of flashing incandescent lights used by the industry, to eliminate redundancies, and to clarify the language.

Interested persons are invited to submit written views, data, arguments, or comments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received within 45 days after the date of publication of this notice in the FEDERAL REGISTER will be fully considered before final action is taken on this notice. Each submission should identify the notice (CGFR 72–48) and the section, give reasons for any recommendations, and include the name and address.

The proposed amendments may be changed in the light of comments received. The Coast Guard will hold a hearing on April 18, 1972, at 10 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal.

Copies of all written communications will be available for examinations at U.S. Coast Guard Headquarters, in Room 8234, 400 Seventh Street SW., Washington, DC.

Sections 161.010–3(a)(2)(ii), 161.010–4(p), 161.010–5(b)(5), and Table 161.010–5(b)(6) (Proposals 3, 11, 19, and 20) would be amended to convert temperature measurements from Fahrenheit to more universally accepted centigrade thermometer, to remove inconsistent and somewhat confusing mixtures of Fahrenheit and centigrade measurements and to change some temperature requirements partly to make various interrelated provisions consistent and partly to increase the leeway on the basis of the results of recent tests and experience.

Section 161.010–4(d) (Proposal 5) would be changed to ensure watertightness because experience has shown that screws, rivets, etc., which penetrate the case may become loose and permit water entry.

In § 161.010–4(f) (Proposal 7) a requirement would be added that filler material be nonabsorbent, to insure positive buoyancy if the case is punctured.

Section 161.010–4(o) (Proposal 10) amendment would tighten the rules on battery connections to minimize the possibility of accidental damage during battery installation or light servicing.

The addition to § 161.010–4(r)(3) (Proposal 14) would bring the section into agreement with the requirements of § 161.010–4(s)(3).

The first addition to § 161.010–5(b)(3) (Proposal 16) is proposed to lower the minimum light height from 3 to 2 inches above the water surface because the experience has shown that this clearance is sufficient. An incidental advantage of this relaxation is that a much smaller unit would be permissible.

In §§ 161.010–4 (a), (e), (k), (l), (m), (n) (Proposals 4, 6, 8, and 9) it is proposed to remove some redundancies.

All other proposed amendments involve changes of style, not of substance.

In consideration of the foregoing, it is proposed to amend Part 161 of Chapter I of Title 46 of the Code of Federal Regulations as follows:

1. In § 161.010–1(a)(1), by striking out the words "Federal Test Method Standard No. 406 Plastics. Methods of Testing Federal Standard No. 595-Colors." and inserting the words "Federal Test Method Standard No. 406, Plastics: Methods of Testing. Federal Standard No. 595a-Colors." in place thereof.

2. By revising § 161.010–2(a), to read as follows:

**§ 161.010–2 Type.**

(a) The requirements of this specification pertain to water lights that are required by Coast Guard Regulations to be attached to life ring buoys, liferafts, lifefloats, or other buoyant apparatus.

* * * * *

3. In § 161.010–3(a)(2)(ii), by striking out the figure "54°" and inserting "34°" in place thereof.

4. In § 161.010–4(a), by deleting the last sentence.

5. In § 161.010–4(d), by striking out the last sentence and inserting the following sentence in place thereof: "A hole in either the exterior or interior of the case shall not completely penetrate the case".

6. In § 161.010–4(e), by deleting the last sentence: "As a result of the accelerated weathering test specified in § 161.010–5(b)(7), the globe shall not have crazed or appreciably discolored."

7. In § 161.010–4(f), by inserting the word "nonabsorbent" immediately after the words "*Filler material.* A".

8. By revoking §§ 161.010–4 (k), (l), (m).

9. In § 161.010–4(n), by deleting the words "compatible with the electronic circuit and shall be" in the second sentence and by deleting the third sentence.

10. By adding the following new sentence at the end of § 161.010–4(o) "If improper connection of the battery leads can result in damage to the electronic circuit, then the configuration of the connections shall be such that improper connection to the battery is physically impossible."

11. In § 161.010–4(p), by striking out the words "30° to plus 160° Fahrenheit" in the third sentence and inserting the words "34° to plus 85° Centigrade" in place thereof.

12. In § 161.010–4(q)(2), by striking out the word "and" immediately after the words "circuit and lens" in the first sentence and inserting a period followed by the words ". The flashtube shall" in place thereof.

13. In § 161.010–4(q)(2), by striking out the word "may" immediately following the words "section of the flashtube" and inserting the word "shall" in place thereof.

14. By striking out the last sentence in § 161.010–4(r)(3) and inserting the following in place thereof: "The effective intensity of the light shall not be less than 2.0 candelas in all directions of the upper hemisphere with the globe in place. For purposes of this section, effective intensity is determined by the following formula:

$$Ie = \frac{G}{0.2 + t_2 - t_1}$$

where

$Ie$ = Effective intensity.
$G$ = Integral of $Idt$ evaluated between the limits of $t_1 + t_2$.
$t_2$ = Time in seconds of the end of the flash.
$I$ = Instantaneous intensity during the flash.

(the limits, $t_1$ and $t_2$, are chosen so as to maximize $Ie$)

15. By revising § 161.010–4(s)(3) to read as follows:

**§ 161.010–4 Construction and performance.**

* * * * *

(s) * * *

(3) *Light output.* Light shall be continuously emitted for a period of not less than 15 hours. The light output shall be not less than 2 candelas in all directions of the upper hemisphere with the globe in place.

* * * * *

16. By revising § 161.010–5(b)(3) to read as follows:

**§ 161.010–5 Inspection and methods of test.**

* * * * *

(b) * * *

(3) *Float test.* The light, complete with battery, shall be allowed to float vertically for 15 hours in water. The center of the lamp or flashtube shall not be less than 2 inches above the surface of the water. The light shall be disassembled after the test and examined. The presence of water in the interior of the case shall be cause for rejection.

* * * * *

17. In § 161.010–5(b)(4), by striking out the words "for conformance with the requirements of § 161.010–4(1)." and inserting a period followed by the following sentence: "The presence of water in the interior of the case shall be cause for rejection."

18. By striking out "0°F" in § 161.010–5(b)(5) and inserting the words "minus 18°C" in place thereof.

19. By § 161.010–5(b)(5), by striking out the words "in accordance with paragraph (m) of § 161.010–4" and inserting a period followed by the following sentence: "Any damage or distortion that might impair the serviceability or watertightness of the light will be cause for rejection."

20. In § 161.010–5(b)(6), by striking out the words "checked in accordance with § 161.010–4(k)" and inserting the following words and sentences in place thereof: "examined. Any damage, shrinkage, or distortion that might impair its serviceability, watertightness, or vaporproofness will be cause for rejection. The light shall be considered vapor-proof when examination of the interior reveals no moisture and no fog or cloudiness of the lens."

21. In the Table 161.010–5(b)(6), by striking out in the heading of the central column "F(2°F)" and inserting "C(±1°C)" in place thereof; striking out the figures in the central column and inserting:

85
−34
85
85
−34
85
21

in place thereof; and, in the last column, striking out the figures "95–100" wherever they appear and inserting the word "uncontrolled" in place thereof.

22. In § 161.010–5(b)(7), by striking out at the end the words "shall then be examined for conformance with § 161.010–4(e) and tested for light output in accordance with subparagraph (8) of this paragraph." and inserting the words "shall not have crazed or appreciably discolored." in place thereof.

23. In § 161.010–5(b)(9), by striking out the last sentence and inserting the following sentence in place thereof: "Separation of the ring, loss of watertightness, or any other damage to the light will be cause for rejection."

These amendments are proposed under the authority of 46 U.S.C. 362, 363, 367, 375, 390b, 391, 391a, 392, 395, 396, 404, 405, 411, 416, 435, 481, 489, 526p, 1333; 49 U.S.C. 1655(b)(1), and 49 CFR 1.46(b).

Dated: March 3, 1972.

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

[FR Doc.72–3587 Filed 3–8–72;8:52 am]

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## [ 46 CFR Part 162 ]

[CGFR 72–36]

## MARINE-TYPE PORTABLE FIRE EXTINGUISHERS

### Notice of Proposed Rule Making

The Coast Guard is considering amendments to its regulations concerning marine-type portable fire extinguishers to make the testing requirements more rigorous, to ensure disclosure of test data to the Coast Guard, and to establish new approval procedures.

Interested persons are invited to submit written views, data, arguments or comments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received within 45 days after the date of publication of this notice in the FEDERAL REGISTER will be fully considered before final action is taken on this notice. Each submission should identify the notice (CGFR 72–36) and the section, give reasons for any recommendations, and include the proponent's name and address.

The proposed amendments may be changed in the light of comments received. The Coast Guard will hold a hearing on April 18, 1972 at 10 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal.

Copies of all written communications will be available for examination at U.S. Coast Guard Headquarters, in Room 8234, 400 Seventh Street SW., Washington, DC.

Section 162.028–3(c)(5) is proposed to be amended to make the salt spray test a general prerequisite for approval. Under existing regulations, it is required only if suitability is questionable.

Section 162.028–3(c)(6) would be amended to add to the operating condition after testing the requirements as to condition of the coating and noncorroded condition of dissimilar metals at the points of contact or close proximity.

Section 162.028–7 would be amended to provide for the authorization of the laboratory by the manufacturer to disclose test data to the Coast Guard, review of test reports and procedures by the Coast Guard, approval by the Commandant, and consultation with the Commandant.

Section 162.028–8 would add a condition regarding termination of listing or labeling related to service experience or findings of the laboratory or of the Coast Guard.

In consideration of the foregoing, it is proposed to amend Part 162 of Chapter I of Title 46 of the Code of Federal Regulations as follows:

1. By revising §§ 162.028–3(c) (5) and (6), and 162.028–7 to read as follows:

**§ 162.028–3 Requirements.**

* * * * *

(c) * * *

(5) *Suitability of Materials.* All extinguishers submitted for approval shall undergo the salt spray test in accordance with subparagraph (6) of this paragraph.

(6) *Salt spray tests.* Expose the complete fully charged specimen extinguisher to a 20 percent sodium chloride solution spray at a temperature of 95° F. (35° C.) for a period of 240 hours. The procedures and apparatus described in Method 811 of Federal Test Method Standard No. 151 are suitable. Alternate methods may be found satisfactory if the results are comparable. Following the test, allow the specimen extinguisher to air dry for a period of 48 hours. Following the air drying—

(i) The extinguisher must be capable of being operated and recharged in a normal fashion;

(ii) Any coating required in this section to be corrosion resistant must remain intact and must not be removable

(when such removal exposes a material subject to corrosion) by such action as washing or rubbing with a thumb or fingernail;

(iii) No galvanic corrosion may appear at the points of contact or close proximity of dissimilar metals;

(iv) The extinguisher and its bracket, if any, must not show any incipient corrosion on metal surfaces having no protective coating or paint; and

(v) The gauge on a stored pressure extinguisher must remain watertight throughout the test.

* * * * *

**§ 162.028–7 Procedure for listing and labeling.**

(a) Manufacturers having a marine-type portable fire extinguisher which they consider has characteristics suitable for general use on merchant vessels may make application for listing and labeling as a marine-type portable fire extinguisher by addressing a request directly to a recognized laboratory. The laboratory will inform the submitter as to the requirements for inspection, examinations, and testing necessary for such listing and labeling. The request shall include permission for the laboratory to furnish a complete test report together with a description of the quality control procedures to the Commandant.

(b) The U.S. Coast Guard will review the test report and quality control procedures to determine if the approval requirements have been met. If this is the case, the Commandant will notify the laboratory that the material is approved and that when the material is listed and labeled, it may be marked as being U.S. Coast Guard approved.

(c) If disagreements concerning procedural, technical, or inspection questions arise over U.S. Coast Guard approval requirements between the manufacturer and the laboratory, the opinion of the Commandant shall be requested by the laboratory.

(d) The manufacturer or the laboratory may at any time request clarification or advice from the Commandant on any question which may arise regarding manufacturing and approval of approved devices.

2. In § 162.028–8 by adding the following new paragraph (a)(5) at the end thereof:

**§ 162.028–8 Termination of listing or labeling.**

(a) * * *

(5) When service experience or laboratory or U.S. Coast Guard reports indicate a product is unsatisfactory.

These amendments are proposed under the authority of 46 U.S.C. 1333, 46 U.S.C. 367, 390b, 391a, 404, 481, 489, 526g, 1333; 49 CFR 1.4(b), 1.46(b).

Dated: February 18, 1972.

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

[FR Doc.72-3586 Filed 3-8-72;8:52 am]

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## [ 46 CFR Part 164 ]

[CGFR 72-47]

## IDENTIFICATION OF APPROVED INCOMBUSTIBLE MATERIALS

### Notice of Proposed Rule Making

The Coast Guard is considering an amendment to its regulations concerning incombustible materials for merchant vessels. Manufacturers often carry different products under the same brand, one for marine industry and another one for the building trade. As a result, a product unsuitable for marine industry may unintentionally be delivered and accepted. The proposed addition would enable marine inspectors, users, and suppliers to identify Coast Guard approved incombustible materials.

Interested persons are invited to submit written views, data, arguments, objections or comments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received within 45 days after the date of publication of this notice in the FEDERAL REGISTER will be fully considered before final action is taken on this notice. Each submission should identify the notice (CGFR 72-47) and the section, give reasons for any recommendations, and include the proponent's name and address.

The proposed amendments may be changed in the light of comments received. The Coast Guard will hold a hearing on April 18, 1972, at 10 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal.

In consideration of the foregoing, it is proposed to amend Part 164 of Chapter I of Title 46 of the Code of Federal Regulations by adding the following new section:

**§ 164.009–5 Marking.**

(a) Approved incombustible materials shall be marked on the shipping container with the approval number and date of approval. Where practical, the product shall also be labeled with the approval number and date of approval. Determination of practicality shall be made by the Coast Guard at the time of application for approval.

The amendment is proposed under the authority of 46 U.S.C. 367, 369, 390b, 391a, 404, 481, 1333; 49 U.S.C. 1655(b)(1); 49 CFR 1.4(b), 1.46(b).

Dated: March 1, 1972.

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

[FR Doc.72-3596 Filed 3-8-72;8:57 am]

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# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 89, 91, 93 ]

[Docket No. 18261]

## AVAILABILITY OF LAND MOBILE CHANNELS

### Order Extending Time for Filing Reply Comments

In the matter of amendment of Parts 21, 89, 91, and 93 of the rules to Reflect the Availability of Land Mobile Channels in the 470–512 MHz band in the 10 Largest Urbanized Areas of the United States.

1. The Land Mobile Section of the Communications and Industrial Electronics Division of the Electronic Industries Association (EIA) has asked (March 1, 1972) that the time for filing reply comments to the Second Further Notice of Proposed Rule Making (FCC 72-7) (37 F.R. 676) in the above captioned proceeding be extended from March 3, 1972, to March 17, 1972.

2. In support of its request, EIA states that it needs the additional time in order to properly formulate its response to certain technical matters raised in comments filed by the Association of Maximum Service Telecasters.

3. It appears that EIA has shown good good cause for the requested extension of time and it further appears that the additional time asked by EIA would not unduly delay this proceeding.

4. In view of the foregoing: *It is ordered,* Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from March 3, 1972 to March 17, 1972.

Adopted and released: March 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES E. BARR,
*Chief, Safety and Special Radio Services Bureau.*

[FR Doc.72-3626 Filed 3-8-72;8:56 am]

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Cost of Living Council Ruling 1972-21]

### DETERMINATION OF REPORTING CATEGORY

#### Cost of Living Council Ruling

*Facts.* Corporation A, a commercial bank, derives its income primarily from services and interest on loans. In its fiscal year ending July 31, 1971, Corporation A had the following income: $30 million from interest on loans; $20 million from the sales of real estate; $1 million from service charges; $2 million from fiduciary fees; $3 million from rentals; and $1 million from miscellaneous sources. Corporation A expects its income to be approximately the same in fiscal year 1972.

*Issue.* How does Corporation A determine which of the three reporting classifications (Categories I, II, or III) applies to it?

*Ruling.* Corporation A must include total gross receipts from whatever source derived. This includes revenues from services as well as interest income. Economic Stabilization Regulations, 6 CFR 101.2, 37 F.R. 1238 (January 27, 1972). Because Corporation A's annual sales and revenues exceed $50 million and are less than $100 million, Corporation A is a price category II firm and must submit quarterly reports to the Price Commission in accordance with requirements issued by the Price Commission. Economic Stabilization Regulations, 6 CFR 101.13, 37 F.R. 1239 (January 27, 1972).

This ruling has been approved by the General Counsel of the Cost of Living Counsel.

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3548 Filed 3-8-72;8:50 am]

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[Pay Board Ruling 1972-12]

### PAY PRACTICE PREVIOUSLY SET FORTH

#### Pay Board Ruling

*Facts.* A corporation sets its maximum wage rate on the basis of an annual survey of local wage practices.

*Issue.* Does the annual survey of local wages constitute a "pay practice previously set forth" within the meaning of Economic Stabilization Regulations, 6 CFR 201.14, 36 F.R. 21790 (November 13, 1971)?

*Ruling.* If pay adjustments resulting from the annual survey are made according to an established plan, involving no discretion on the part of the employer, and such plan is communicated to the employees, the plan would constitute a "pay practice previously set forth" within meaning of Economic Stabilization Regulations, 6 CFR 201.14, 36 F.R. 21790 (November 13, 1971). On the other hand, if pay adjustments resulting from the annual survey were made at the discretion of the employer, such pay adjustments would not come under the definition of "pay practice previously set forth."

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

Dated: March 6, 1972.

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

Approved: March 6, 1972.

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

[FR Doc.72-3557 Filed 3-8-72;8:50 am]

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[Price Commission Ruling 1972-88]

### BASE PRICE SCHEDULES FOR PRINCIPAL SERVICES OF HOSPITALS

#### Price Commission Ruling

*Facts.* Hospital A, an institutional provider of health services, which offers 24 hour inpatient health care services, is made up of a number of departments, such as general surgery, obstetrics, radiology, etc. Hospital A also operates a separate outpatient clinic in the same building, but which is reached by a separate entrance. Each institutional provider of health services must maintain at each of its facilities a schedule showing its base price for its principal services and each change in price. The provider also must prominently post a sign in each of its facilities stating the location and availability of the schedule. Economic Stabilization Regulations, 6 CFR 300.18 (g), 36 F.R. 25385 (December 30, 1971).

*Issue.* Is each department of hospital A a separate facility?

*Ruling.* No. Each department of hospital A is not a separate facility within the meaning of § 300.18(g). The base prices for the principal services provided by the various departments will have to be included in the price schedule maintained by the hospital. The outpatient clinic, however, is a separate facility and must maintain the requisite base price information concerning the services it offers and post an appropriate sign announcing its availability.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3568 Filed 3-8-72;8:50 am]

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[Price Commission Ruling 1972-89]

### RETAIL FOOD STORE POSTING REQUIREMENTS

#### Price Commission Ruling

*Facts.* Retailer A owns and operates a grocery store which also includes a large general merchandise department. He learned from one source that he must post base prices for all of his food products, but from another source he learned that he need only post base prices for 40 items.

*Issue.* How can Retailer A fulfill the base price posting requirements under Economic Stabilization Regulations, 6 CFR 300.13 (b), 37 F.R. 2843 (February 8, 1972)?

*Ruling.* Retailer A must first determine his annual sales. If his annual sales are less than $200,000 (determined without regard to the number of retailing outlets operated by A), and he does not operate on the premises of, or in conjunction with a retailer with annual revenues of $200,000 or more (i.e., a concession in a department store), he is not subject to the posting requirements of 6 CFR 300.13(b). A is still subject to other Price Commission regulations, however. He does not have to post signs listing base prices but does have to post at least one sign on each selling floor announcing the availability of base price information and furnish such information on request. See 6 CFR 300.13(e), 37 F.R. 1244 (January 27, 1972).

If his sales are $200,000 or more annually he must display prominently the base prices for the following:

(1) All of his food products; and

(2) Those 40 items in each department which had the highest dollar sales volume during his last fiscal year, or those items which accounted for at least 50 percent of his total dollar sales in each department during that fiscal year, whichever is less.

A may take advantage of a special rule applicable to retail food stores. The base prices which a retail food store is required to post are considered to be displayed prominently if they are available for inspection at a convenient central

location in the store, to which the public has access without having to obtain the permission or assistance of a store employee, and if a sign is prominently posted in each department clearly indicating the location of the central base price list.

In addition to the above, these retailers must prominently display on each floor of their establishments, at least one sign (minimum size 22'' x 28'') announcing the availability of base price information for all items that are not posted or required to be posted. Base Price Information Request Forms must be available in at least one location on each selling floor of the establishment. These forms must be easily accessible to the customer and must not require him to ask a store employee for a form. The retailer must respond in writing to such written requests within 48 hours after the request is received. Requirements for posting and availability of base price information do not apply to exempt products such as raw agricultural products (lettuce, fresh fruit, etc.).

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3569 Filed 3-8-72;8:50 am]

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[Price Commission Ruling 1972-90]

## PAYMENT OF RENT WHERE VIOLATION IS ALLEGED

### Price Commission Ruling

*Facts.* Landlord L has made capital improvements to his apartment building and wishes to increase the monthly rent of all of the residences in the building, which have benefiited from the improvements. He notified all of the tenants of the proposed increase pursuant to Economic Stabilization Regulations, 6 CFR 301.502, 36F.R. 25386 (December 30, 1971). Under § 301.502(b)(4) he is required to state the amount of the proposed increase which is "attributable to capital improvements." As a result of the capital improvements rent increase, the monthly rents on several of the residences will be increased by more than 10 percent over the monthly rent paid before the increase is to become effective. The landlord has not obtained prior IRS approval for this increase required under Economic Stabilization Section Regulations 6 CFR 301.103(c), 36 F.R. 25386 (December 30, 1971).

*Issue.* Are the tenants required to pay the increased rent in excess of 10 percent over the monthly rent paid before the increase or face possible eviction for nonpayment?

*Ruling.* The tenants are required to pay the increase in excess of 10 percent but they may fully exercise their rights under the regulations or the Economic Stabilization Act of 1970.

Section 301.502(e) states that, "Any proposed increase of which the lessee is notified pursuant to this section shall become effective as of the date specified in the notification pending final action with respect to the alleged violation."

The landlord here has notified the tenants "pursuant to this section" because he has done what § 301.502(b)(4) requires. He has stated the amount of the proposed increase which is, "attributable to capital improvements." If a tenant has received a notice which complies in form with the requirements of § 301.502 of the regulations he cannot assume that the landlord has committed a substantive violation of the regulations and refuse to pay the proposed increase. A tenant who assumes or alleges a substantive violation of the regulations, such as failure to obtain required IRS approval of a capital improvement rent increase, and refuses to pay rent on that ground may be subject to an action for eviction under local law for nonpayment of rent.

The tenant, however, has every right to attempt to prove his allegation of a violation either as a defense to an action for eviction or bring an action of his own for damages or injunction under section 210 of the Economic Stabilization Act of 1970 which was added to the Act by Public Law 92-210. Furthermore, under § 301.502(e) of the regulations the tenant can report the alleged violation to the Internal Revenue Service after he has discussed the proposed increase with his landlord. The IRS will investigate the alleged violation and ultimately the Price Commission may authorize a suit by the Federal Government against the lessor for a violation.

Section 301.502(f) provides that it is also a violation of the regulations if the landlord takes any retaliatory action against any lessee who exercises his lawful rights. Such retaliatory action is defined as, "Any action taken by the lessor including undue or unusual inconvenience, violation of privacy, harassment, reduction in quality or quantity of services, or any form of threat or coercion." Therefore, it is a violation of the regulations if the landlord threatens eviction in response to a tenant's efforts to establish a violation in accordance with the procedures in section 501(e) of the regulations or under section 210 of the Economic Stabilization Act of 1970 as amended. However, section 501(e) does specifically provide that the increased rent must be paid "pending final action with respect to the alleged violation."

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3570 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-91]

## SERVICES PROVIDED IN CONNECTION WITH USE OF RESIDENTIAL PROPERTY

### Price Commission Ruling

*Facts.* Company A operates a home for the elderly. Each tenant pays a monthly charge that entitles him to a room, three meals a day in the home dining room, linen service and use of the home's recreational facilities. There is no reduction in the charge if a tenant does not eat the meals provided, unless he is absent for more than 14 consecutive days, in which case there is a slight reduction in the charge.

*Issue.* Is the entire monthly charge rent and therefore covered by the Price Commission rent regulations, i.e., Economic Stabilization Regulations, 6 CFR Part 301, 36 F.R. 25386, 26393 (December 30, 1971)?

*Ruling.* Yes. Rent includes any charge, no matter how set forth, paid by the lessee for the use of any property, or for any service, in connection with the residence or other real property. Economic Stabilization Regulations 6 CFR 301.3(a), 36 F.R. 25388 (December 30, 1971). Here the meals, linen service and use of the recreational facilities are services furnished in connection with the use of the property. Therefore the entire monthly charge paid by each tenant is rent. If, however, a tenant is not required to pay for meals as a condition of his occupancy, a charge for such meals is not rent. In this case the charge for the meals is a condition of occupancy, even though the tenant will receive a rebate if he is absent for more than 14 days.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3571 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-92]

## ROLLBACK OF PRICE INCREASES MADE BEFORE DECEMBER 29, 1971, BY INSTITUTIONAL PROVIDERS OF HEALTH SERVICES

### Price Commission Ruling

*Facts.* On December 10, 1971, a hospital increase its room rates 8 percent based on increased allowable costs. The increase was not prohibited by the

Price Commission regulations then in effect. Effective December 29, 1971, new Price Commission regulations applicable to health services were published. The new regulations would prohibit the increase unless the hospital first obtained an exception from the Price Commission.

*Issue.* If a provider of health services increases its prices during the "Phase II" period but before December 29, 1971, the effective date of the new current Price Commission health services regulations, is the increase covered by the current regulations?

*Ruling.* Yes. The base prices for the purposes of the health services regulations currently in effect are the prices charged during the "Phase I" period, as computed under Economic Stabilization Regulations, 6 CFR 300.402, 36 F.R. 23979 (December 16, 1971). Any increases since that time, even increases occurring before December 29, 1971, are counted as increases over the base price. An increase occurring before December 29th which is not justified under the current regulations must be rolled back.

A provider of health services which believes that this ruling imposes an undue hardship may apply for an exception. However, until and unless such exception is granted, it must roll back any increase over the limit provided in § 300.18.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3572 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-93]

## CAPITAL IMPROVEMENTS

### Price Commission Ruling

*Facts.* After August 15, 1971, a washroom equipped with coin-operated washing machines and dryers is constructed on the grounds of a complex for the use of the residents. The lessor proposes to increase the monthly rents of all the residences in the complex by 1½ percent of the part of the cost of the capital improvement allocable to each residence under the rent stabilization regulations effective after December 28, 1971 (6 CFR 301.103).

*Issue.* Whether the residences in the complex "benefited" by the capital improvement.

*Ruling.* The monthly rent of residence which has been benefited by a capital improvement made after August 15, 1971, may be increased by not more than 1½ percent of the part of the cost of the improvement allocable to the residence (§ 301.103 (a) and (b)).

A capital improvement which is available to a residence only when the lessee of the residence chooses to pay money to receive the service provided by the improvement does not "benefit" the residence (see example 2 in § 301.103). Therefore, the lessor may not increase the monthly rents of the residences because of the construction of the washroom.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3573 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-94; Cost of Living Council Ruling 1972-22]

## RENTAL UNIT EXEMPTION

### Price Commission Ruling and Cost of Living Council Ruling

*Facts.* X, a tenant, has lived in an owner-occupied dwelling of four units since January 1950. X has never entered into a written lease with landlord L, but has resided on a month-to-month basis. Since the promulgation of Economic Stabilization Regulation, 6 CFR 101.33 (a)(2)(iv), 37 F.R. 2678 (February 4, 1972), L wants to enter into a lease with X so as to comply with the above section to gain exempt status for his dwelling.

*Issues.* (A) In instances where tenants have occupied a dwelling for a number of years, shouldn't these arrangements be considered exempt even though they lack the formality of a lease?

(B) How long a lease is necessary to come under the exemption?

(C) Can a tenant be changed from a month-to-month tenancy to a lease of greater than month-to-month to gain an exemption?

*Ruling.* (A) The need of a written lease is not a requirement of § 101.33(a)(2)(iv). If local law permits an oral lease between landlord and tenant of more than month-to-month duration, then such an oral lease is permissible, i.e., statute of frauds won't be violated by an oral lease of 1 year or less.

(B) A lease of at least 1 month and 1 day is necessary for the exemption to apply, but the unit must have been rented as such on January 19, 1972, or if not rented on that date was rented during the base period for a term of longer than month-to-month.

(C) No, to force a month-to-month tenant to change to a lease for a longer term after January 19, 1972, would not exempt the unit from the rent control program.

This ruling has been approved by the General Counsel of the Price Commission and Cost of Living Council.

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3574 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-95]

## POSTING REQUIREMENTS FOR MANUFACTURING/RETAIL FIRMS

### Price Commission Ruling

*Facts.* M, Manufacturer, is in the business of making clothes. While it sells some of its products to wholesalers and retailers, most of its products are sold to the ultimate consumer either at the outlet located on its premises or at various outlet stores owned by M.

*Issue.* Must M post base prices in its outlet stores?

*Ruling.* Yes. Price Commission Ruling 1972-9, 37 F.R. 763 (January 18, 1972) determined that this type of operation is a manufacturing activity and is governed by Economic Stabilization Regulation 6 CFR 300.12, 36 F.R. 23974 (December 16, 1971). However, M carries on a retail activity since it sells property to the ultimate consumer at an outlet store.

Since M operates his outlet store in a retail manner, he must comply with the retail posting section of Economic Stabilization Regulation 6 CFR 300.13 (b) and (c), 36 F.R. 23974 (December 16, 1971), even though his prices are computed under § 300.12.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3575 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-96]

## DETERMINING BASE RENT

### Price Commission Ruling

*Facts.* X leased an apartment in a multi-unit apartment building from Y on a 1-year term during the period beginning on May 25, 1970, and ending on May 15, 1971. The lease expired on May 30, 1971, but X continued to live in the apartment on a monthly basis until December 31, 1971. Y now proposes to charge a monthly rent for the apartment equal to base rent as computed under § 301.203(b) of the new rent regulations

(6 CFR Part 301; 36 F.R. 25387, December 30, 1971), plus 2½ percent of that base rent. Z, a prospective tenant, complains to the Internal Revenue Service that the base rent of the apartment should be determined by § 301.202(a) of the new rent regulations.

*Issue.* Whether the base rent of the apartment is determined under 6 CFR 301.202(a) or 6 CFR 301.203(b) of the new rent regulations.

*Ruling.* The base rent is determined under 6 CFR 301.202(a), 36 F.R. 25387 (December 30, 1971). If a residence qualifies under more than one of the time periods which appear in §§ 301.202 through 301.205, the section appearing first in that sequence under which the residence qualifies controls (6 CFR 301.201(c)). If a residence or other real property became occupied during the § 301.202 period (May 16, 1971 through August 14, 1971) § 301.202 must control since it is the first section in that sequence of sections which computes base rent.

A residence or other real property "becomes occupied" at the time when a transaction involving that residence or other real property occurs (6 CFR 301.8(b)). A "Transaction" is considered to occur at the time and place a lease or covenant to lease is executed by the parties, is created by implication, or an implied contract of occupancy comes into being (6 CFR 301.2).

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3576 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-97]

## DATE RENT PAID DETERMINES REGULATION APPLICABLE

### Price Commssion Ruling

*Facts.* A residence is rented on month-to-month terms. On December 1, 1971, the lessor notifies the lessee of a monthly rental increase effective January 1, 1972. The lessee pays the increased rent for January on December 28, 1971, and retains possession of the residence on January 1, 1972.

*Issue.* Whether an increase in a month-to-month lessee's rent for January 1972, is governed by the rent stabilization regulations (6 CFR Part 301), effective after December 28, 1971, when the increased rent is paid by the lessee on or before December 28, 1971.

*Ruling.* The new Rent Regulations (6 CFR 301.1, 36 F.R. 25387 (December 30, 1971)), generally provides that Part 301 is applicable to increases in rents to be paid for a residence which occur after December 28, 1971. The regulations also provide that they shall govern monthly rent with respect to a residence which becomes "occupied" after that date (6 CFR 301.102(a)) or with respect to which any "transaction" thereafter occurs (6 CFR 301.101).

A residence becomes "occupied" at the time when a "transaction" involving that residence occurs (6 CFR 301.8(b)); and a "transaction" as defined in 6 CFR 301.2, is considered to occur at the time and place a lease or covenant to lease is executed by the parties, is created by implication, or an implied contract of occupancy comes into being.

A month-to-month lessee's payment of the increased rent for January, 1972, on December 28, 1971, constitutes a "transaction" because this payment, which renews the existing lease, creates a lease by implication for the month of January. A lease is created when a person having a legal estate in any residence conveys a part of his interest to a lessee. 6 CFR 301.2 (definition of "lease"). For example, a lease is created when a person conveys the right to possession of the residence for a definite period of time to another person. The right to such possession is conveyed when a tenancy for a term is created.

Ordinarily, when the tenant pays and the Landlord accepts rent, a tenancy for another term is created which cannot be terminated by either party within the period of the term without the consent of the other, and which renews all the rights and obligations incident to the relationship of Landlord and Tenant under the original lease. 51C C.J.S. Landlord and Tenant section 74.

Because a "transaction" occurred on December 28, 1971, the residence is deemed to have become "occupied" on that date with respect to the new monthly rent beginning January 1, 1972. Since a "transaction" did occur before December 29, 1971, with respect to the January 1972, lease period, the allowability of the rent increase for January is not determined by Part 301. This part only governs transactions which occur after December 28, 1971. 6 CFR 301.1, 301.101, 301.201.

However the lessee's continued lawful possession of the residence after February 1, 1972, or his payment of rent for the month of February, 1972, prior to that date, would constitute a "transaction" occurring after December 28, 1972, with regard to February 1972, lease period and the rent which can be charged for February is subject to Part 301.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3577 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-98]

## RENT INCREASES—REAL ESTATE TAXES

### Price Commission Ruling

*Facts.* On March 1, 1972, X notifies Y of an increase in rent on a residence leased by X to Y on month-to-month terms, which increase is to become effective April 1, 1972. The proposed increase reflects an increase in State real estate taxes for the year 1972. Under State law, real estate taxes for the year are assessed on January 1 of that year, but are not payable to the State until October 1. X's mortgage payments on the residence to Z for the months of January through March 1972, included the increased taxes. Z, the mortgagee, places X's payments covering the taxes in an escrow account and will pay the taxes on or shortly after October 1.

*Issue.* Whether a lessor's payment of increased real estate taxes to a mortgagee under the terms of the mortgage justify a rental increase under 6 CFR 301.102(a), 36 F.R. 25387 (December 30, 1971) prior to the date such taxes are payable to the taxing entity.

*Ruling.* As defined by 6 CFR 301.102 (b), "allowable costs" include State and local real estate taxes. An increase in such costs occurring after December 28, 1971 is allocable to a residence or other real property (6 CFR 301.102(a)(2)). However, as provided by 6 CFR 301.102 (c), no monthly rent may be increased under paragraph (a)(2) of that section until the first installment of the increase in allowable costs is payable to the taxing entity. A lessor's payment of a tax increase to a mortgagee, which is not yet payable to a State or local government imposing the tax, would not justify a rent increase. When the increase in tax becomes payable (October 1 under the facts herein), an increase in rent may be charged assuming compliance with all other provisions of Part 301.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3578 Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-99]

## RENT INCREASES—CAPITAL IMPROVEMENT

### Price Commission Ruling

*Facts.* After August 15, 1971, a lessor installs two electrical sockets in a residence at a cost of $66. In a notification which conforms to the requirements of the new rent regulations (6 CFR Part 301, 36 F.R. 25387 (Dec. 30, 1971)),

the lessor proposes to increase the rent 99 cents per month to reflect the capital improvements which were made by the installation of the sockets.

*Issue.* Whether a rent increase of less than $1 per month due to capital improvement may be charged by the lessor.

*Ruling.* The monthly rent of a residence may not be increased by more than 1½ percent of the part of the cost of the capital improvement allocable to the residence (6 CFR 301.103(b)). Lessor is within the 1½ percent limitation since the proposed 99 cents per month rental increase is not more than 1½ percent of the cost of the capital improvement.

However, 6 CFR 301.103(b) prohibits increases in monthly rent due to a capital improvement of less than $1 per month, even if the increase is less than 1½ percent of the cost of the capital improvement allocable to the residence, except in those cases where a substantial capital improvement directly benefits all residences in a building or complex taken as a whole. The installation of the electrical sockets benefited only one residence. Therefore; the lessor may not increase the monthly rent of the residence because of this capital improvement.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3579; Filed 3-8-72;8:51 am]

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[Price Commission Ruling 1972-100]

## RESIDENTIAL LEASE EXECUTED PRIOR TO DECEMBER 28, 1971

### Price Commission Ruling

*Facts.* A lease is executed on December 27, 1971, providing for a 1 year lease of a residence commencing January 1, 1972. An existing 1 year lease with respect to the residence expires December 31, 1971. The new lease calls for an increase in rent over that provided in the prior lease. The lessee takes possession of the residence on January 1, 1972, and pays the January rent on that date as computed under the new lease.

*Issue.* Whether the provisions of the new lease must conform to the requirements of Title 6, Part 301, Code of Federal Regulations (36 F.R. 25387, December 30, 1971).

*Ruling.* The allowability of this rent increase is governed by the Economic Stabilization Regulations in 6 CFR Part 300 (as republished in 36 F.R. 23974, December 16, 1971), rather than the new rent stabilization regulations in 6 CFR Part 301 which are applicable to increases in rent to be paid for any residence or other real property, not exempted under § 301.1(b), which occur after December 28, 1971 (6 CFR 301.1(a), 36 F.R. 25387 (December 30, 1971)).

A rent increase with respect to a residence is controlled by the provisions of Part 301 when the residence becomes occupied after December 28, 1971 (6 CFR 301.102(a)). As provided by that part a residence becomes occupied when a transaction involving that residence occurs, even though possession is not required until a later time (6 CFR 301.8 (b)). For purposes of Part 301, a "transaction" is considered to occur at the time and place a lease is executed by the parties (see the definition of "transaction" in (6 CFR 301.2)). Under the above facts, the residence did not become "occupied" after December 28, 1971, since no "transaction" with respect to the residence occurred after that date; consequently, Part 301 is not determinative of the allowability of the increase in rent.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3580 Filed 3-8-72;8:52 am]

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[Price Commission Ruling 1972-101]

## INCREASE IN MANUFACTURER'S SUGGESTED RETAIL PRICE

### Price Commission Ruling

*Facts.* Retailer R has been purchasing product X from manufacturer M at $5 per unit. Pursuant to a "fair trade" contract, R has been selling X at M's suggested retail price of $10 per unit for a time sufficient to establish R's "customary initial percentage markup" for the purposes of 6 CFR 300.13(a)(1), 36 F.R. 23974 (December 16, 1971). On January 15, 1972, M receives approval for a price increase on product X, which is then sold to R for $5.25 per unit. M pretickets the product with a manufacturer's suggested retail price of $11.

*Issue.* May retailer R sell the product for $11 and claim that his "customary initial percentage markup" is the manufacturer's suggested retail price, his customary pricing practice within the meaning of 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971)?

*Ruling.* No. The retailer may increase its price for product X only after it has complied fully with 6 CFR 300.13, which overrides its State's fair trade law (see Price Commission Ruling 1972-18). R's customary initial percentage markup for this product after November 13, 1971, must not exceed its customary initial percentage markup during the period from August 15, 1971, to November 13, 1971, or during its last fiscal year ending before August 15, 1971. 6 CFR 300.13 (a)(1).

While the regulations allow a retailer to consider his customary pricing practice in calculating and applying the customary initial percentage markup, the final test for compliance clearly is one of percentages. Even though the retailer's customary pricing practice has been to use the manufacturer's suggested retail price, the retailer must calculate customary initial percentage markup during the periods stated in 6 CFR 300.13 (a)(1), and insure that any current price increases are in compliance with this regulation. R's increase of the product X by $1 exceeds the customary initial percentage markup of 100 percent. R may sell product X for no more than $10.50.

Of course, R must also meet the profit margin test in 6 CFR 300.13(b) before a price may be increased.

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

Dated: March 3, 1972.

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

Approved: March 3, 1972.

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

[FR Doc.72-3581 Filed 3-8-72;8:52 am]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Montana 20669]

## MONTANA

### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 1, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application M 20669 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for the protection of existing public campgrounds in the Custer National Forest, Mont.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the

application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

CUSTER NATIONAL FOREST

*Macnab Pond Campground*

T. 1 N., R. 59 E.,
Sec. 19, NE¼NE¼, E½NW¼NE¼, N½ SE¼NE¼, and NE¼SW¼NE¼.

*Ekalaka Park Campground*

T 1 N., R. 58 E.,
Sec. 33, SW¼NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, N½SE¼SW¼NE¼, N½-SW¼SE¼NE¼, and NW¼SE¼NE¼.

The areas described aggregate 140 acres in Carter County, Mont.

ROLAND F. LEE,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.72-3585 Filed 3-8-72;8:52 am]

# DEPARTMENT OF COMMERCE

## Office of Import Programs

## CORNELL UNIVERSITY

### Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application as published in Volume 35, No. 226 of the FEDERAL REGISTER (Friday, November 20, 1970), pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897), is hereby amended to read as follows:

Docket No. 71-00208-61-77030. Applicant: Cornell University, New York State College of Agriculture, Ithaca, N.Y. 14850. Article: NMR Spectrometer, Model JNM-MH-60-II. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Representative current research in which the article is intended to be used includes:

(1) Determination of the structure of metabolites isolated from a variety of insecticides and herbicides.

(2) Analysis of hydrocarbon type in leaf waxes and seed oil; studies of the degree of unsaturation vs. saturation, etc.

(3) N.m.r. studies on material fractionated or isolated from soil organic matter, plant material and other natural sources.

(4) N.m.r. studies on organometallic compounds found in our environment e.g. organoselenium, mercury, lead, etc. compounds.

(5) Routine monitoring of crude reaction mixtures, both during and after syntheses, to determine the extent of reaction.

(6) Conformational equilibria studies in the carbohydrate field.

(7) Study of the stereochemistry and stability of substituted 2,4-hexadienedioic acids. Stability rearrangement studies will use the variable temperature accessory.

(8) Structural assignments to substituted 4-carboxymethylene but 2-enolides including utilization of the Nuclear Overhauser effect to confirm configurational assignments.

(9) Double resonance studies associated with the uses listed above.

The article will also be used in teaching the basic principles of NMR spectroscopy and instrumentation in graduate level courses. Application received by Commissioner of Customs: October 13, 1970.

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

[FR Doc.72-3592 Filed 3-8-72;8:53 am]

## NEW YORK UNIVERSITY ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00247-33-43780. Applicant: New York University, Department of Medicine at Veterans Administration Hospital, 408 First Avenue, New York, NY 10010. Article: Ultrafilter for Ascites. Manufacturer: Rhone-Poulene, Paris. Intended use of article: The article will be used for rapid removal of ascitic fluid and the reinfusion of concentrated recovered proteins for the treatment of patients with intractable ascites and kidney failure associated with ascites formation and failure of liver function in experiments designed to show the therapeutic efficacy of this new method in terms of its ability to save the lives of such patients who usually die. Application received by Commissioner of Customs: November 23, 1971.

Docket No. 72-00280-33-46500. Applicant: Martin Luther King, Jr., General Hospital, 12021 South Wilmington Avenue, Los Angeles, CA 90059. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in investigations of ultramicroscopic features of cancer in human tissue, inflammatory changes in human kidney tissue, and the ultramicroscopic features of human tissue in sickle cell anemia.

The article will also be used in training resident physicians in the specialty of pathology which will include complete instruction in techniques of electron microscopy and ultrastructural histopathology techniques. Application received by Commissioner of Customs: December 10, 1971.

Docket No. 72-00281-33-46040. Applicant: Tufts University School of Medicine, Department of Dermatology, New England Medical Center Hospitals, Boston Dispensary, 185 Harrison Avenue, Boston, MA 02111. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the studies of pemphigus vulgaris and related diseases as well as for the investigation of skin cancers. Application received by Commissioner of Customs: December 10, 1971.

Docket No. 72-00282-65-46070. Applicant: Illinois Institute of Technology, 10 West 33d Street, Chicago, IL 60616. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used extensively in various research programs which include studies on the following:

(a) Microscopic and submicroscopic mechanisms of liquid metal embrittlement;

(b) Structural and molecular variables on the strength and toughness of these non-metallic materials;

(c) Fine scale mechanisms involved in the processes in the metal-working research area;

(d) Nature and sources of colloidal particles in air and water pollution; and

(e) Physiological and structural characteristics of the absorptive cell of the gastrointestinal tract.

Application received by Commissioner of Customs: December 10, 1971.

Docket No. 72-00283-99-61800. Applicant: Dallas Health and Science Museum, Fair Park, Box 26407, Dallas, TX 75226. Article: Planetarium projector, MS-8. Manufacturer: Minolta, Japan. Intended use of article: The article is intended to be used to demonstrate astronomical phenomena and also allow student participation and involvement. Application received by Commissioner of Customs: December 10, 1971.

Docket No. 72-00284-33-46500. Applicant: The University of Texas Medical School, 102 Jesse Jones Library, Texas Medical Center, Houston, TX 77025. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in investigations to reveal the following:

(1) The bases for formation and storage of neurotransmitters in the nervous system at the ultrastructural level;

(2) The structural bases for reception, transduction and transmission of stimuli from the environment; and

(3) The ultrastructure of myelin in normal and pathologic conditions. Application received by Commissioner of Customs: December 13, 1971.

Docket No. 72-00285-01-77030. Applicant: Columbia University, Department of Chemistry, Box 666 Havemeyer Hall, New York, NY 10027. Article: NMR Spectrometer, Model PS-100. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for physical, chemical, dynamic and structural studies on organic and inorganic molecules and nmr studies on $1_H$, $19_F$, $13_C$, $31_P$, $11_B$, $14_N$, and $15_N$ will be carried out. The article is also intended to be used to train both graduate and undergraduate students in both FT and c.w. NMR spectroscopy. Application received by Commissioner of Customs: December 14, 1971.

Docket No. 72-00286-33-46040. Applicant: Canisius College, 2001 Main Street, Buffalo, NY 14208. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies of reproductive cells and tissues in which these are stored and transported. Specifically, the developing sperm of the amphibian, insects, and decapod crustacea. The article will also be used by students in research in developmental biology. Application received by Commissioner of Customs: December 14, 1971.

Docket No. 72-00287-98-29800. Applicant: University of Hawaii, High Energy Physics Group, 2565 The Mall, Physical Science Building, Honolulu, Hawaii 96822. Article: Automatic Film Measuring Device. Manufacturer: Laser-Scan, Ltd., United Kingdom. Intended use of article: The article is intended to be used in bubble chamber research in studies of three dimensional events as recorded on film occurring in high energy physics. Application received by Commissioner of Customs: December 20, 1971.

Docket No. 72-00288-65-46040. Applicant: Newark College of Engineering, 323 High Street, Newark, NJ 07102. Article: Electron microscope, Model JEM-120 and accessories. Manufacturer: JEOI Ltd., Japan. Intended use of article: The article is intended to be used by both graduate students and faculty for investigations of crack initiation and propagation, order-disorder transformations, nature of whisker nucleation and growth, fatigue and creep, and alloy strengthening. In addition the article will be used in the following courses: Engineering Materials, Microscopy and Diffraction in Materials, Materials Science II, and Advanced Materials Science Lab. Application received by Commissioner of Customs: December 20, 1971.

Docket No. 72-00289-01-46040. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Md. 21218. Article: Electron microscope, JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for electron microscopic studies which include the following:

(1) Formation of tropocollagen molecules from their constituent gelatin chains.

(2) Morphological abnormalities found in some histidine regulatory mutants of *Salmonella typhimurium*.

(3) Localization of Drosophila alcohol dehydrogenase activity in cells of the fat body.

(4) Appearance of alcohol dehydrogenase activity in the cells of the developing imaginal discs.

(5) Localization by appropriate electron microscope biochemistry of B-hydroxybutyrate dehydrogenase activity in the fat body.

Application received by Commissioner of Customs: December 20, 1971.

Docket No. 72-00290-01-77040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Mass spectrometer, Model MAT 731. Manufacturer: Varian MAT, G.m.b.H., West Germany. Intended use of article: The article is intended to be used in studies on various compounds such as antibiotics, nucleosides, carbohydrates, steroids, terpenes, fatty acids and triglycerides, peptides, alkaloids, microbial pigments, insects pheromones and hormones, phytoalexins, pesticides, heterocyclic compounds, and organometallic compounds. The experiments will be performed to determine the complete high resolution mass spectrum of the compound under investigation and the isotopic enrichment of individual ions at high resolution.

The article will also be used in various chemistry courses for training of students in research techniques as well as in operation of the instrument. Application received by Commissioner of Customs: December 20, 1971.

Docket No. 72-00292-99-07500. Applicant: State University College of New York, Brockport, N.Y. 14420. Article: Calorimeter system, Model LKB 8700. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in chemistry courses to familiarize students with modern precision calorimetry as applied to physicochemical measurements, instrumental analysis, inorganic thermochemistry, biochemical studies and research techniques in thermochemistry for the study of the energetics of organic reactions and their mechanisms. Application received by Commisioner of Customs: December 23, 1971.

Docket No. 72-00293-33-46500. Applicant: Veterans Administration Hospital, 800 Stadium Road, Columbia, MO 65201. Article: Ultramicrotome, Model LKN 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for three dimensional sectioning of human bone marrow and soft tissue tumors in connection with diagnosis and therapy of selected human neoplasms. The article will also be used in the training of physicians for specialties in laboratory medicine including interpretation and preparation of material for electron microscopy. Application received by Commissioner of Customs: December 23, 1971.

Docket No. 72-00294-33-46500. Applicant: Veterans Administration, Brooklyn Veterans Administration Hospital, 800 Poly Place, Brooklyn, NY 11209. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for three dimensional sectioning of a variety of tissues to reveal the ultrastructural changes under pathologic conditions, specifically lymphademitis. Application received by Commissioner of Customs: December 23, 1971.

Docket No. 72-00295-33-46040. Applicant: Columbia University, Institute of Cancer Research, 99 Fort Washington Avenue, New York, NY 10032. Article: Electron microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of cells and tissues from cases of plasma cell dyscrasia (multiple myeloma, macroglobulinemia amyloidosis, the heavy chain disease, etc.) and monocytic and monomyelocytic leukemias and for examining human and animal tumors for virus particles. The article will also be used for training of post and predoctoral trainees in the operation of the electron microscope. Application received by Commissioner of Customs: December 23, 1971.

Docket No. 72-00296-33-46500. Applicant: Tufts University School of Medicine, 136 Harrison Avenue, Boston, MA 02111. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for thick and thin sectioning of biological materials (animal and human tissues) to be examined from a histochemical and morphological view. Application received by Commissioner of Customs: December 28, 1971.

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

[FR Doc.72-3590 Filed 3-8-72;8:52 am]

## UNIVERSITY OF CALIFORNIA

### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00278-70-41700. Applicant: University of California, Lawrence Livermore Laboratory, Post Office Box 808, Livermore, CA 94550. Article: Laser Equipment consisting of: amplifier heads, beam expanding telescopes, Farady Effect Optical Isolator and various spare parts. Manufacturer: Compagnie Generale d'electricite, France. Intended use of article: The article is intended to be used in determining their suitability for use as elements of an optical amplifier system of 1.06 $\mu$m wavelength laser pulses, the duration of which will vary between 40 and 200 picoseconds. The laser system is intended to be a diffraction-limited, laser medium damage-limited apparatus for the production of highly-ionized plasmas. Application received by Commissioner of Customs: December 10, 1971.

Docket No. 72-00321-33-46040. Applicant: Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York, NY 10021. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used to examine biological materials in a detailed study of the nucleocapsids of animal viruses and an integrated study of virus-infected cells correlating morphological events with physical, chemical, and biochemical changes occurring within those cells. Application received by Commissioner of Customs: January 18, 1972.

Docket No. 72-00336-33-46040. Applicant: University of Colorado, Department of Purchasing Services, Regent Hall, Room 122, Boulder, Colo. 80302. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine biological specimens (whole cells, grown in tissue culture, sections of intact tissues of a wide variety, sections of algae cells, whole and sectioned chromosomes, strands of DNA isolated from chromosomes, isolated myofibrils, etc.) in studies of cell and tissue fine structure. The article will also be used as a demonstration instrument and to provide teaching materials in courses designed to introduce the students to molecular and cellular biology. Application received by Commissioner of Customs: January 24, 1972.

Docket No. 72-00337-99-66700. Applicant: University of Iowa, University Computer Center, East Hall, Iowa City, Iowa 52240. Article: Teleprinter Projector, Model 2510T. Manufacturer: I. P. Sharp Associates, Canada. Intended use of article: The article is intended to be used to show classes information coming off a computer on a remote terminal. Application received by Commissioner of Customs: January 24, 1972.

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

[FR Doc.72-3591 Filed 3-8-72;8:53 am]

## UNIVERSITY OF PITTSBURGH SCHOOL OF MEDICINE

### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00297-33-46500. Applicant: University of Pittsburgh School of Medicine, Department of Pathology, Eye Pathology Laboratory, Eye and Ear Hospital, 230 Lothrop Street, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the ultrastructural investigation of a variety of ocular diseases, especially those changes involving the trabecular meshwork, cornea and retina. Application received by Commissioner of Customs: December 28, 1971.

Docket No. 72-00298-65-86300. Applicant: Northwestern University, The Technological Institute, 2145 Sheridan Road, Evanston, IL 60201. Article: Viscoelastometer, Model DDV-II. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article is intended to be used to assess the modulus of highly crystalline materials and relate it to existing knowledge of microstructure, study the effects of various levels of crystallinity on the mechanical losses due to noncrystalline regions and determine dynamic mechanical data needed to complement morphological information of polyethlene and polypropylene fibers. Application received by Commissioner of Customs: December 30, 1971.

Docket No. 72-00299-33-46040. Applicant: Barrow Neurological Institute of St. Joseph's Hospital and Medical Center, 350 West Thomas Road, Phoenix, AZ 85013. Article: Electron microscope, EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the continuation of (1) vascular leakage studies, (2) morphological investigation of radio frequency lesions, (3) systematic ultrastructural study of brain tumors as well as selected brain biopsies, (4) viral studies of the central nervous system, and (5) enzyme localization. Application received by Commissioner of Customs: December 30, 1971.

Docket No. 72-00301-98-78000. Applicant: Indiana University, Department of Physics, Bloomington, Ind. 47402. Article: Fourier Spectrophotometer, FS-720. Manufacturer: Beckman-RIIC, Ltd., United Kingdom. Intended use of article: The article will be used in analyzing the beam of a far-infrared gas laser constructed by the applicant in order to determine which of the many possible lasing frequencies exist for any given configuration. The article will also be used in determining the absorption strengths, and line width of electronic transitions in order to determine their usefulness for the generation of phonons. Application received by Commissioner of Customs: December 30, 1971.

Docket No. 72-00302-33-46040. Applicant: College of Medicine and Dentistry of New Jersey, 100 Bergen Street, Newark, NJ 07103. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used in extensions of ongoing studies of (1) mitochondrial structure and function, (2) mechanisms of mitochondrial enlargement and division, (3) bacterial structure and (4) membrane structure and function. Application received by Commissioner of Customs: December 30, 1971.

Docket No. 72–00303–33–46040. Applicant: The University of Connecticut, Storrs, Conn. 06268. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used in experiments to determine the ultrastructure and intracellular localization of biological substances in the cells, tissues, and organisms being studied. These materials include unicellular algae, cell walls, endocrine glands, receptor organs, oviducts, electric organs synapses, cell membranes, plant viruses, bacterial viruses, developing bones and other materials. In addition the article will be used in teaching a graduate course in biological electron microscopy. Application received by Commissioner of Customs: January 6, 1972.

Docket No. 72–00304–33–19000. Applicant: Boston University School of Medicine, 80 East Concord Street, Boston, MA 02118. Article: Digital Precision Density Meter. Manufacturer: Anton Paar K. G., Austria. Intended use of article: The article is intended to be used for measurement of partial specific volumes of bile salts, bile salt-lecithin and bile salt-lecithin-cholesterol mixed micelles and lecithin and cholesterol suspensions in experiments used to form a theoretical basis for pathophysiological studies of gallstone formation. Application received by Commissioner of Customs: January 6, 1972.

Docket No. 72–00305–33–90000. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, N.Y. 11973. Article: Rotating anode X-ray generator GX–6. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used to provide a uniquely intense, small source of X-rays. This source, in conjunction with special cameras, will be used to obtain X-ray photographs of bacteriophages and other macromolecular structures. The structural information to be derived from these photographs should advance the understanding of the basic mechanisms of virus assembly, and thereby eventually contribute to the control of disease of viral origin. Application received by Commissioner of Customs: January 6, 1972.

Docket No. 72–00306–33–77040. Applicant: University of California, San Francisco, Purchasing Deparment, 1438 South 10th Street, Richmond, CA 94804. Article: Mass spectrometer, Model MS–902. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article is intended for use in analytical chemical and biochemical problems of importance in medical and other health-related research to determine the composition and structure of molecules available in only minute quantities, and usually either isolated from biochemical transformations, or frequently in disease conditions as metabolic products or as the result of congenital biochemical disorders in hormonal or related systems. Application received by Commissioner of Customs: January 6, 1972.

Docket No. 72–00307–01–77040. Applicant: University of Florida, Department of Chemistry, 109 Leigh Hall, Gainesville, FL 32601. Article: Mass spectrometer, Model MS 30. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article will be used in a number of research projects such as (1) correlation of electron impact induced decarbonylation of ketones with photochemistry, (2) mass spectrometry of carbonium ion salts (3) study of chlorocarbon ions etc. The article will also be used in the course Cy 656 to train students to deduce the structure of an organic compound from its IR, UV, NMR and mass spectra. Application received by Commissioner of Customs: January 11, 1972.

Docket No. 72–00308–09–46040. Applicant: Eastern Connecticut State College, 83 Windham Street, Willimantic, CT 06226. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the training of biology majors in the principles and practices of electron microscopy as an extension of courses in basic microtechnique, histology, cell biology, virology, immunology, and genetics. In addition the article will be utilized for training of medical technicians to provide the resident pathologists with a tool to aid in diagnosis and tissue evaluation of disease where ultrastructure might be of value. The article will also be used by the faculty for a wide range of research projects. Application received by Commissioner of Customs: January 11, 1972.

Docket No. 72–00309–33–46040. Applicant: University of Colorado, Department of Molecular, Cellular & Developmental Biology, Biosciences 126, Boulder, Colo. 80302. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the examination of biological specimens, namely (a) whole cells, grown in tissue culture, (b) sections of intact tissues of a wide variety, (c) sections of algae cells, (d) whole and sectioned chromosomes, (e) strands of DNA isolated from chromosomes and (f) isolated myofibrils in studies of cell and tissue fine structure. Application received by Commissioner of Customs: January 11, 1972.

Docket No. 72–00310–60–07700. Applicant: Texas A & M University System, Texas Forest Service, College Station, Tex. 77843. Article: Aerial Survey Camera. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research studies which include the following:

(1) Visual monitoring through repeated surveys of the incidence, location and rate of spread of southern pine beetle attack on southern pine stands in Texas;

(2) Identifying the existence and location of other forest tree insects and diseases as well as agricultural pests such as fire ants;

(3) Measuring changes in land use over both the forested and nonforested portions of Texas and for the evaluation of soil-site characteristics related to agricultural crop production. Application received by Commissioner of Customs: January 11, 1972.

Docket No. 72–00311–01–77030. Applicant: University of New Hampshire, Durham, N.H. 03824. Article: NMR spectrometer, Model JNM–MH–100. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies in structural stereochemistry. Experiments to be performed involve routine scans, multiple scan spin decoupling, variable temperature, and flourine spectra. The article will also be used as an integral part of the instruction in Chem. 548 and 652, Chem. 708 and Chem. 755. Application received by Commissioner of Customs: January 11, 1972.

Docket No. 72–00313–12–90500. Applicant: University of Florida, M–452, College of Medicine, Department of Medical Microbiology, Gainesville, Fla. 32601. Article: Electrical exposure shutter with equipment for exposure measurement. Manufacturer: Siemens, AG, West Germany. Intended use of article: The article is an accessory for an existing electron microscope. Application received by Commissioner of Customs: January 11, 1972.

Docket No. 72–00313–12–20500. Applicant: National Aeronautics and Space Administration, Langley Research Center, Hampton, Va. 23365. Article: Four (4) motor-controlled, bidirectional actuator assemblies. Manufacturer: Spar Aerospace Products, Ltd., Canada. Intended use of article: The article is intended to be used in experiments to obtain data on the effects of meteoroid impacts on spacecraft and on those factors which will minimize meteoroid impact damage needed by spacecraft designers as well as data of fundamental value to scientists. Application received by Commissioner of Customs: January 11, 1972.

Docket No. 72–00314–81–73620. Applicant: Woods Hole Oceanographic Institution, Woods Hole, Mass. 02543. Article: Water samplers. Manufacturer: Hydro-Bios Apparatebau G.m.b.H., West Germany. Intended use of article: The article is intended to be used to collect large volume seawater samples at various depths in the ocean. These samples will be analyzed for strontium-90, radium-226, carbon-14, and cesium-137 to study the distributor of these "bomb" products in the world oceans. Application received by Commissioner of Customs: January 13, 1972.

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

[FR Doc.72-3589 Filed 3-8-72;8:52 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### AMERICAN CYANAMID CO.

#### Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2768) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of acrylonitrile polymer with styrene and 2-vinyl-2-imidazoline, acetate as a component of paper and paperboard.

Dated: March 1, 1972.

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

[FR Doc.72-3563 Filed 3-8-72;8:50 am]

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-157]

### ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT

#### Delegations of Authority

The Secretary is amending the delegations of authority to the Assistant Secretary and the Deputy Assistant Secretary for Housing Production and Mortgage Credit (36 F.R. 5006, March 16, 1971) to reflect the transfer of responsibilities with respect to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701–1720, title XIV of the Housing and Urban Development Act of 1968) to the Interstate Land Sales Administrator and a new delegation with respect to such transfer is being issued by separate document, both changes to be effective as of March 1, 1972. Also, by separate document issued concurrently with this amendment, 24 CFR 1700.10, 1700.15, 1700.20, and 1700.75 are being amended to reflect this transfer of interstate land sales responsibilities.

Accordingly, the delegation is amended as follows:

1. By deleting subsection 7 of section A and redesignating sections 8, 9, and 10 as 7, 8, and 9, respectively.

2. By deleting in section C the words, "except rules and regulations under 1416(a) * * *." and placing a period rather than a comma following the words, "* * * and authority delegated under section A."

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

*Effective date.* The effective date of this amendment is March 1, 1972.

GEORGE ROMNEY,
*Secretary of Housing and Urban Development.*

[FR Doc.72-3635 Filed 3-8-72;8:56 am]

[Docket No. D-72-159]

### INTERSTATE LAND SALES ADMINISTRATOR

#### Designation

George K. Bernstein is designated to serve as the Interstate Land Sales Administrator in the Department of Housing and Urban Development, with all of the powers, functions, and duties delegated or assigned to that position.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Secretary's delegation of authority being published concurrently with this delegation)

*Effective date.* This delegation shall be effective as of March 1, 1972.

GEORGE ROMNEY,
*Secretary of Housing and Urban Development.*

[FR Doc.72-3637 Filed 3-8-72;8:56 am]

[Docket No. D-72-158]

### INTERSTATE LAND SALES ADMINISTRATOR AND DEPUTY ADMINISTRATOR

#### Delegation of Authority

The Secretary is issuing a new delegation of authority to the Interstate Land Sales Administrator and the Deputy Administrator with respect to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701–1720, Title XIV of the Housing and Urban Development Act of 1968). The current delegation of authority to the Assistant Secretary and the Deputy Assistant Secretary for Housing Production and Mortgage Credit (36 F.R. 5006, March 16, 1971) is also being amended by separate document to exclude responsibilities with respect to such matters, both changes to be effective as of March 1, 1972. Also by separate document issued concurrently, 24 CFR 1700.10, 1700.15, 1700.20, and 1700.75 are being amended to reflect this transfer of interstate land sales registration responsibilities.

Accordingly, a new delegation of authority to the Interstate Land Sales Administrator and the Deputy Administrator is issued to read as follows:

SECTION A. *Delegation of authority.* The Interstate Land Sales Administrator and the Deputy Administrator each is authorized to exercise the power and authority of the Secretary with respect to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701–1720, Title XIV of the Housing and Urban Development Act of 1968), except the authority to:

1. Conduct hearings in accordance with 5 U.S.C. 556 and 557.

2. Issue orders or determinations after such hearings.

3. Issue rules and regulations under section 1416(a) of the Interstate Land Sales Full Disclosure Act, prescribing rights of appeal from the decisions of hearing examiners.

4. Transmit evidence of apparent violations in the Act to the Attorney General of the United States for the institution of any appropriate criminal proceedings under section 1415(a) of the Act.

5. Sue and be sued.

SEC. B. *Authority to redelgate.* The Administrator is authorized to delegate to employees of the Department any of the authority delegated under section A of this delegation.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

*Effective date.* The effective date of this amendment is March 1, 1972.

GEORGE ROMNEY,
*Secretary of Housing and Urban Development.*

[FR Doc.72-3636 Filed 3-8-72;8:56 am]

[Docket No. D-72-155]

### ASSISTANT REGIONAL ADMINISTRATORS FOR COMMUNITY DEVELOPMENT ET AL.

#### Redelegation of Authority Regarding Model Cities Program

The redelegation of authority by the Assistant Secretary for Model Cities to Regional Administrators et al., published at 35 F.R. 15178, September 29, 1970, and amended at 36 F.R. 4303, March 4, 1971, and 36 F.R. 17878, September 4, 1971, is amended in the following respects:

1. A new section B is added to read as follows:

SEC. B. *Authority redelegated with respect to Model Cities Program to Assistant Regional Administrators for Community Development.* Each Assistant Regional Administrator for Community Development is authorized to exercise the power and authority redelegated in section A2 to Assistant Regional Administrators for Model Cities.

2. The present section B is redesignated as section C and is revised to read as follows:

SEC. C. *Exercise of redelegated authority.* Redelegations of final authority pursuant to sections A and B of this redelegation shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator or Deputy Regional Administrator to whom Assistant Regional Administrators, Area Directors, and Deputy Area Directors are responsible.

3. The present section C is redesignated as section D.

(Secretary's delegation of authority to redelegate published at 36 F.R. 5004, March 16, 1971)

*Effective date.* This amendment to redelegation of authority is effective as of July 1, 1971.

JOHN A. NEVIUS,
*Acting Assistant Secretary for Community Development.*

[FR Doc.72-3638 Filed 3-8-72;8:57 am]

[Docket No. D-72-156]

## REGIONAL ADMINISTRATORS ET AL.

### Redelegation of Authority Regarding Model Cities Program

SECTION A. *Authority redelegated to Regional Administrators and their Deputies.* Each Regional Administrator and each Deputy Regional Administrator of the U.S. Department of Housing and Urban Development is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the Model Cities program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301–3313), except the authority:

a. To make contracts for urban renewal projects under section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453), pursuant to section 113 of the Demonstration Cities and Metropolitan Development Act of 1966.

b. Under section 107 (42 U.S.C. 3307) with respect to relocation requirements and payments: *Provided, however,* That each Regional Administrator and Deputy Regional Administrator is authorized to include funds for relocation payments in letters of credit to cities, and to approve requisitions for supplemental grants for relocation payments.

c. To make reservations or allocations of grant funds.

d. To approve initial Comprehensive City Demonstration programs.

e. To suspend or terminate Federal grant assistance.

f. To effect a diminution of Model Cities funding, or to defer such funding to a subsequent fiscal year.

g. To issue rules and regulations.

*Provided, however,* That no final approval of a new year's funding, nor any amendments which require departmental approval, shall be made unless there is an opportunity for interagency review and comments.

SEC. B. *Authority redelegated to Area Directors, their Deputies, and the Assistant Regional Administrator, Region VIII (Denver).* Each Area Director, each Deputy Area Director, and the Assistant Regional Administrator for Community Development, Region VIII (Denver), is authorized to exercise the power and authority redelegated to the Regional Administrators in section A.

SEC. C. *Exercise of redelegated authority.* Redelegations of final authority made under section B of this redelegation shall not be construed to modify nor otherwise affect nor detract from the administrative and supervisory powers of the Regional Administrator or Deputy Regional Administrator to whom a delegate is responsible.

SEC. D. *Supersedure of prior redelegation.* The redelegation of authority issued by the Assistant Secretary for Model Cities with respect to Model Cities effective September 1, 1970 (35 F.R. 15178, September 29, 1970), is superseded by this redelegation.

(Secretary's delegation of authority effective Mar. 8, 1971, published at 36 F.R. 5004, Mar. 16, 1971.)

*Effective date.* This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER (3–9–72).

FLOYD H. HYDE,
*Assistant Secretary for Community Development.*

[FR Doc.72-3639 Filed 3-8-72;8:57 am]

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

[CGFR 72-46]

## EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from September 3, 1971 to January 28, 1972 (List No. 3–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

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

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

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/57/2, 3.75' x 3.0' x 0.79' box float type buoyant apparatus, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane plastic core, 12-person capacity, dwg. No. 21960A dated February 1, 1965, Specification No. 6160A dated February 1, 1965, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.010/57/1 dated January 19, 1970, to show change in construction.)

Approval No. 160.010/62/1, 5.0' x 2.67' (7½'' x 10'' body section) peripheral-body type buoyant apparatus, fibrous glass reinforced plastic (FRP) shall with unicellular polyurethane core, 8-person capacity, dwg. No. 21962 dated August 16, 1964, Specification No. 6162 dated August 18, 1964, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.010/62/0 dated September 11, 1969, to show change in construction.)

Approval No. 160.010/63/1, 6.0' x 4.0' box-float type buoyant apparatus, fibrous glass reinforced plastic (FRP) shall with unicellular polyurethane core, 20-person capacity, dwg. No. 21961 dated August 16, 1964, Specification No. 6161 dated August 18, 1964, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.010/63/0 dated September 11, 1969 to show change in construction.)

Approval No. 160.010/67/1, 7.5' x 4.0' (10'' x 11½'' body section) rectangle (peripheral-body type) buoyant apparatus, fibrous glass reinforced plastic (FRP) shell, with unicellular polyurethane foam core, 20-person capacity, dwg. No. 8620-4-67 dated April 3, 1967, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.010/67/0 dated May 19, 1967 to show change in construction.)

Approval No. 160.010/68/1, 5.0' x 2.67' (7½'' x 10'' body section) peripheral-body type buoyant apparatus, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane core, 5-person capacity, dwg. No. 8705/6/67 dated June 2, 1967, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.010/68/0 dated June 16, 1967 to show change in construction.)

LIFEFLOATS FOR MERCHANT VESSELS

Approval No. 160.027/60/1, 5.0' x 2.67' (7½'' x 10'' body section) peripheral-body type lifefloat, fibrous glass reinforced plastic (F.R.P.) shell with unicellular polyurethane core, 6-person capacity, dwg. No. 21963 dated August 16, 1964, Specification No. 6163 dated August 18, 1964, Bill of Materials dated Decem-

ber 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.027/60/0 dated September 11, 1969, to show change in construction.)

Approval No. 160.027/61/2, Model 8610, 7.0' x 3.16' (9" x 11¼" body section) rectangular lifefloat, fibrous glass reinforced plastic (F.R.P.) shell with unicellular polyurethane foam core, 10-person capacity, dwg. No. 21968 dated February 1, 1965, and revised November 11, 1967, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.027/61/1 dated November 27, 1967, to show change in construction.)

Approval No. 160.027/62/1, 7.5' x 4.0' (10.5" x 10.0" body section) rectangular lifefloat, fibrous glass reinforced plastic (F.R.P.) shell with unicellular polyurethane foam core, 15-person capacity, dwg. No. 21969 dated February 1, 1965, and revised March 29, 1965, Bill of Materials dated December 28, 1971, and COMDT (MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.027/62/0 dated April 10, 1970, to show change in construction.)

Approval No. 160.027/63/1, 9.0' x 5.1' (12½" x 12" body section) rectangular life float, fibrous glass reinforced plastic (FPR) shell with unicellular polyurethane foam core, 25-person capacity, dwg. No. 21970 dated February 1, 1965, and revised March 29, 1965, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.027/63/0 dated April 10, 1970, to show change in construction.)

Approval No. 160.027/70/1, 7.0' x 3.16' (9" x 11¼" body section) rectangular life float, fibrous glass reinforced plastic (FRP) shell with unicellular polyurethane foam core, 11-person capacity, dwg. No. 8611/11/66 dated November 31, 1966, and revised May 16, 1967, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.027/70/0 dated May 16, 1967, to show change in construction.)

Approval No. 160.027/71/1, Model 8712, 7.0' x 3.16' (9" x 11¼" body section) rectangular life float, fibrous glass reinforced plastic (F.R.P.) shell with unicellular polyurethane foam core, 12-person capacity, dwg. No. 8712/10/67 dated October 13, 1967, Bill of Materials dated December 28, 1971, and COMDT(MMT-3) letter dated January 28, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 28, 1972. (It supersedes Approval No. 160.027/71/0 dated November 28, 1967, to show change in construction.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/635/0, Type I, Model AK-1, adult kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Peerless Maid Plastics, Inc., Box 38, Farmington, MN 55024, effective January 27, 1972.

Approval No. 160.047/636/0, Type I, Model CKM-1, child medium kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Peerless Maid Plastics, Inc., Box 38, Farmington, MN 55024, effective January 27, 1972.

Approval No. 160.047/637/0, Type I, Model CKS-1, child medium kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Peerless Maid Plastics, Inc., Box 38, Farmington, MN 55024, effective January 27, 1972.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/54/1, Type II, Model 8130, adult molded vinyl dip coated unicellular plastic foam life preserver, dwg. No. 22000, Rev. 2, dated October 14, 1970, and dwg. No. 22000-1 dated January 6, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 26, 1972. (It supersedes Approval No. 160.055/54/1 dated November 24, 1970.)

Approval No. 160.055/55/1, Type II, Model 8131, child molded vinyl dip coated unicellular plastic foam life preserver, dwg. No. 22000, Rev. 2, dated October 14, 1970, and dwg. No. 22000-1 dated January 6, 1972, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 26, 1972. (It supersedes Approval No. 160.055/55/1 dated November 24, 1970.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/93/1, Clark-Reliance Electro Eye-Hye secondary type boiler water-level indicator consisting of electrolev water-level sensor, control unit, and 10-light indicator, with light test switch optional. Approval of Model EL450 and Type EA 15-5T electrode is for a maximum allowable working pressure of 450 p.s.i.g. at 456° F., weld joints revised per C-R dwgs. No. B-12875 and B-9044-12, all other details are the same as those approved previously, manufactured by Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, effective January 26, 1972. (It reinstates and supersedes Approval No. 162.025/93/0 terminated May 6, 1969.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/96/0, Chrysler/Volvo flame arrester No. 886473 for Zenith Stromberg twin carburetor 175 CD, manufactured by Chrysler Corp., Marine Division, 841 Huron Boulevard, Marysville, MI 48040, effective September 3, 1791. (It is an extension of Approval No. 162.041/96/0 dated November 10, 1966.)

Dated: March 2, 1972.

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

[FR Doc.72-3595 Filed 3-8-72;8:53 am]

# ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-254, 50-265]

## COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

### Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations for the Quad-Cities Nuclear Power Station

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplemental Information to the Quad-Cities Units 1 and 2 Environmental Report" dated November 16, 1970, and supplements to the report, dated November 16, 1971, and January 4, 1972 (collectively "the report"), submitted by Commonwealth Edison Co. are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Moline Public Library, 504 17th Street, Moline, IL 61265. The report is also being made available to the public at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Ill. 62706, and the Bi-State Metropolitan Planning Commission, 1054 Third Avenue, Rock Island, IL 61201.

This report discusses environmental considerations related to the proposed issuance of an operating license for the Quad-Cities Nuclear Power Station Unit No. 2 and the continued operation of the Quad-Cities Nuclear Power Station Unit No. 1, located in Rock Island County, Ill.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of an operating license for the Quad-Cities Nuclear Power Station Unit 2, and the continued operation of the Quad-Cities Nuclear Power Station Unit 1, dated March 6, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's March 6, 1972, draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission,

Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the draft detailed statement and final detailed statement for which notices of availability were published in the FEDERAL REGISTER on January 21, 1971 (36 F.R. 1002), and July 23, 1971 (36 F.R. 13699), respectively.

Pursuant to sections A.7 and D.1 of Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 6th day of March 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-3671 Filed 3-8-72;8:57 am]

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[Docket No. 50-244]

## ROCHESTER GAS AND ELECTRIC CORP.

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

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on January 26, 1972 (37 F.R. 1182), the Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Provisional Operating License No. DPR-18 to the Rochester Gas and Electric Corp. (RG&E) as proposed in that notice. The amendment authorizes RG&E to operate its R. E. Ginna Nuclear Power Plant Unit No. 1 located on the south shore of Lake Ontario in Wayne County, N.Y., at steady state power levels up to a maximum of 1,520 megawatts (thermal), in accordance with the license, as amended, and RG&E's application notarized February 2, 1971, and subsequent amendments thereto.

The Commission has found that the application, as amended, for the provisional operating license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations, which are set forth in the license amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment, including the revised Technical Specifications, is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or a copy may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 1st day of March 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
*Assistant Director for Reactor Licensing, Division of Reactor Licensing.*

[FR Doc.72-3515 Filed 3-8-72;8:45 am]

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[Docket No. 50-122]

## UNIVERSITY OF WYOMING

### Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 3 to Facility License No. R-55. The license presently authorizes The University of Wyoming to possess, use and operate the L-77 solution-type nuclear reactor located on its campus in Laramie, Wyoming, at steady state power levels up to 10 watts (thermal). The amendment incorporates Technical Specifications in the license for operation of the reactor which were submitted by the University by letter dated October 11, 1971, for Commission approval and inclusion in License No. R-55. In addition, the amendment restates the license in its entirety, in current license format.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of this amended license is not required since the operation of the facility in accordance with the terms of the amended license does not involve significant hazards considerations different from those previously evaluated.

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

For further details with respect to this amendment, see (1) The University of Wyoming's application for license amendment dated October 11, 1971, and (2) Amendment No. 3 to Facility License No. R-55 (including the Technical Specifications), both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of item (2) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of February 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
*Assistant Director for Reactor Operations, Division of Reactor Licensing.*

[FR Doc.72-3516 Filed 3-8-72;8:45 am]

# CIVIL AERONAUTICS BOARD

[Docket No. 24165]

## COMPANIA MEXICANA DE AVIACION, S.A. (CMA)

### Notice of Postponement of Prehearing Conference and Hearing

Foreign air carrier permit amendment to authorize service to St. Louis, Missouri; Chicago, Illinois; and Kansas City, Missouri.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on March 9, 1972 (37 F.R. 3784, Feb. 19, 1972) is hereby postponed to March 17, 1972, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington DC. The postponement is at the request of the applicant.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 8, 1972.

Dated at Washington, D.C., March 3, 1972.

[SEAL] WILLIAM H. DAPPER,
*Hearing Examiner.*

[FR Doc.72-3615 Filed 3-8-72;8:54 am]

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[Docket No. 17909, etc.; Order 72-3-7]

## SERVICE MAIL RATES

### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1972. Establish-

ment of service mail rates for space available mail under the authority of Public Law 89–725 and certain categories of mail for which space available airlift is authorized by Public Law 90–206, Docket 17909; service mail rates for transatlantic and transpacific priority mail and military ordinary mail, Docket 18078; establishment of service mail rates for Continental Air Lines, Inc., Docket 19973; Latin American service mail rate for priority mail, Docket 20415; establishment of service mail rate for Mackey International, Inc., Docket 21609.

The Postmaster General (PMG), on June 15, 1971, moved the Board for leave to file an otherwise unauthorized document consisting of a petition not intending to reopen the rates, but, instead, requesting the Board to modify the final service mail rate orders listed in the petition, effective on and after July 1, 1971, by revising upward the rates established therein at a percentage consistent with the circuity percentage derived by comparing standard mileages in effect during fiscal year 1969 with nonstop great circle mileages. The petition also requests amendment of the aforesaid orders to provide for the use of nonstop great circle mileages, rather than standard mileages, from July 1, 1971, forward, as the basis for computing service mail pay at the rates specified in the petition. Thus, the PMG's petition, in effect, changes the basis for computing mileages and modifies the rates proportionately so as to produce the same dollars of mail pay.

The Flying Tiger Line Inc. (FTL) and Northwest Airlines, Inc. (Northwest) filed answers to the petition and the PMG sought leave to file an answer to FTL's answer. No objections to entertaining these documents have been filed. We will grant the motions of the PMG. FTL's answer supports the PMG's petition insofar as it requests the establishment of nonstop great circle mileages, but objects to the petition's leaving unresolved the matter of establishing standard mileages for FTL's transpacific services for the period beginning August 1, 1969.[1] The PMG's answer opposes FTL's position. The standard mileages to be applied to FTL's past period services are presently pending in a separate proceeding involving complex problems which need not be resolved in order to establish mileages to be applicable to future services of all the carriers as proposed herein. Therefore, we will proceed separately on the two issues.[2]

The Board has concluded that the existing rate orders should be amended as proposed by the PMG by revising the rates established therein by a percentage consistent with the circuity percentages derived by comparing the standard mileages in effect during fiscal year 1969 with the nonstop great circle mileages.[3] During the past several years, the Board has had the responsibility to establish and publish standard mileages for the transatlantic, transpacific and Latin America mail rate areas. Some obvious advantages of the new proposal are that the Board's workload will be minimized and billing procedures will be simplified for the carriers and the Postal Service. Moreover, both the Postal Service and the carriers will be spared the difficult, expensive, and inconvenient process of computing and tabulating new standard mileages.

As indicated in the petition, for the past 9 months, the parties and the Board's staff have attended meetings, exchanged correspondence, and submitted proposals and criticisms in an effort to reach agreement regarding the replacement of standard mileages with nonstsop great circle mileages for transatlantic, transpacific, and Latin America services. The PMG explains that, in order to permit the adoption of nonstop great circle mileages, the Postal Service has calculated the percent circuity between the standard mileages, in effect during fiscal year 1969, and nonstop great circle mileages and has calculated new rates by applying the resultant circuity factors to the existing rates. As further explained, because a single circuity factor for each rate area would have too severe an impact upon the mail compensation of individual carriers, several circuity factors have been developed for application within a particular rate area, which automatically requires that each area rate be fragmented into several rates.[4]

The effect of adopting the PMG's proposal as it would have applied to fiscal year 1969 mail volumes is shown in Appendix B.[5] The overall change in mail compensation due to the great circle mileage adjustment would have been almost nil when viewed as a difference between estimated mail compensation for fiscal year 1969, computed at current rates and standard miles, and such compensation computed at adjusted rates and great circle miles. However, because the degree of circuity varies from carrier to carrier, it is apparent that the shift to nonstop great circle miles would have produced some change in individual carrier results. As shown in Appendix B,[5] for fiscal year 1969, the effect on mail yields for individual carriers would have ranged from a maximum decrease of 0.5 percent to a maximum increase of 1.7 percent, with a total overall change of less than 0.05 percent.[6] However, as indicated in Appendix B,[5] the two carriers that would have been most affected by the changes in rates are Northwest and Pan American, the increase in compensation for Northwest being offset by the decrease for Pan American. The changes in rates would also have resulted in a small increase in compensation for Seaboard.

As indicated in Appendix B,[5] the estimated changes in compensation were calculated for fiscal year 1969. Because of rate equalizations subsequent to that period, the changes in rates could be somewhat different for later periods. However, there is no practicable way of updating the estimated changes in compensation due to the great circle mileage adjustment.

In our judgment the use of nonstop great circle mileages in calculating mail compensation will be more equitable for both the carriers and the PMG than the use of mileages as currently computed. Some increases and decreases in individual-carrier compensation for these services will inevitably result from the revision of the ton-mile rates necessary to preserve the uniform rates of compensation adopted in previous orders of the Board.[7] By the same token, there will be minimal effect on the transportation prices paid by the Postal Service (along with a probable reduction in administrative expense), and the inflationary impact, if any, of increased payments to

[1] FTL, by petition filed July 11, 1969, as amended August 26, 1969, and the PMG, by petitions filed August 20, 1969, and September 12, 1969, requested the Board to establish standard mileages for the computation of mail payments for FTL's transpacific operations which commenced August 1, 1969. On December 5, 1969, the Board adopted Show Cause Order 69–12–31 proposing to establish standard mileages for FTL's transpacific services. Northwest and Pan American filed objections to the show cause order, and no final decision has been reached.

[2] FTL has informally indicated that it does not object to consideration of its mileage problem in a separate proceeding.

[3] Interested persons may obtain these mileages from the Records Services Section, Office of Facilities and Operations, Civil Aeronautics Board, Washington, D.C. 20428. Most of these mileages appear in the Book of Official CAB Airline Route Maps and Airport-to-Airport Mileages, and all are computed in accordance with the formula set forth in the Notice to Users of CAB official mileages issued May 21, 1970 (35 F.R. 8249).

[4] These rates, as specified for military ordinary mail (MOM), space-available military mail (SAM), and all other mail, and the services to which they apply, are set forth in Appendix C. The various points in each rate area are listed in Appendix A, which is filed as part of the original document. The ratemaking units will continue to be the areas for which the rates were originally established, i.e., transatlantic, transpacific, and Latin America.

[5] Appendix B filed as part of the original document.

[6] After eliminating the individual carrier results of Caribair, Delta, and Trans Caribbean which involve minor amounts of compensation having slight, if any, impact on the percentage of overall change in compensation resulting from the use of nonstop great circle miles.

[7] As indicated previously, the PMG's motion of June 15, 1971, specifically requested permission to file the petition to amend the mail rate orders without opening the rates. Those rates were, at the time of their adoption several years ago, based on industry average costs of service including a reasonable return on investment, and no provision for future inflation was included. The unit rate of compensation must of course be the same for all carriers providing the same services in order that the carriers retain competitive positions. Therefore, we could not establish different rates for each carrier for the same service based on individual carrier costs. Even the application of uniform unit rates results in different total compensation for carriers serving particular markets because of differences in route structures; and the equalization provisions in the various orders were adopted to permit a carrier to revise its compensation downward to match its competitor.

a few carriers and decreased payments to others will be insignificant. In any event, the revenue increase to any carrier will not increase the carrier's aggregate annual revenues by more than 1 percent.

In view of the foregoing, the Board will submit this order to show cause to the Price Commission, pursuant to § 300.16(b) of the Commission's regulations, proposing that any revenue increase to some of the carriers involved that may result from this proceeding be excepted from the certification requirements. In order that the Price Commission have sufficient time to consider this request, we propose to amend the prior rate orders effective April 1, 1972.

Based on the foregoing, the Board tentatively finds and concludes that:

Orders E–25654, September 8, 1967, as amended; 68–9–8, September 4, 1968, as amended; 68–9–9, September 4, 1968, as amended; 68–10–167, October 29, 1968; 69–10–149, October 30, 1969, as amended; and 69–12–108, December 24, 1969, should be amended by incorporating therein the rates per mail ton-mile set forth in Appendix C[8] of this order as the fair and reasonable rates of mail compensation to be paid, effective on and after April 1, 1972, to the carriers specified in each order for the services covered by each order. In computing such compensation, the mail ton-miles for each shipment of mail shall be based upon the nonstop great circle mileage between the points of origin and destination of each shipment. The nonstop great circle mileages shall be the mileages computed in accordance with the formula set forth in the Notice to Users of CAB official mileages issued May 21, 1970 (35 F.R. 8249).

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302,

*It is ordered*, That:

1. The motions of the Postmaster General for leave to file otherwise unauthorized documents, filed on June 15 and July 1, 1971, are granted.

2. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Hughes Air Corp. doing business as Air West, Mackey International, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Postmaster General, and the Department of Defense are directed to show cause why the Board should not amend Orders E–25654, September 8, 1967, as amended, 68–9–8, September 4, 1968, as amended, 68–9–9, September 4, 1968, as amended, 68–10–167, October 29, 1968, 69–10–149, October 30, 1969, as amended, and 69–12–108, December 24, 1969, as proposed above.

[8] Appendix C filed as part of the original document.

3. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions specified therein, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

4. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions stated herein.

5. If notice of objection and answer are filed, all issues going to the establishment of the rates shall be open, in accordance with Rule 319 of the Rules of Practice, except as limited in prehearing conference.

6. This order shall be served upon the parties enumerated in paragraph 2, above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.72–3616 Filed 3–8–72;8:56 am]

# CIVIL SERVICE COMMISSION

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Community Goals and Standards, Office of the Assistant Secretary for Community Planning and Management.

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

[FR Doc.72–3620 Filed 3–8–72;8:55 am]

# ENVIRONMENTAL PROTECTION AGENCY

## MERCK SHARP & DOHME

### Notice of Filing of Petition Regarding Pesticide Chemicals

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 2F1237) has been filed by Merck Sharp & Dohme, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in or on the raw agricultural commodity sugar beet tops at 10 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide involves extraction of residues into ethyl acetate. The extract is purified by a series of extraction procedures and determined spectrophotofluorometrically.

Dated: March 3, 1972.

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

[FR Doc.72–3520 Filed 3–8–72;8:46 am]

# FEDERAL COMMUNICATIONS COMMISSION

## EQUIPMENT CERTIFICATION

### Use of FCC Form 722

FEBRUARY 23, 1972.

FCC Form 722 has been specified by the Commission for use by applicants seeking certification of equipment under Parts 15 and 18 of the rules. Separate copies of the form should be submitted for each type of equipment for which certification is requested.

Requests for copies of Form 722 should be directed to the RF Devices Branch, Technical Division, Office of the Chief Engineer, FCC, Washington, D.C. 20554.

Persons using large numbers of the forms are authorized to reproduce it as required.

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

[FR Doc.72–3622 Filed 3–8–72;8:57 am]

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[Dockets Nos. 15752–15766; FCC 72–204]

## CHARLES W. JOBBINS ET AL.

### Order Modifying Order

In regard applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP–16157; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP–16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP–16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP–16161; C. D. Funk and George A. Baron, a partnership, doing business as Topanga Malibu Broadcasting Co., Topanga, Calif., Docket No. 15758, File No. BP–16164; California Regional Broadcasting Corp., Pasadena, Calif., Docket No. 15759, File No. BP–16165; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mardian, James B. Boyle, Robert M. Vaillancourt, and Edwin Earl, doing business as Crown City Broadcasting Co., Pasadena, Calif.,

Docket No. 15762, File No. BP-16168; Voice in Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP-16172; Western Broadcasting Corp., Pasadena, Calif., Docket No. 15765, File No. BP-16173; Pasadena Broadcasting Co., Pasadena, Calif., Docket No. 15766, File No. BP-16174; for construction permits.

1. The Commission has before it an application for review of a review board memorandum opinion and order, 29 FCC 2d 849, FCC 71R-160, released May 26, 1971, filed by Hughes Tool Co. on September 17, 1971. Also before the Commission are: (a) Comments on the application for review filed September 29, 1971, by the Broadcast Bureau; (b) comments on the application for review filed October 4, 1971, by Western Broadcasting Corp.; and (c) a reply to Western's comments filed October 18, 1971, by Hughes Tool Co.

2. It appearing, That the Review Board's above cited memorandum opinion and order, inter alia, severed the application of Orange from this consolidated proceeding, reopened the record and remanded Orange's application for further hearing on certain specified issues, two of which are pertinent to the instant application for review[1]; that Hughes Tool Co. was made a party to the proceeding for the limited purpose of participation with regard to Issue (c) quoted below; that Hughes Tool Co. now seeks review of the Review Board order, requesting that the portion of Issue (c) involving Hughes Tool Co. be deleted from the proceeding and that Hughes Tool Co. be severed therefrom, or, in the alternative, if said order be permitted to stand, that it also be made a party with respect to Issue (a).

3. It further appearing, that from a full consideration of the above mentioned pleadings filed herein, the Commission is of the view that the subject memorandum opinion and order of the Review Board was correct in the circumstances and that the issues and procedures specified therein are required for an appropriate determination of this proceeding; and that it is necessary to the development of a full record herein that Hughes Tool Co. be made a party hereto;

4. It further appearing, that due process and the expeditious dispatch of Commission business will better be served if Hughes Tool Co. is also permitted to participate as a party with regard to Issue (a) as well as to Issue (c), as requested in its prayer for alternative relief herein; and that the directive to the Hearing Examiner regarding the conduct of the required hearing, as set forth in paragraph 16 of the Review Board's memorandum opinion and order of May 26, 1971, cited above, is sufficient to protect the legitimate interests of Hughes Tool Co. against any asserted unfairness in the orderly and efficient conduct of this proceeding.

5. *Accordingly, it is ordered*, That the above-cited memorandum opinion and order of the Review Board (29 FCC 2d 849, FCC 71R-160), released May 26, 1971, is modified to the extent indicated herein, and in all other respects is affirmed; that Hughes Tool Co.'s alternative request that it be designated as a party with respect to both Issues (a) and (c) is granted; and that said application for review is, in all other respects, denied.

Adopted: March 1, 1972.

Released: March 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[FR Doc.72-3627 Filed 3-8-72;8:55 am]

[1] The two issues which are the subject of Hughes Tool Co.'s petition are Issues (a) and (c), reading as follows:

"(a) To determine whether Orange Radio, Inc. (Orange), and/or its stockholder, Robert A. Maheu, have made false or misleading representations with respect to the nature of Mr. Maheu's business interests and activities, particularly including their relation to Howard R. Hughes, Hughes Tool Co. and Hughes' Nevada Operation;

(c) To determine whether Robert A Maheu, at any time between March 1967 and December 1970, exercised control over the operation of Station KLAS-TV, Channel 8, Las Vegas, Nev., in violation of section 310 (b) of the Communications Act of 1934, as amended (47 U.S.C. section 310(b)), and whether Hughes Tool Co., of which Orange stockholder Frank W. Gay is a Director and Senior Vice President, at any time within the aforesaid period relinquished control over Station KLAS-TV in violation of section 310 (b) of the Communications Act or made false or misleading representations to the Commission with respect to operational responsibility for said station;"

[1] Commissioners Bartley and H. Rex Lee absent; Commissioner Wiley dissenting.

[FCC 72-201]

## STATION KSL-TV, SALT LAKE CITY, UTAH

### Memorandum Opinion and Order Regarding "Prime Time" Waiver

In the matter of request for waiver of the "prime time access rule" (§ 73.658(k)) filed on behalf of Station KSL-TV, Salt Lake City, Utah.

1. The Commission here considers a request for waiver of the "prime time access rule", § 73.658(k) of the Commission's rules, filed February 18, 1972, by KSL, Inc. (KSL), licensee of Station KSL-TV, Salt Lake City, Utah. The request is for waiver of the 3-hour limitation in that section for 1 night, Thursday, March 2, 1972, for the station to present 3½ hours of CBS material during its prime hours, which are 7-11 p.m. m.t. The request is occasioned by the fact that on that date the CBS Thursday night movie will last 2½ hours instead of the usual 2 hours, so that KSL-TV, which carries this program, plus another regular hour of CBS prime-time material, would be carrying 3½ hours on this occasion. This would require waiver to the extent of one-half hour. The request is virtually identical with another request filed by KSL, February 3, 1972, which was granted February 10 (FCC 72-79). We have also had occasion to consider similar requests by the NBC affiliate in Salt Lake City, Station KUTV. Two of these, involving special NBC programs, were granted as requested; but as to the last request, which involved NBC movies on 6 Saturday nights in February and March, this was granted only in part, as to the dates through March 3, and to that extent only because of the disruption which would be caused, without adequate notice, to KUTV's arrangements whereby it feeds NBC programs to some 10 small-market stations in the Mountain time zone (FCC 72-166, adopted February 16, 1972 and released February 22, 1972).

2. In the last decision mentioned, we pointed out that while the previous waiver requests by KUTV had related to special NBC programs (e.g. winter Olympic coverage), this was not true in the case of the request involving NBC movies. There, the NBC movie overrun involved would occur on six successive Saturdays, and might occur any number of times in the future in connection with the same type of network programs. The same appears to be equally true in this case, where KSL-TV and CBS movies are involved. We granted the earlier KSL request in connection with this type of material, for one reason because it had not previously requested any waivers whereas both of its competitors had requested and been granted one or more waivers. But this appears to be a recurring situation with KSL-TV as with KUTV. Since we have granted KUTV's request through the first weekend in March, and in view of the special problems of Salt Lake City stations, it appears appropriate to grant the request of Station KSL-TV for March 2 also. At that point, we believe that a line must be drawn. We would not anticipate grant of any further waiver requests of this sort by Salt Lake City stations (or others) where they involve regular network program material.

3. In view of the foregoing: *It is ordered*, That waiver of § 73.658(k) is granted, to Station KSL-TV, Salt Lake City, Utah, to present up to 3½ hours of CBS programs on Thursday, March 2, 1972, only.

Adopted: March 1, 1972.

Released: March 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[FR Doc.72-3624 Filed 3-8-72;8:56 am]

[Docket No. 19256; FCC 72-195]

## RCA GLOBAL COMMUNICATIONS, INC., ET AL.

### Memorandum Opinion and Order Amending Issue

In the matter of RCA Global Communications, Inc., ITT World Communi-

[1] Commissioners Bartley and H. Rex Lee absent; Commissioner Johnson dissenting.

cations Inc., Western Union International, Inc., Cable & Wireless/Western Union International, Inc., Tropical Radio Telegraph Co., Docket No. 19256; revisions of their respective telex tariffs establishing an optional deferred connection.

1. On June 9, 1971 we issued a Memorandum Opinion and Order (30 FCC 2d 132) instituting this proceeding, which initially was an investigation into tariff revisions filed by RCA Global Communications, Inc. (RCA) establishing an optional deferred connection capability (sometimes referred to as "store and forward") for telex users. Subsequently, the other above-mentioned international carriers filed similar tariff revisions and we issued on July 20, 1971 a further Memorandum Opinion and Order (30 FCC 2d 817) in this proceeding which augumented the original hearing order to include the above-mentioned parties and to provide for an investigation into their versions of the deferred connection capability.

2. The Commission now has before it tariff revisions filed by ITT World Communications Inc. (ITT) on October 26, 1971, effective on November 26, 1971, which offer telex customers the option of sending any one telex message to more than one overseas addressee with the carrier rather than the customer undertaking to deliver the message to all addressees (multi-address service). The standard telex charge would apply for each message to each overseas party. A similar multi-address service is currently being provided domestically by the Western Union Telegraph Company (Western Union). RCA filed tariff revisions similar to ITT's pursuant to special permission, also to become effective on November 26, 1971. Tropical Radio Telegraph Co. (Tropical) filed similar revisions effective February 1, 1972.

3. ITT has stated in its letter accompanying the proposed tariff revisions that 1 year's experience would provide valuable knowledge as to customer acceptance, growth potential, system design, and costs, without incurring any major investments or expenditures. ITT has specified that it would not use a computer for this multi-address service during this initial trial period, although the ITT deferred connection telex capability would be employed when an addressee's line was unavailable. ITT requested a waiver of the information requirements of Commission Rules, section 61.38, to eliminate what it contends would be the extensive cost of a meaningful market survey and 3-year projection study. In this instance, where the service can be inaugurated with very little initial cost, we agreed that actual experience data can provide helpful additional data with which to evaluate the desirability of continuing the service, and granted the waiver.

4. On November 19, 1971, Western Union filed a petition requesting an investigation of ITT's multi-address tariff revisions. Since it appears that this multi-address capability should receive further consideration after some experience with the service, and since this service not only involves certain telex matters presently under consideration in this proceeding but also actually utilizes the deferred connection capability, it is appropriate to extend the scope of this proceeding to include an investigation of this multi-address capability. Since ITT put this new service into effect on November 26, 1971, there will be some experience data available obtained in the months of December and January, for which months, certain data regarding the deferred connection service is presently scheduled to be reported to the Commission staff. Taking cognisance of the examiner's order in this proceeding of November 3, 1971,[1] which per agreement of the parties, established, in ordering paragraph (a), these monthly reports due by the 15th day of the next month, we now add to the material presently required for the reports of December, 1971 and January, 1972, whatever experience data is then available to those carriers which have been offering this multi-address service, including the same data as required in the case of deferred option.

5. We make the observation that the deferred connection capability and the multi-address capability both comprehend a non-conversational mode of communication. The International Telegraph and Telephone Consultative Committee (C.C.I.T.T.) study groups have reported on various hybrids of customer-to-customer and message telegraph service abroad, such as "telexograms" (from a public station) and "telex telegrams" (Telex user submits telegrams). The United Kingdom Post Office system now offers "multelex", which is the multi-address telex capability, for up to 100 addressees, and is planning to add the deferred connection capability (for the present, an unavailable "multelex" addressee is merely tried a second time). The Netherlands also have a multi-address telex service without the deferred connection capability. It is clear that this proceeding shall bring again into focus the philosophical rationales distinguishing telex and message telegraph service.

6. In view of the fact that we are expanding somewhat the scope of the issues to be considered herein, we believe it would be appropriate to permit the parties some additional time to prepare their direct testimony and to study all the submissions of the other parties before the start of the hearing. While we believe a period of no more than 4 additional weeks should be required for this purpose, we leave the matter of specific dates to the presiding officer's discretion. To the extent that the responses filed by the carriers to the Bureau staff's information request require either updating or enlarging, the presiding officer may wish to take similar action.[2]

*Wherefore, it is ordered,* That the first ordering paragraph of the hearing order of June 9, 1971, as amended by the order of July 14, 1971 (30 FCC 2d 817), is further amended to read as follows:

*Wherefore, it is ordered,* That pursuant to section 4(i), 201, 202, 204, 205, 403, of the Communications Act of 1934, an investigation is hereby instituted into the lawfulness of (a) eighth revised page 7 of RCA Globcom's Tariff FCC No. 59; (b) 2nd revised page 15 B of ITT's Tariff FCC No. 12; (c) second revised page 4A of WUI's Tariff FCC No. 5; (d) third revised page 5 of C&W/WUI's Tariff FCC No. 2; (e) page 7 A of Tropical's Tariff FCC No. 64; (f) third revised page 15 B of ITT's Tariff FCC No. 12 (instituting multi-address capability); (g) ninth revised page 7 of RCA's Tariff FCC No. 59; and (h) first revised page 7A of Tropical's Tariff FCC No. 64.

*It is further ordered,* That the carriers offering this multiaddress service during December 1971 and January 1972, shall include their experience data from this service in their monthly reports to the Commission staff previously ordered by the examiner in this proceeding, as required herein.

*It is further ordered,* That general issue number (2) in our hearing order of June 9, 1971 is amended to read as follows:

(2) Whether any of the proposed tariff revisions, [(a) with, or (b) without, the addition of the "multi-address" service] result in an unjust or unreasonable discrimination, or undue or unreasonable preference, within the contemplation of section 202(a) of the Communications Act of 1934, with respect to e.g., message service users; telex customers desiring to communicate with points to which any of the revisions under investigation herein do not apply, and TWX customers using the telex service of any of the parties respondent to this proceeding.

*It is further ordered,* That the petition to invesigate filed by Western Union is granted to the extent indicated herein.

Adopted: March 1, 1972.

Released: March 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-3625 Filed 3-8-72;8:56 am]

[1] FCC 71M-1753 as amended November 16, 1971 (FCC 71M-1791). The hearing is scheduled to commence on March 27, 1972. The order also required the international carriers to serve an updated response to the information request made by the staff on August 24, 1971.

[2] Of course, during the period of any postponement the monthly reports of operating results referred to in paragraph 4 should be continued.

[3] Commissioners Bartley and H. Rex Lee absent.

[Canadian List No. 287]

## CANADIAN STANDARD BROADCAST STATIONS

NOTIFICATION LIST

FEBRUARY 28, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

| Call letters | Location | Power kw | Antenna | Schedule | Class | Antenna height (feet) | Ground system: Number of radials | Ground system: Length (feet) | Proposed date of commencement of operation |
|---|---|---|---|---|---|---|---|---|---|
| | | *790 kHz* | | | | | | | |
| CFCW (PO 10 kw., DA-2) | Camrose, AB, N. 52°57'37", W. 112°57'29". | 50 | DA-2 | U | III | | | | E.I.O. 2.28.73. |
| | | *960 kHz* | | | | | | | |
| CFAC (correction to daytime radiation). | Calgary, AB, N. 50°59'21", W. 113°50'20". | 50 | DA-N ND-D-~~225~~ | U | III | | | | *Immediately.* |
| | | *1350 kHz* | | | | | | | |
| (New) | St. Pamphile, PQ, N. 46°-58'58", W. 69°48'38". | 1 | DA-1 | U | III | | | | E.I.O. 2.28.73. |
| | | *1450 kHz* | | | | | | | |
| *CSKP* (assignment of call letters). | Summerland, BC, N. 49°-37'33", W. 119°41'06". | 1D/0.25N | ND-187 | U | IV | 150 | 120 | 200-288 | |

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc.72-3500 Filed 3-8-72;8:45 am]

# FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 793-R]

## EAGLE, INC. AND BOND FORWARDING

### Order of Revocation

By notification received February 24, 1972, the Insurance Co. of North America has notified the Federal Maritime Commission of its intention to cancel, effective with March 24, 1972, a surety bond it issued in favor of Eagle, Inc., and Bond Forwarding, a division of Eagle, Inc., Independent Ocean Freight Forwarder Licensee No. 793-R.

Eagle, Inc. and Bond Forwarding, a division of Eagle, Inc. has notified the Commission of its intent not to renew that surety bond.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated 9/29/70):

*It is ordered,* That the Independent Ocean Freight Forwarder License of Eagle, Inc. and Bond Forwarding, a division of Eagle, Inc. be returned to the Commission for cancellation.

*It is further ordered,* That the Independent Ocean Freight Forwarder License of Eagle, Inc. and Bond Forwarding a division of Eagle, Inc., be and is hereby revoked effective March 24, 1972.

*It is further ordered,* That a copy of this Order be published in the FEDERAL REGISTER and served upon Eagle, Inc. and Bond Forwarding, a division of Eagle, Inc.

AARON W. REESE,
*Managing Director.*

[FR Doc.72-3629 Filed 3-8-72;8:55 am]

## PACIFIC MARITIME ASSOCIATION

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, Attorneys at Law, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2591, between the members of the Pacific Maritime Association (PMA), has been filed with the Federal Maritime Commission as a result of the Commission's findings in Docket No. 70-3, United Stevedoring Corp. v. Boston Shipping Association (BSA), which held, in part, that the incorporation papers and bylaws of the BSA (a maritime collective bargaining employer association similar to the PMA) require approval by the Commission pursuant to section 15 of the Shipping Act, 1916.

Agreement No. T-2591 consists of (1) the articles providing for the consolidation of the Waterfront Employers Association of the Pacific Coast, the Waterfront Employers Association of California, and the Pacific American Shipowners Association into the PMA (PMA incorporation papers); and (2) the bylaws of the PMA (PMA bylaws).

The maritime collective bargaining employers association known as the PMA presently consists of 125 principal common carriers by water, stevedoring contractors, and marine terminal operators, representing the Pacific Coast shipping industry. The general role of the PMA is to negotiate and administer collective bargaining contracts with unions representing its members' employees as well as to provide financial assistance to members affected by strikes occurring as a result of their compliance with PMA

policy. The PMA, as contemplated by its incorporation papers, among other things (1) encourages the establishment and maintenance of fair and reasonable wages, safe working conditions and rules, and employment policies in regards to members' American flag seamen, longshoremen, and other shoreside shipping industry union employees; (2) encourages harmonious industrial relations between employer and employee with the end of promoting dependable efficient steamship service; (3) represents its members in negotiations with the above unions and insures compliance with any contracts thereby arrived at; and (4) acts as agent for its members and others in the making of reports and payment of taxes to Federal and State agencies pursuant to income tax, old-age benefit, unemployment, workmen's compensation, and other laws.

The PMA bylaws establish the basic structure, function, and procedures of the organization, thus implementing the provisions and intent of the incorporation papers by setting forth the different classes of membership, voting, and other rights and privileges of each class of members, and the liability of each class of members to dues, assessments, and the method of collection thereof. Membership in the PMA is open to: (1) Any firm, person, association, or corporation, or agent for the above engaged in the business of carrying passengers or cargo by water to, from, and/or between U.S. Pacific Coast ports (excluding Alaska and Hawaii); (2) any firm, person, association, or corporation employing longshoremen or other shoreside employees in operations at docks or marine terminals at any U.S. Pacific Coast port (also excluding Alaska and Hawaii); and (3) any association or corporation composed of such longshoremen or other shoreside employees. Membership is contingent upon securing a majority vote of approval by the PMA Board of Directors.

Dated: March 6, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.72-3630 Filed 3-8-72;8:55 am]

## TRANS-PACIFIC FREIGHT CONFERENCE OF HONG KONG

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statment should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 14-33 modifies Articles 1 and 6 of the basic agreement of the Trans-Pacific Freight Conference of Hong Kong by (1) expanding the geographic scope to encompass transportation between inland points in China and the United States; (2) granting authority to prescribe the terms and conditions of uniform through bills of lading; and (3) prohibiting any member from independently negotiating and establishing through transportation arrangements except as authorized by the Conference.

Dated: March 6, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.72-3631 Filed 3-8-72;8:55 am]

# FEDERAL POWER COMMISSION

[Dockets Nos. RI71-228, etc.]

## ASHLAND OIL, INC., AND PAN AMERICAN PETROLEUM CORP.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Allowing Rate Changes To Become Effective Subject to Refund; Correction

OCTOBER 8, 1971.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued September 2, 1970, and published in the FEDERAL REGISTER, September 11, 1970 (35 F.R. 14334): Appendix "A" Docket No. RI71-228, Ashland Oil, Inc. Under column headed "Rate in Effect Subject to Refund in Dockets Nos." change "RI70-28" to "RI66-335" opposite proposed increased rates of 12.6975 and 11.9803, respectively. Docket No. RI71-229, Pan American Petroleum Corp.: Under column headed "Rate in Effect Subject to Refund in Dockets Nos." change "RI70-28" to "RI66-61" opposite proposed increased rates of 12.6975 and 12.4972, respectively.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3544 Filed 3-8-72;8:48 am]

[Docket No. G-3894, etc.]

## ATLANTIC RICHFIELD CO. ET AL.

### Findings and Order After Statutory Hearing; Correction

FEBRUARY 16, 1972.

Atlantic Richfield Co. and other applicants listed herein; Midhurst Oil Corp.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing applications, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceedings, canceling Docket Number, and accepting rate schedules for filing, issued January 4, 1972, and published in the FEDERAL REGISTER, January 12, 1972 (37 F.R. 497): Paragraph (H): Delete reference to Docket No. CI71-760; paragraphs (I) and (J): Delete references to Docket No. CI71-460.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3546 Filed 3-8-72;8:48 am]

[Docket No. CP65-57]

## BACA GAS GATHERING SYSTEM, INC.

### Notice of Petition To Amend; Correction

DECEMBER 10, 1971.

In the notice of petition to amend, issued November 19, 1971, and published in the FEDERAL REGISTER, November 30, 1971 (36 F.R. 22787): Change docket number in caption from "CP65-67" to "CP65-57". Change docket number "CP65-67" to "CP65-57" in first paragraph.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3547 Filed 3-8-72;8:48 am]

[Dockets Nos. RI72-80, etc.; RI72-119]

## MARATHON OIL CO. AND TEXACO, INC.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

NOVEMBER 12, 1971.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued

October 15, 1971 and published in the FEDERAL REGISTER October 23, 1971 (36 F.R. 20557): APPENDIX "A" Docket No. RI72-119, Texaco, Inc. Under column headed "Supp. No." change "9" to "11" opposite Texaco's Rate Schedule No. 197.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3549 Filed 3-8-72;8:48 am]

[Docket No. CP71-310, etc.]

## MOUNTAIN GAS CO. ET AL.

### Order Consolidating Proceedings, Permitting Intervention, Setting Hearing Date, and Specifying Procedures; Correction

NOVEMBER 23, 1971.

Mountain Gas Co., Consolidated Gas Supply Corp., Cabot Corp., Appalachian Exploration & Development, Inc., CP71-310, CP72-28, CI71-897, CI71-898, CI71-902, and CI71-903, CI71-899, and CI71-904.

In the order consolidating proceedings, permitting intervention, setting hearing date, and specifying procedures, issued November 19, 1971, and published in the FEDERAL REGISTER November 30, 1971 (36 F.R. 22789): Ordering paragraph (C), change "November 29, 1971" to "December 6, 1971".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3550 Filed 3-8-72;8:49 am]

[Docket No. E-7645]

## PUBLIC SERVICE COMPANY OF INDIANA, INC.

### Order Suspending Proposed Rates; Correction

NOVEMBER 3, 1971.

In the order suspending proposed rates, issued September 7, 1971, and published in the FEDERAL REGISTER September 14, 1971 (36 F.R. 18435): Second paragraph, change "August 18, 1971" to "August 16, 1971".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3551 Filed 3-8-72;8:49 am]

[Docket No. CP72-127]

## TENNESSEE GAS PIPELINE CO.

### Notice of Application; Correction

DECEMBER 10, 1971.

Tennessee Gas Pipeline Co., a division of Tenneco Inc. in the notice of application issued November 23, 1971 and published in the FEDERAL REGISTER December 1, 1971 (36 F.R. 22869): Substitute "service" in lieu of "capacity".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3552 Filed 3-8-72;8:49 am]

[Docket No. RP72-64]

## TEXAS GAS TRANSMISSION CORP.

### Order Suspending Proposed Tariff Provisions; Correction

DECEMBER 22, 1971.

In the order suspending proposed tariff provisions, issued November 30, 1971 and published in the FEDERAL REGISTER December 9, 1971 (36 F.R. 23408): Second paragraph, change December 30, 1971 to "December 1, 1971".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3553 Filed 3-8-72;8:49 am]

[Project 703]

## UTAH POWER AND LIGHT CO.

### Notice of Issuance of Annual License; Correction

OCTOBER 7, 1971.

In the notice of issuance of annual license, issued July 23, 1970, and August 11, 1971, and published in the FEDERAL REGISTER August 19, 1971 (36 F.R. 16140): In the first paragraph Project location should read "Bear Lake County, Idaho," instead of "Bear Lake County, Utah."

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3554 Filed 3-8-72;8:49 am]

[Dockets Nos. CS66-13, etc.]

## WRIGHTSMAN INVESTMENT CO., ET AL.

### Findings and Order; Correction

DECEMBER 15, 1971.

Wrightsman Investment Co., et al., Docket No. CS66-13, et al.; Curtis R. Inman, et al., Docket No. CS66-60.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, terminating rate proceedings, dismissing applications, making successor co-respondent, and redesignating proceedings, issued September 24, 1971, and published in the FEDERAL REGISTER October 2, 1971 (36 F.R. 19336): Docket No. CS66-60: Substitute canceled FPC gas rate schedule number "2" in lieu of "1".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3555 Filed 3-8-72;8:49 am]

[Project 1892]

## NEW ENGLAND POWER CO.

### Notice of Availability of Environmental Statement for Inspection

FEBRUARY 29, 1972.

Notice is hereby given that on February 17, 1972, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for new major license for the constructed Wilder Project No. 1892 filed pursuant to the Federal Power Act.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project, which is located in the counties of Grafton, N.H., and Windsor and Orange, Vt., on the Connecticut River, consists of a 32,400 kw. hydroelectric generating facility with a concrete gravity dam and a 3,100-acre, 45-mile-long reservoir and picnicking, hiking, fishing, and boat launching facilities.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from February 17, 1972. The Commission will consider all responses to the statement.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.72-3558 Filed 3-8-72;8:49 am]

[Docket No. CP70-7]

## SOUTHERN NATURAL GAS CO.

### Notice of Petition To Amend

MARCH 1, 1972.

Take notice that on January 6, 1972, Southern Natural Gas Co. (petitioner), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP70-7 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on October 29, 1969 (42 FPC 944), by authorizing an increase in the contract demand quantity of natural gas which it delivers and sells to the Cullman-Jefferson Counties Gas District (Cullman-Jefferson), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner is currently authorized in said docket to sell and deliver to Cullman Jefferson and the Gas Board of the

city of Demopolis (Demopolis) contract demands of 7,900 Mcf and 2,682 Mcf, respectively. Petitioner states that Cullman-Jefferson and the Gas Board of the in its contract demand to 8,200 and that Demopolis has agreed to a decrease in its contract demand in an amount equal to Cullman-Jefferson's proposed increase; and Applicant, therefore, requests authorization to increase Cullman-Jefferson's contract demand to 8,200 by reducing Demopolis' contract demand by 300 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3559 Filed 3-8-72;8:49 am]

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[Docket No. R-411]

## ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS

### Order of Clarification and Denial of Rehearing or Modification; Correction

FEBRUARY 16, 1972.

Accounting and rate treatment of advance payments to suppliers for exploration and lease acquisition of gas producing properties.

In the order of clarification and denial of rehearing or modification, issued January 7, 1972 and published in the FEDERAL REGISTER January 20, 1972 (37 F.R. 895), change "account 186, miscellaneous deferred credits" to "account 186, miscellaneous deferred debits."

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3602 Filed 3-8-72;8:53 am]

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[Docket No. RP 72-16]

## CASCADE NATURAL GAS CORP.

### Order Accepting Amendatory Agreement for Filing and Making Increased Rates Effective Without Suspension; Correction

JANUARY 5, 1972.

In the order accepting amendatory agreement for filing and making increased rates effective without suspension, issued December 1, 1971 and published in the FEDERAL REGISTER December 9, 1971 (36 F.R. 23406), in the style of the subject order the applicant should have been designated as "Cascade Natural Gas Corporation" rather than "Cascade Natural Gas Company."

In ordering paragraphs (A) and (B), the amendatory agreement should be designated as "supplement No. 2" to rate schedule No. 1, rather than "supplement No. 1."

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3603 Filed 3-8-72;8:54 am]

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[Docket No. CS66-57, etc.]

## WISER OIL CO. ET AL.

### Findings and Order After Statutory Hearing; Correction

FEBRUARY 9, 1972.

The Wiser Oil Co. et al., Docket No. CS66-57, etc.; True Oil Co., Docket No. CS72-192.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, terminating rate proceedings, making successor respondent, redesignating proceedings, amending certificates, and dismissing applications, issued January 17, 1972 and published in the FEDERAL REGISTER January 27, 1972 (37 F.R. 1261): Appendix A under column headed "Canceled FPC Gas Rate Schedule" opposite True Oil Co. change "1" to "2".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3604 Filed 3-8-72;8:54 am]

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[Docket No. CP72-209]

## COLORADO INTERSTATE GAS CO.

### Notice of Application

MARCH 2, 1972.

Take notice that on February 23, 1972, Colorado Interstate Gas Co. (applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed a budget type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate authorizing construction during the 12-month period commencing April 1, 1972, and operation of gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct during the period from April 1, 1972 to April 1, 1973, and operate various gas purchase facilities, including pipeline, metering and compression facilities to permit it to augment its ability to act with reasonable dispatch in contracting for and connecting new supplies of gas in various producing areas generally coextensive with its system.

The total cost of the proposed facilities will not exceed $4 million and no single project will exceed $1 million. Applicant plans to finance the proposed facilities from current working funds on hand, funds from operations, short-term borrowings or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3608 Filed 3-8-72;8:54 am]

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[Docket No. CP72-203]

## TENNESSEE GAS PIPELINE CO. AND CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

MARCH 2, 1972.

Take notice that on February 11, 1972, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, TX 77001, and Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, WV 26301, filed in Docket No. CP72-203 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas and the construction and operation of certain metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee and Consolidated seek authorization for the transportation and

exchange of natural gas. Consolidated proposes to use its best efforts to deliver up to 15,000 Mcf of natural gas per day to Tennessee at a point on Tennessee's existing pipeline system in Steuben County, N.Y. Tennessee proposes to use its best efforts to redeliver gas to Consolidated at an existing connection at the Applicants' jointly owned Ellisburg Storage Pool in Potter County, Pa., on an as-received basis. However, Tennessee is not obligated to redeliver any gas to Consolidated during the period November 1 to April 1 of any contract year, and Consolidated is to accept up to 30,000 Mcf per day from Tennessee during the summer period.

Consolidated seeks authorization to construct and operate certain metering facilities in Steuben County, N.Y., and states that it will reimburse Tennessee for the cost of certain connecting facilities to be installed on Tennessee's 24-inch line connecting stations 313 and 217 in Steuben County, N.Y.

The cost of the facilities to be constructed by Consolidated is estimated to be $3,954. This amount and the $4,140 cost of reimbursing Tennessee for its expenditures on the proposed connecting facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3609 Filed 3-8-72;8:54 am]

[Docket No. CP72-200]

## UNITED GAS PIPE LINE CO.

### Notice of Application

MARCH 2, 1972.

Take notice that on February 8, 1972, United Gas Pipe Line Co. (applicant), 1525 Fairfield Avenue, Shreveport, La. 71101, filed in Docket No. CP72-200 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to operate existing facilities for the interstate transportation of natural gas and to construct and operate certain measuring and regulating facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has entered into an agreement with the Humble Oil & Refining Co. (Humble) to transport for Humble the gas reserved by it from the sale to the applicant of 50 percent of its production from Blocks 317 and 334 in the East Cameron area and Blocks 295 and 330 in the Eugene Island area, offshore Louisiana. The reserved gas will be transported from the delivery points above to a point near Erath, Vermilion Parish, La., by Sea Robin Pipeline Co. (Sea Robin). Applicant has assigned its contract with Humble to perform this service to Sea Robin. Applicant proposes to transport this reserved gas from a point near Erath to mutually agreeable points on applicant's existing pipelines in volumes at rates and to locations as follows: (1) 52,000 Mcf per day at 4.16 cents per Mcf in or near the city of Baton Rouge, La.; (2) 35,000 Mcf per day at 4.16 cents per Mcf in the Weeks Island Field, Iberia Parish, La.; (3) 1,000 Mcf per day at 7.89 cents per Mcf in the Baxterville Field, Lamar County, Miss.; and (4) 500 Mcf per day at 7.89 cents per day in the Bryan Field, Jasper County, Miss.

Applicant states that deliveries to Humble in or near the city of Baton Rouge, La., will be made off its Marchant-Baton Rouge Line. Applicant further states that this contracted daily delivery together with present ones to the Georgia-Pacific Corp. and Mid-Louisiana Gas Co. would, at periods of full requirement, result in a shortage of pipeline capacity on the Marchant-Baton Rouge Line. Applicant states, however, that this situation can be averted by the addition of a small quantity of compressor horsepower on the 8-inch pipeline lateral serving the Georgia-Pacific Co. and that presently and for an undetermined future time there is no pipeline capacity problem on the line. Therefore, applicant states that it can perform the transportation service for which authorization is sought.

Applicant seeks authorization to construct and operate certain measuring and regulating facilities at Marchant Junction, Ascension Parish, La., and Baton Rouge, East Baton Rouge Parish, La., in order to perform the proposed transportation service to the point in or near the city of Baton Rouge, La. No new facilities will be required to be constructed in order to perform the transportation service at the other locations. Applicant has sufficient pipeline capacity to transport gas for Humble at these designated locations.

Applicant estimates the total cost of the measuring and regulating facilities to be installed near Baton Rouge, East Baton Rouge Parish, La., and in Marchant Junction, Ascension Parish, La., at $170,090. This cost will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-3610 Filed 3-8-72;8:54 am]

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[Dockets Nos. RI72-168, etc.]

## WESTERN OIL & MINERALS CORP. ET AL.

### Order Amending Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

MARCH 2, 1972.

On January 28, 1972, the Commission issued an order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund in this

docket. The last two paragraphs of Appendix A to that order provide for certification of the abbreviated suspension period pursuant to § 300.16(i)(3) of the Price Commission rules and regulations 6 CFR Part 300 (1972).

The Commission finds:

It is appropriate and in the public interest to supplement the certification of the abbreviated suspension period as set out in Appendix A of the referenced order.

The Commission orders:

That the last two paragraphs of Appendix A of the order issued January 28, 1972, in this docket be amended and supplemented so that the certification of abbreviated suspension will read as follows:

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in the order 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. AR 61–1 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 ceiling rate 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. 717 c(d)] in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1 day suspension.

(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 Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423, 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 Part 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 present and future requirements of natural gas.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-3611 Filed 3-8-72;8:54 am]

# FEDERAL RESERVE SYSTEM

## BANK HOLDING COMPANIES

### Applications Denied by State Banking Authorities

The Board of Governors has adopted procedures with respect to an application for the acquisition of voting shares of a bank by a bank holding company in circumstances where approval by the appropriate State banking authority is required but has been denied.

Disapproval action by the appropriate State banking authority precludes consummation of the proposed acquisition. In these circumstances, the Board of Governors regards the application as moot and will take no action (approval or disapproval) on the merits. The application will be dismissed without prejudice and the case will be closed.

If approval by the State authority of the proposed acquisition is obtained in the future, the applicant may apply to the Board for reinstatement of the application or may file a new application for the proposed acquisition. The Board generally will permit reinstatement of an application that has been dismissed, provided there have been no material changes in the facts, data, or circumstances relating to the proposed acquisition since the date of the original filing, and Applicant provides appropriate documentation to that effect. If there have been material changes, the filing of a new application based on current facts, data, and circumstances may be required.

By order of the Board of Governors, February 25, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-3523 Filed 3-8-72;8:46 am]

## ALABAMA BANCORPORATION

### Acquisition of Bank

Alabama Bancorporation, Birmingham, Ala., has applied, in two separate applications as set forth below, for the Board's approval under section 3(a)(2) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Decatur, Decatur, Ala.; and

(2) To acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The American National Bank & Trust Co. of Mobile, Mobile, Ala. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 24, 1972.

Board of Governors of the Federal Reserve System, March 3, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-3521 Filed 3-8-72;8:46 am]

## AMERICAN BANCORPORATION

### Order Approving Acquisition of Bank

American Bancorporation, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent (less directors' qualifying shares) of the voting shares of The Dime Bank, Marietta, Ohio (Bank), the successor by acquisition of assets and assumption of liabilities to The Dime Savings Society of Marietta, Marietta, Ohio.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the smallest multibank holding company in Ohio, controls three banks with aggregate deposits of $11.4 million, representing 0.05 percent of Ohio's commercial bank deposits. Applicant's acquisition of Bank, with deposits of $4.8 million, representing 0.02 percent of total State deposits, would not change its present rank or increase significantly the concentration of banking resources in any area. (All banking data are as of June 30, 1971, and reflect formations and acquisitions approved through January 31, 1972.)

The nearest subsidiary of applicant and Bank are 68 miles apart and two counties separate them. There is no present competition between any of applicant's subsidiaries and Bank, and it appears that future competition is not likely to develop between them due to the distances involved, the location of numerous banking offices of other banks in the intervening area, and Ohio's restrictive branching laws. Bank would rank as the smallest of the four commercial banks headquartered in Marietta and rank 15th among the 17 banks operating in its market area. One result of the proposed transaction will be to introduce an additional commercial bank to that area which could serve to stimulate competi-

tion in Marietta and its surroundings. The proposed transaction should have no adverse effect on competing banks.

The financial and managerial resources of applicant are generally satisfactory and prospects for the group appear favorable. Prospects for Bank also appear favorable since Applicant proposes to supply needed capital and management to it. Banking factors, therefore, lend weight toward approval of the application. Although the major banking needs of the residents of the Marietta-Parkersburg area are being met at present, the establishment of Bank will enable Applicant to offer a wider range of services to banking customers of its predecessor. Considerations relating to the convenience and needs of the area, therefore, lend weight to approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3522 Filed 3-8-72;8:46 am]

## BTNB CORP.

### Acquisition of Bank

BTNB Corp., Birmingham, Ala., has applied, in two separate applications as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire 80 percent or more of the voting shares of the successor by merger to Peoples National Bank of Huntsville, Huntsville, Ala.; and

(2) To acquire 80 percent or more of the voting shares of the successor by merger to the First National Bank of Dothan, Dothan, Ala.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any persons wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 24, 1972.

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Maisel.

Board of Governors of the Federal Reserve System, March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3524 Filed 3-8-72;8:46 am]

## FIRST AMERICAN NATIONAL CORP.

### Order Approving Acquisition of Banks

First American National Corp., Nashville, Tenn., has filed separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of (1) Farmers Exchange Bank, Union City, Tenn. (Farmers Bank), and (2) Union-Peoples Bank, Clinton, Tenn. (Peoples Bank).

Notice of receipt of the applications has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the applications are approved for the reasons set forth in the Board's Statement[1] of this date. The transactions shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3525 Filed 3-8-72;8:46 am]

## FIRST COOLIDGE CORP.

### Formation of One-Bank Holding Company

First Coolidge Corp., Watertown, Mass., Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Coolidge Bank and Trust Co., Watertown, Mass. 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 Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 29, 1972.

Pursuant to § 225.3(b) of regulation Y, this application shall be deemed to be approved on April 14, 1972, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3526 Filed 3-8-72;8:46 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, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Maisel.

## FIRST & MERCHANTS CORP.

### Acquisition of Bank

First & Merchants Corp., Richmond, Va., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of First & Merchants National Bank of Peninsula, York County, 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 Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 31, 1972.

Board of Governors of the Federal Reserve System, March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3527 Filed 3-8-72;8:47 am]

## FIRST NATIONAL CITY CORP.

### Order Approving Acquisition of Bank

First National City Corporation, New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Silver Creek National Bank, Silver Creek, New York (Bank).

The bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls two banks with total deposits of 13.4 billion, representing 14.1 percent of the total deposits in commercial banks in New York, and is the

State's second largest banking organization. (Unless otherwise noted, banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions through December 31, 1971.) Consumption of the proposal would not change applicant's present ranking nor significantly increase its share of State deposits.

Bank (deposits of $11.2 million) is the smallest of five banks in the Dunkirk-Fredonia banking market, controlling 7.3 percent [1] of the deposits in that market. The nearest office of applicant's subsidiary bank is 420 miles from Bank and there is no significant existing competition between this or any other of applicant's subsidiaries. Bank is the only bank available for acquisition in its market; applicant's only alternative for entering Bank's market would be through establishing a de novo bank. The economic characteristics of the Dunkirk-Fredonia banking market make de novo entry very unlikely. Consummation of the proposal would foreclose no existing or potential competition.

The financial and managerial resources and future prospects of applicant, its subsidiary banks and Bank are satisfactory and consistent with approval. The banking needs of the communities involved are being adequately met at present. However, applicant proposes to provide, through Bank, an alternative source of specialized banking needs. Therefore, considerations relating to convenience and needs lend some weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3528 Filed 3-8-72;8:47 am]

## FIRST NEW MEXICO BANKSHARE CORP.

### Acquisition of Bank

First New Mexico Bankshare Corp., Albuquerque, N. Mex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 87.67 percent of the voting shares of Capital Bank, Santa Fe, N. Mex. 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 Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 29, 1972.

Board of Governors of the Federal Reserve System, March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3529 Filed 3-8-72;8:47 am]

## FIRST UNION, INC.

### Acquisition of Bank

First Union, Inc., St. Louis, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Missouri State Bank of Sedalia, Sedalia, Mo. 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 St. Louis. 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 24, 1972.

Board of Governors of the Federal Reserve System, March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3530 Filed 3-8-72;8:47 am]

## UNION COUNTY TRUST CO.

### Order Approving Application for Merger of Banks

Union County Trust Company, Elizabeth, N.J. (Union Trust), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Keansburg-Middletown National Bank, Middletown, N.J. (Keansburg Bank), under the charter of Union Trust and title of United Counties Trust Co. As an incident to the merger, the present offices of Keansburg Bank would become branches of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Union Trust ($213 million deposits),[1] located in the Second Banking District of New Jersey, serves primarily the Greater Newark Market. It controls 5 percent of the Market's deposits and is the sixth largest of 45 banks located there. Union Trust operates 18 branch offices, 16 in Union County, and one branch each in Somerset and Monmouth Counties.

Keansburg Bank ($67 million deposits) serves primarily the northern section of Monmouth County that includes the township of Middletown wherein its main office and four of its five branches are located, and the town of Keansburg where the remaining branch is located. The home office protection feature of State law which prohibits de novo branching into Middletown will not be removed if the present proposal is consummated.

The relevant market within which the competitive effects of the merger are to be assessed is the Asbury Park Market, which consists of all of Monmouth County with the exception of the communities of Millstone, Roosevelt, Upper Freehold, and Allentown (all located in the western portion of Monmouth County) and which market includes the economically significant seashore communities located in a 25-mile sector of the eastern portion of Monmouth County. There are 12 banks operating 92 offices in the Asbury Park Market,[2] the four largest of which hold 78.8 percent of total deposits. Keansburg Bank ranks fifth with 6.7 percent of such deposits. Union Trust's branch office in Monmouth County is located in Eatontown, which is within the Asbury Park Market. However, Union Trust's Eatontown branch office holds only a negligible percentage of the market's deposits. Consummation of the proposed transaction would not significantly increase the concentration of banking deposits in any area.

Union Trust's Eatontown branch is the closest office to a Keansburg Bank office. They are located 5 miles apart. However, the service areas of the two branch offices do not overlap, and there is no significant present competition between the two banking offices or any other offices of each bank. Whereas there is some likelihood that consummation of the proposal may eliminate some degree of potential competition between applicant and Keansburg Bank, it appears that the merger will stimulate competition by increasing Keansburg Bank's ability to compete in the Asbury Park Market with the four larger banks and with the two smaller local banks that have recently become affiliated with two First Banking District holding companies, each of which holds approximately $1 billion in deposits. At the present time Keansburg Bank holds less than half the deposits of the fourth

[1] Banking data related to market share are as of June 30, 1970.

[2] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Maisel.

[1] Total deposit data are as of June 30, 1971. Data regarding market deposit rank and market shares are as of June 30, 1970.

[2] Office data are as of Dec. 29, 1971.

largest bank in the Asbury Park Market.

The financial and managerial resources of applicant are satisfactory; the same is true of Keansburg Bank with the exception of needed improvement in its capital position which would be resolved by consummation of this proposal. Therefore, the prospects for the resulting bank would be favorable, and banking factors lend some support for approval of the application. Consummation of the proposal would improve the present banking services available to customers of Keansburg Bank in the rapidly developing Monmouth County, particularly in expanded consumer credit, trust and fiduciary services and enlarged lending limits for commercial and industrial loans. Convenience and needs considerations, therefore, are consistent with approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] March 3, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-3531 Filed 3-8-72;8:47 am]

# OFFICE OF ECONOMIC OPPORTUNITY

[Contract OEO 4191]

## LOS ANGELES WOMEN'S JOB CORPS CENTER

### Notice of Reported Findings

It is announced that as a result of OEO Contract No. 4191, the Rand Corp. has furnished to the Agency two reports entitled, respectively, "Evaluation Design for the Los Angeles Women's Job Corps Center", and "Evaluation Results for the Los Angeles Women's Job Corps Center".

The first report describes the design of a model evaluation for a local women's Job Corps Center, incorporating both residential enrollees and commuters. It discusses the objectives of the Job Corps, dividing them into short-term outcomes which can be observed while a girl is in the Center, or when she terminates, and long-term outcomes. It suggests appropriate measures of each kind of outcome, and proposes to test the relationship between the outcomes and a girl's individual characteristics, her attitudes at entry and the services provided her by the Job Corps.

The second report describes the results of applying the design to the Los Angeles Women's Center, to discover the relationships which affect the short-term outcomes. The outcomes discussed were: Change in scores on achievement tests, change in attitudes, length of stay. The analysis was principally concerned with differences in results for the two different groups trained at the Center, residents and commuters. The study found little or no difference in attitude change between the two groups, and little attitude change which could be shown to result from the program. It found that commuters had somewhat greater cognitive gains, as measured by standard achievement tests, and it found that commuters were considerably more likely to remain at the Center for at least 3 months, and no more likely to drop out thereafter. The results led to a recommendation by the authors that the commuter program be continued.

Copies of these reports have been filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

WESLEY L. HJORNEVIK,
*Deputy Director.*

[FR Doc.72-3567 Filed 3-8-72;8:50 am]

# OFFICE OF EMERGENCY PREPAREDNESS

## IDAHO

### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on March 2, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Idaho from severe storms and flooding, beginning about January 18, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Idaho. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Creath A. Tooley, Regional Director, OEP Region 10, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

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

The County of:
Latah.

Dated: March 6, 1972.

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

[FR Doc.72-3593 Filed 3-8-72;8:53 am]

## OREGON

### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oregon, dated January 24, 1972, and published January 25, 1972 (37 F.R. 1141), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 21, 1972:

The Counties of:
Clackamas. Linn.
Lane. Washington.
The Counties of:
Coos. Douglas.

Assistance to be limited to the repair, restoration, or replacement of roads and bridges in the Elliot State Forest and the State Fire Protection Road System.

The County of:
Multnomah.

Assistance to be limited to the repair or restoration of the city of Portland Reservoir System on the Bull Run River.

Dated: February 25, 1972.

DARRELL M. TRENT,
*Acting Director,*
*Office of Emergency Preparedness.*

[FR Doc.72-3612 Filed 3-8-72;8:54 am]

# SECURITIES AND EXCHANGE COMMISSION

[70-5154]

## CENTRAL INDIANA GAS CO., INC.

### Notice of Filing of Application-Declaration for Acquisition and Cancellation of Mortgage Bonds

MARCH 3, 1972.

Notice is hereby given that Central Indiana Gas Co., Inc. (Central), 300 East Main Street, Muncie, IN 47305, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utilities Holding Company Act of 1935 (Act), designating section 12(c) of the Act and Rules 42(a) and 23 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

[3] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Maisel.

The application-declaration states that Central acquired Greenfield Gas Co. (Greenfield) as of January 1, 1968 (Holding Company Act Release No. 15939). As part of the acquisition, Central assumed the Greenfield bonds outstanding under an indenture of mortgage and deed of trust dated as of September 1, 1950, and three supplemental indentures thereto (Greenfield Mortgage). Central proposes on or about March 31, 1972, to acquire for cancellation all bonds outstanding under the Greenfield Mortgage.

The bonds to be acquired consist of $13,000 principal amount of Greenfield Gas Co., Inc., 4½ percent cumulative first mortgage bonds, Series B, due 1974 (Series B Bonds) which will be outstanding on March 31, 1972, all of which are held by Jefferson National Life Insurance Co. (Jefferson) and $540,000 principal amount of Greenfield Gas Co., Inc., 5⅛ percent cumulative first mortgage bonds, Series due 1985 (5⅛ percent series bonds) of which Jefferson holds $90,000 and American United Life Insurance Co. (American) holds $450,000. The Greenfield mortgage provides that at Central's option the Series B bonds may be redeemed at a price of 100½ percent of the principal amount thereof through February 28, 1973, and the 5⅛ percent Series bonds at a price of 103⅝ percent of the principal thereof through October 31, 1972. Jefferson and American have indicated that Central can acquire the outstanding Series B bonds for 100¼ percent of the principal amount thereof and the outstanding 5⅛ percent Series bonds for 101.8125 percent of the principal amount thereof, in each case plus accrued interest to date of acquisition. The aggregate premium to be paid is $9,820 which is stated to represent a substantial reduction as a result of negotiations with the two insurance companies.

It is stated that the proposed acquisition and cancellation of all the outstanding Series B bonds and 5⅛ percent Series bonds (collectively referred to as "Greenfield Bonds") will simplify the balance sheet of Central and will discharge the Greenfield mortgage as a lien on the property Central acquired from Greenfield and additions thereto (Greenfield Property), and thereby make the Greenfield property available for the issuance of additional Central bonds. So long as any Greenfield bonds are outstanding, the Greenfield property does not constitute "additional property" under Central's indenture of mortgage and deed of trust dated as of September 1, 1942, and nine supplemental indentures thereto.

The Central mortgage prohibits the issuance of any additional bonds under the Greenfield mortgage. At December 31, 1971, there was approximately $4,417,000 of Greenfield property, including $2,227,000 constructed subsequent to the acquisition by Central, which would constitute "additional property" under Central's mortgage and entitle Central to issue approximately $2,650,000 of additional bonds if the lien of the Greenfield mortgage were removed. The application-declaration states that the additional bonding power obtained from the release of the lien of the Greenfield mortgage is necessary to enable Central to issue $8 million of new bonds in May 1972 in order to retire approximately $7,500,000 of bank loan notes outstanding under its line of credit (Holding Company Act Release No. 17165) issued to temporarily finance construction. At December 31, 1971, Central had $5,757,000 of "additional property" not subject to the lien of the Greenfield mortgage entitling it to issue $3,454,000 of additional bonds. Central is also entitled to issue $3,250,000 of additional bonds on the basis of the now retired bonds of the 2⅞ percent Series due 1971. Thus the Greenfield property must be made eligible as "additional property" through retirement of the Greenfield bonds in order to issue the new bonds contemplated by the 1972 financing plans. While Central proposes to acquire the Greenfield bonds with treasury funds, such funds will ultimately be replaced by the sale of the new bonds.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses expected to be incurred in connection with the proposed transactions are estimated at $1,000, including counsel fees of $700.

Notice is further given that any interested person may, not later than March 24, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.72-3533 Filed 3-8-72;8:47 am]

[File No. 500-1]

## COATINGS UNLIMITED, INC.

### Order Suspending Trading

MARCH 2, 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 March 6, 1972, through March 15, 1972.

By the Commission.

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

[FR Doc.72-3534 Filed 3-8-72;8:47 am]

[File No. 500-1]

## MERIDIAN FAST FOOD SERVICES, INC.

### Order Suspending Trading

MARCH 2, 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 March 7, 1972, through March 16, 1972.

By the Commission.

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

[FR Doc.72-3535 Filed 3-8-72;8:47 am]

[812-2991]

## PITTSBURGH COKE & CHEMICAL CO.

### Notice of and Order for Hearing on Application for Order Exempting Proposed Merger from Certain Provisions

MARCH 3, 1972.

On December 21, 1971, the Commission issued a notice (Investment Company Act Release No. 6907) of the filing of an application pursuant to section 17(b) of the Investment Act of 1940 (Act) by The Hillman Co. (Applicant), a Pennsylvania corporation, for an order exempting from the provisions of section 17(a) of the Act the proposed merger pursuant to which Pittsburgh Coke & Chemical Co. (Pittsburgh Coke), 603 Goldsborough Building, Wilmington, Del. 19801, a Delaware corporation registered

under the Act as a closed-end, nondiversified investment company, will be merged into Pittsburgh-Wilmington, Inc. (Surviving Corporation), a Delaware corporation.

Applicant proposes to transfer its shares of the Common Stock of Pittsburgh Coke, approximately 96 percent of the outstanding shares, to the Surviving Corporation in exchange for all of the authorized stock of the Surviving Corporation. Thereafter, the Surviving Corporation would adopt a plan of reorganization whereby it would merge Pittsburgh Coke into itself under section 253 of the General Corporation Law of the State of Delaware.

Applicant represents that upon the effective date of the merger all the issued shares of Common Stock of Pittsburgh Coke will be canceled and that the stockholders of Pittsburgh Coke other than the Surviving Corporation, upon surrendering to the Surviving Corporation the certificates representing their respective shares of such Common Stock, shall be paid in cash for each of such shares the value per share. Applicant further represents that the value per share of Pittsburgh Coke Common Stock will be calculated by valuing the assets of the company using the closing prices of securities traded on national securities exchanges and the last bid prices of securities traded in the over-the-counter market, in each case as of the close of business on the business day immediately preceding the effective date of the merger. In determining the value of all other assets, the Boards of Directors of Pittsburgh Coke and the Surviving Corporation will rely upon the independent appraisal as of September 30, 1971, of the investment banking firm of Goldman, Sachs & Co., as adjusted to reflect the sale on November 11, 1971, of the shares of Farbenfabriken Bayer held by Pittsburgh Coke.

The Applicant states the value per share will reflect an appropriate deduction for income taxes on unrealized appreciation. Computation of such deduction will be based upon the following assumptions:

(a) That the stocks of controlled affiliates will not be sold in the foreseeable future. Therefore no tax will be deducted from the present unrealized appreciation on those stocks.

(b) That the stock of Marquette Cement Manufacturing Co. and one-half of the stock of Merck & Co., Inc. owned by Pittsburgh Coke may be sold within the next year or so. Therefore a tax computed at statutory rates will be deducted from the net unrealized appreciation on these two securities.

(c) That the remaining Merck stock plus the securities of Universal Airlines Co., Edgewater Corp., Shakespeare Co., Tele-Tape Productions, Inc., and Koehring Co. owned by Pittsburgh Coke may be held for as long as 10 years. Therefore the unrealized appreciation on these securities will be discounted for a period of 10 years at a discount rate of 3 percent compounded annually and the tax computed on this net present value figure. The 3 percent discount rate is approximately the reciprocal of the Merck price/earnings ratio.

Applicant states that the value per share of Common Stock of Pittsburgh Coke, calculated in accordance with the foregoing formula and based upon closing or last bid prices of traded securities as of the close of business on December 8, 1971, was $121.03.

The notice of filing issued by the Commission gave any interested person an opportunity to file a request in writing for a hearing on the matter.

Certain interested persons have filed a request for a hearing. It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application.

*It is ordered,* Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 27th day of March 1972, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, DC 20549. At such time, the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 22d day of March 1972, his application as provided by Rule 9(c) of the Commission's rules of practice, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application. 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, The Hillman Co., 1900 Grant Building, Pittsburgh, Pa. 15219. Proof of service (by affidavit or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings:

*It is further ordered,* That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Investment Company Act of 1940;

(3) Whether the proposed transaction is consistent with the general purposes of the Investment Company Act of 1940:

*It is further ordered,* That at the aforesaid hearing attention be given to the foregoing matters and questions.

*It is further ordered,* That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of such notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

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

[FR Doc.72-3536 Filed 3-8-72;8:47 am]

# INTERSTATE COMMERCE COMMISSION

## ASSIGNMENT OF HEARINGS

MARCH 6, 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 31879 Sub 32, Exhibitors Film Delivery & Service Co., now assigned March 6, 1972, at Kansas City, Mo., will be held at the Muehlebach Hotel, Baltimore & Wyandotte at 12th Street, March 13, 1972, at Denver, Colo., will be held at the New Albany Hotel, 17th and Stout Street, and March 20, 1972, at Albuquerque, N. Mex., will be held at the Holiday Inn—Midtown, 2000 Menaul Boulevard and University Avenue.

MC 120257 Sub 1, K. L. Breeden & Sons, Inc., the petition of applicant filed February 22, 1972 is assigned for oral hearing on March 13, 1972, at Houston, Tex., with MC-C-7699 and MC 120257 Sub 12.

No. 35527, Wheat, Minnesota, Montana, North Dakota, and South Dakota, to Minnesota, and Wisconsin, assigned April 17, 1972, will be held in Room 319, Federal Building, and U.S. Post Office, 657 Second Avenue North, Fargo, N. Dak.

MC 113855 Sub 248, International Transport, Inc., assigned for hearing May 16,

1972, at Bismarck, N. Dak., in a hearing room to be later designated.

FD 26832, Chesapeake & Ohio Railway Co. Abandonment between Strathmore and Lindsay, In Fluvanna and Louisa Counties, Va., now assigned March 28, 1972, at Charlottesville, Va., will be held in the Federal District Court Room, U.S. Post Office and Courthouse, 100 Market Street.

FD 26572, Penndel Co. (George P. Baker, Richard C. Bond, Jervis Langdon, Jr. and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co.) abandonment Kiptopeke Branch Between Cape Charles and Kiptopeke, Northampton County, Va., now assigned March 21, 1972, at Cape Charles, Va., will be held at the Council Chamber Municipal Building, Mason Avenue.

MC-F-11141, Brown Transport—Control—and Merger—Pool Freight Line MC-F-11345, Brown Transport—Investigation of Control—Pool Freight Lines, MC 56679 Subs Nos. 41, 48, 50, 63, and 52, Brown Transport, now assigned March 20, 1972, at Atlanta, Ga., is canceled and reassigned on March 20, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

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

[FR Doc. 72-3634 Filed 3-8-72;8:56 am]

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 6, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42365—*Resin plasticizers from Bayport and Texas City, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-300), for interested rail carriers. Rates on resin plasticizers, in tank carloads, as described in the application, from Bayport and Texas City, Tex., to Miami and Miami Plantation, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 211 to Southwestern Freight Bureau, agent, tariff ICC 4773. Rates are published to become effective on April 2, 1972.

FSA No. 42366—*Fertilizer compounds and related articles from Erda, Utah.* Filed by Western Trunk Line Committee, agent (No. A-2658), for interested rail carriers. Rates on fertilizer compounds, dry, and related articles, in carloads, as described in the application, from Erda, Utah, to points in various States. Grounds for relief—Market competition and modified short-line distance formula and grouping.

Tariffs—Supplement 405 to Western Trunk Line Committee, agent, tariff ICC A-4411, and supplement 85 to Union Pacific Railroad Co. tariff ICC 5636. Rates are published to become effective on April 10, 1972.

By the Commission.

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

[FR Doc.72-3633 Filed 3-8-72;8:55 am]

[Notice 33]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 3, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Sub-No. 43 TA), filed February 22, 1972. Applicant: MIDWEST MOTOR EXPRESS, INC., Post Office Box 1058, 1205 Front Avenue, Bismarck, ND 58501. Applicant's representative: James L. Nelson, 305 Degree of Honor Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Paul, and McGregor, Minn., serving no intermediate points and serving points within 15 miles of McGregor as off-route points, from St. Paul, Minn., over U.S. Highway 10 to junction Minnesota Highway 65, thence over Minnesota Highway 65 to McGregor, and return over the same route. Restriction: The authority sought shall be restricted against tacking with other authority presently held by applicant, except for service to and from points on Minnesota Highway 210 between McGregor and Sawyer, Minn., including both termini, for 180 days. Supporting shippers: Regal Division, Kayot, Inc., 788 29th Avenue SE, Minneapolis, MN 55414; Atec, Inc., 9440 Science Center Drive, Minneapolis, MN 55428; Star Machine & Tool Co., 201-215 Sixth Street Southeast, Minneapolis, MN; Farwell, Ozmun, Kirk & Co., 411 Farwell Avenue, South St. Paul, MN 55075. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo ND 58102.

No. MC 52657 (Sub-No. 689 TA), filed February 22, 1972. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: Sam Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and trailer converter dollies*, in initial movements, in truckaway service, from Vineland, N.J., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; (2) *motor vehicle bodies, hoists, power gates, packers, compactors, refuse and cargo containers, winches, and portable truck cranes;* (3) *materials, supplies, and parts* (except commodities in bulk) used in the manufacture, assembly and servicing of commodities described in paragraphs A and B above, when moving in mixed shipments and on the same load with such commodities, between Vineland, N.J., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (4) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), and trailer converter dollies, in secondary movement, in truckaway service, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to Vineland, N.J., for 180 days. Supporting shipper: Peabody Galion Corp., Mr. A. W. Garverick, Traffic Manager, Galion, Ohio. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 107403 (Sub-No. 831 TA), filed February 22, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay*, in bulk, in tank vehicles, from Weeks, La., to Memphis, Tenn., for 180 days. Supporting shipper: Morton Chemical Co., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 110589 (Sub-No. 9 TA), filed February 22, 1972. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE 68801. Applicant's representative: Steven R. Gartner (same address as above). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts, or skins*, dressed or undressed, green or green salted, between Solomon, Kans., and points in Arizona, California, Colorado, Idaho, Illinois, Kansas, Louisiana, Massachusetts, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming, for 180 days. Supporting shipper: McCandless Hide & Wool, Inc., Post Office Box 301, Solomon, KS 67480. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building, and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 115669 (Sub-No. 127 TA), filed February 22, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Howard N. Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and fertilizer materials*, in bulk, from Tulsa Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri (except St. Louis and its commercial zone), Oklahoma, and Texas (except Houston and points within 50 miles thereof); (2) *dry fertilizer and fertilizer materials*, in bags, from Tulsa Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri (except points on and north of U.S. Highway 50), Oklahoma, and Texas; and (3) *dry fertilizer and fertilizer materials*, in mixed loads of bulk and bags, from Tulsa Port of Catoosa, to points in Missouri on and north of U.S. Highway 50, for 150 days. Supporting shipper: J. J. Stefanec, Traffic Manager, Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 119657 (Sub-No. 15 TA), filed February 22, 1972. Applicant: GEORGE TRANSIT LINE, INC., 760–764 Northeast 47th Place, Des Moines, IA 50313. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree or weed killing compounds*, in packages and containers, from Clinton, Iowa, to Peoria, Ill., for 180 days. Supporting shipper: Amchem Products, Inc., Ambler, Pa. 19002. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 124078 (Sub-No. 512 TA), filed February 22, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, from Cartersville, Ga., to Hebron, Ohio, for 150 days. Supporting shipper: Thompson, Weinman, and Co., Post Office Box 130, Cartersville, Ga. 30210 (Willis S. Brunson, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127418 (Sub-No. 4 TA), filed February 4, 1972. Applicant: TROPARCTIC REFRIGERATED SERVICE, INC., Post Office Box 1272, Gainesville, GA 30501. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 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., for 180 days. NOTE: Applicant desires to interline traffic with other carriers, such interline, to the extent it is utilized, to be at any of the main or key points located in the destination States that would be common to the carrier with whom applicant would interline. Supporting shippers: Philadelphia Carpet Co.; Sabre Carpet, Star Finishing Co. Division of Shaw Industries, Inc., Cartersville, Ga.; Eagle Carpet Mills, Inc., Cartersville, Ga.; Esquire Carpet Mills, Cartersville, Ga.; Majestic Carpet Mills, Cartersville, Ga.; Imperial Carpet Mills, Cartersville, Ga.; Flamingo Carpet, Inc., Cartersville, Ga.; D & M Carpets, Inc., Cartersville, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309. NOTE: (1) The purpose of this republication is to show the correct spelling of the destination point in parts (1) and (2) above as Bartow County, Ga., in lieu of Bartown County, Ga., and (2) to add the tacking information.

No. MC 129702 (Sub-No. 2 TA), filed February 22, 1972. Applicant: CARPET TRANSPORT, INC., 389 Westward Drive, Post Office Box 86, Miami Springs, FL 33166. Applicant's representative: J. V. Silvia (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, and rugs*, from points in Gwinnett County, Ga., to points in Hillsborough, Indian River, Lee, Manatee, Martin, Pinellas, St. Lucie, and Sarasota Counties, Fla., *return shipments of carpet and rugs*, from the above-specified origin points to the respective destination points, for 180 days. NOTE: Applicant states it does intend to tack its authority with MC 129702. Supporting shipper: Williams East, Inc., Norcross, Ga. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 133106 (Sub-No. 18 TA), filed February 22, 1972. Applicant: NATIONAL CARRIERS, INC., Post Office Box 1358, 1501 East Eighth, Liberal, KS 67901. Applicant's representative: F. J. Coffman, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, parts thereto, and related items, plastic, sheet or plate, globes, lenses, reflectors, glass, and items* necessary for the installation of such items, from Long Island, N.Y., to Minneapolis, Minn., restricted to service for the account of International Telephone & Telegraph Corp., for 180 days. Supporting shipper: International Telephone & Telegraph Corp., 320 Park Avenue, New York, NY 10022. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 135118 (Sub-No. 3 TA) (Amendment) filed February 7, 1972, published in the FEDERAL REGISTER, issue of February 24, 1972, and republished in part, as amended this issue. Applicant: MACKLIN MOVING & STORAGE, INC., 842 Champion, Lemoore, CA 93245. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. The sole purpose of this partial republication is to add an additional Supporting Shipper, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. The rest of the notice remains as previously published.

No. MC 135316 (Sub-No. 2 TA), filed February 22, 1972. Applicant: AIR TRUCK SERVICE, INC., doing business as KANAWHA VALLEY AIR FREIGHT, 302 L & S Building, Charleston, W. Va. 25301. Applicant's representative: David L. Carruthers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air, between points in Lawrence County, Ky., on the one hand, and, on the other, the Tri-State Airport, at or near Ceredo, W. Va., and the Kanawha County Airport, at or near Charleston, W. Va., for 180 days. NOTE: Applicant states it does intend to tack with its existing authority. Supporting shippers: Logan Manufacturing Co., Louisa, Ky. 41230, Attention: Margaret Augustine, Plant Manager; Allegheny Airlines, Inc., Charleston, W. Va. 25311, Attention: Ed Boyer, Manager; American Airlines, Inc., Commerce Square, Charleston, W. Va. 25301, Attention: Nelson Downes, Manager; Eastern Airlines, Inc., Charleston, W. Va. 25311, Attention: Charles M.

Ashby, Manager; Piedmont Airlines, Inc., Charleston, W. Va. 25311, Attention: David Smith, Manager; United Airlines, Inc., Charleston, W. Va. 25311, Attention: George W. Jackson, Manager of Sales and Service. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 136399 (Sub-No. 1 TA), filed February 23, 1972. Applicant: DORRIS S. BARKER, RONALD W. FISHER AND JACKIE H. BROWING, a partnership, doing business as BF&B TRUCKING CO., 445 17th Street, Post Office Box 457, Dunbar, WV 25064. Applicant's representative: Jackie H. Browning (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric products*, from Charleston, W. Va., to Belpre, Marietta, and Riverview, Ohio; Catlettsburg and Ashland, Ky., *damaged or rejected electric products*, from Belpre, Marietta, and Riverview, Ohio; Catlettsburg and Ashland, Ky., to Charleston, W. Va., for 180 days. Supporting shipper: Graybar Electric Co., Inc., 830 Pennsylvania Avenue, Post Office Box 6220, Charleston, W. Va. 25302, Attention: R. L. Mullis, Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 136419 (Sub-No. 1 TA), filed February 22, 1972. Applicant: WESTERN KENTUCKY TRUCKING, INC., doing business as INTERIOR TRUCK LINE, 504 14th Street, Henderson, KY 42420. Applicant's representative: William T. Carroll, 100 St. Ann Building, Owensboro, Ky. 42301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed solutions*, in bulk, in tank vehicles, from manufacturing, storage, or supply facilities located at or near Calumet City and Monmouth, Ill., Henderson, Ky., and Vincennes, Ind., for 180 days. Supporting shipper: John Roderer, Manager, Supersweet Feeds, Division of International Multifoods Corp., Henderson, Ky. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 136423 (Sub-No. 1 TA), filed February 22, 1972. Applicant: EMPIRE DIRECT SHIPPERS, INC., 1521 Lurting Avenue, Bronx, NY 10461. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ribbon, bows, and rosettes*, from Carlstadt, N.J., to Memphis, Tenn., Berea, Ky., Chicago, Ill., and Livonia, Mich., for 150 days. Supporting shipper: Artistic Manufacturing Co., Carlstadt, N.J. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136425 TA, filed February 22, 1972. Applicant: IMPERIAL PARTS DISTRIBUTION, INC., 2701 South Bayshore Drive, Miami, FL 33133. Applicant's representative: Frank G. Sutherland (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and related publications, advertising material, packaging and shipping supplies*, between Orlando, Fla., on the one hand, and, on the other, points in Florida on and east of the Jackson, Calhoun, and Gulf County lines and those in Georgia located in the counties of Appling, Atkinson, Bacon, Berrien, Brantley, Brooks, Camden, Charlton, Clinch, Coffee, Colquitt, Cook, Decatur, Echols, Glynn, Lanier, Lowndes, McIntosh, Pierce, Seminole, Thomas, Ware; and between West Palm Beach, Fla., on the one hand, and, on the other, points in Florida located in the counties of Palm Beach, Broward, and Dade, for 180 days. Supporting shipper: Chrysler Corp., Parts Division, Post Office Box 1718, Detroit, MI 48231. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

By the Commission.

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

[FR Doc.72-3632 Filed 3-8-72;8:55 am]

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[Notice 18]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 3, 1972.

The following applications are governed by Special Rule 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 (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2229 (Sub-No. 168), filed February 4, 1972. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247. Applicant's representative: Martin B. Turner (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, household goods as defined by the Commission, commodities in bulk, articles of unusual value, and commodities requiring special equipment), serving the plantsite of Boise Southern Co., located approximately 6 miles west and 1 mile north of De Ridder, La., as an off-route point in connection with carrier's presently authorized regular-route operation from and to De Ridder, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at De Ridder or Lake Charles, La.

[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 2900 (Sub-No. 220), filed February 2, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between the junction of U.S. Highway 30 and U.S. Highway 42, and the junction of U.S. Highway 30 and U.S. Highway 41 as an alternate route for operating convenience only; From the junction of U.S. Highway 30 and U.S. Highway 42 over U.S. Highway 30 to its junction with U.S. Highway 30N, thence over U.S. Highway 30N to junction with U.S. Highway 30, thence over U.S. Highway 30 to junction with U.S. Highway 41 and return over the same route serving no intermediate points and serving the termini for purposes of joinder only; (2) between the junction of U.S. Highway 1 and U.S. Highway 46, and the junction of U.S. Highway 20 and U.S. Highway 41 as an alternate route for operating convenience only; (a) from the junction of U.S. Highways 1 and 46 over U.S. Highway 46 to its junction with U.S. Highway 611, thence over U.S. Highway 611 to its junction with Pennsylvania Highway 940, thence over Pennsylvania Highway 940 to its junction with Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to the junction of Pennsylvania Highway 93, thence over Pennsylvania Highway 93 to its junction with U.S. Highway 11, thence over U.S. Highway 11 to its junction with U.S. Highway 15, thence over U.S. Highway 15 to junction of U.S. Highway 220, thence over U.S. Highway 220 to junction of U.S. Highway 322, thence over U.S. Highway 322 to its junction with Pennsylvania Highway 208, thence over Pennsylvania Highway 208 to its junction with U.S. Highway 422, thence over U.S. Highway 422 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction Ohio Highway 57, thence over Ohio Highway 57 to junction U.S. Highway 20, thence over U.S. Highway 20 to its junction with U.S. Highway Alternate 20, thence over U.S. Highway Alternate 20 to junction U.S. Highway 20, thence over U.S. Highway 20 to its junction with U.S. Highway 41 and return over the same route serving no intermediate points except serving the junction of U.S. Highway 322 and Pennsylvania Highway 28, the junction of U.S. Highway 220 and U.S. Highway 322, at or near Port Matilda, Pa., and the termini for purposes of joinder only; (b) Also from junction Interstate Highway 80 and Interstate Highway 95 over Interstate Highway 80 to its junction with U.S. Highway 41 and return over the same route serving no intermediate points but serving the junction of Pennsylvania Highway 28 and Interstate Highway 80, the junction of U.S. Highway 220 and Interstate Highway 80, and the termini for purposes of joinder only; (3) between the junction of Pennsylvania Highway 28 and Pennsylvania Highway 8, and Pennsylvania Highway 28 and U.S. Highway 322, as an alternate route for operating convenience only; from Junction of Pennsylvania Highway 28 and Pennsylvania Highway 8 over Pennsylvania Highway 28 to junction of U.S. Highway 322 and return over the same route serving no intermediate points and serving the termini for purposes of joinder only; (4) between the junction of U.S. Highway 220 and U.S. Highway 22, and the junction of U.S. Highway 220 and Interstate Highway 80, as an alternate route for operating convenience only; from the junction of U.S. Highway 220 and U.S. Highway 22 over U.S. Highway 220 to its junction with Interstate Highway 80 and return over the same route serving no intermediate points but serving the junction of U.S. Highway 220 and U.S. Highway 322 at or near Port Matilda, Pa. and the termini for purpose of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Jacksonville, Fla.

No. MC 2900 (Sub-No. 221), filed February 4, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: John Carter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat and cold (except in bulk in tank vehicles), from the plantsite and warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, Virginia, and West Virginia, restricted to traffic originating at named origins and destined to above-named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 2900 (Sub-No. 222), filed February 4, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: John Carter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and closures* for containers, from Fairmont, W. Va., to points in Florida, Georgia, North Carolina, South Carolina, and Cleveland, Miss. 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 Jacksonville, Fla., or Atlanta, Ga.

No. MC 8948 (Sub-No. 101), filed February 4, 1972. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, CA 90058. Applicant's representative: Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between junction U.S. Highway 80 with California Highway 111 and Calexico, Calif., serving all intermediate points: From junction U.S. Highway 80 with California Highway 111, over California Highway 111 to Calexico, Calif., and return over the same route; (2) Serving all points in Imperial County, Calif., in connection with carrier's presently authorized routes over U.S. Highway 80 and California Highway 86 in said county. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 11220 (Sub-No. 125), filed February 4, 1972. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38102. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. 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 Effingham, Ill., and Indianapolis, Ind., from Effingham, Ill., over Interstate Highway 70 to Indianapolis, Ind., and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route operations, serving no intermediate points and serving Effingham, Ill., and points in its commercial zone for purposes of joinder only. Restriction: The operations sought herein are restricted to the transportation of traffic moving from, to, or through points in Arkansas and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 16513 (Sub-No. 5), filed February 7, 1972. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 819 Union Avenue, Pennsauken, NJ 08110. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs* (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp. at or near Fogelsville and Allentown, Pa., to points in Delaware, District of Columbia, Maryland, New York, and New Jersey, restricted to

traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 19778 (Sub-No. 78), filed February 3, 1972. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, Suite 508, 516 Jackson Boulevard, Chicago, IL 60606. Applicant's representative: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Chamberlain, Sioux Falls, and Watertown, S. Dak., to points in Rock, Nobles, Jackson, Martin, Faribault, Blue Earth, Satonwan, Cottonwood, Murray, Pipestone, Lyon, Lincoln, Redwood, Brown, Nicollet, McLoed, Sibley, Renville, Yellow Medicine, Lac Qui Parle, Chippewa, Kandiyohi, Meeker, Swift, Big Stone, Traverse, Stevens, Pope, Stearns, Grant, Douglas, Todd, Morrison, Crow Wing, Wadena, Otter Tail, Wilkin, Clay, Becker, Hubbard, and Cass Counties, Minn.; and points in Burt, Cuming, Stanton, Madison, Boone, Greeley, Valley, Custer, Blaine, Loup, Garfield, Wheeler, Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox, Holt, Rock, Keya Paha, Boyd, and Brown Counties, Nebr.; and (2) *Cement*, from Sioux Falls and Watertown, S. Dak., to points in Lyon, Osceola, Dickinson, Clay, O'Brien, Sioux, Plymouth, Cherokee, Buena Vista, Sac, Ida, Woodbury, Emmet, Palo Alto, Pocahontas, and Calhoun Counties, Iowa. Restriction: Service authorized herein is restricted to traffic having a prior or subsequent movement by rail. 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 Sioux Falls, S. Dak., Chicago, Ill., or Minneapolis, Minn.

No. MC 29120 (Sub-No. 136), filed February 2, 1972. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. 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), serving Frankfort, Ind., and points within 6 miles thereof as off-route points in connection with carrier's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29120 (Sub-No. 137), filed February 11, 1972. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, crude or ground; *clay*, granulated or pulverized; *clay and water combined; boards, clay, and fiberboard or pulpboard combined; compounds*, consisting of mixtures of clay and carbon, from Bentonite Spur, Wyo., and Colony, Wyo., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. 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 Sioux Falls, S. Dak., or Omaha, Nebr., or Minneapolis, Minn.

No. MC 30844 (Sub-No. 390), filed January 13, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen blueberries*, from points in Cumberland, Hancock, and Washington Counties, Maine, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. 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 Washington, D.C., or Chicago, Ill.

No. MC 36556 (Sub-No. 24), filed January 24, 1972. Applicant: BLACKMON TRUCKING, INC., 1111 120th Avenue, Somers, WI 53171. Applicant's representative: Earle Munger, 520 58th Street, Kenosha, WI 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendered meat scraps*, from the plantsite of Kenosha Packing Co., Inc., located at Kenosha, Wis., to the plantsite of Swift and Co., located at Rochelle, 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 41432 (Sub-No. 118), filed February 3, 1972. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. 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 Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states it could tack with its regular-route authority but such is not proposed. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 52932 (Sub-No. 26), filed January 10, 1972. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, PA 19446. Applicant's representative: John W. Frame, Box 626, 2201 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Krafteo Corp., at or near Fogelsville and Allentown, Pa., to points in Delaware, District of Columbia, Maryland, and Virginia, restricted to traffic originating at named origins and destined to points in the named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 59680 (Sub-No. 198), filed February 4, 1972. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (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), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., as an off-route point in connection with carrier's presently authorized routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 61592 (Sub-No. 259), filed January 13, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and attachments and agricultural implements*, between points in St. Charles County, Mo., on the one hand, and, on the other, New Orleans, La., Atlanta and Savannah, Ga., Columbus, Ohio, and points in Kansas and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61592 (Sub-No. 260), filed January 13, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle

Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between points in California, Idaho, Nevada, and Oregon and (2) between the States named in (1) above, on the one hand, and, on the other, points in Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 61592 (Sub-No. 261), filed January 13, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Post Office Box K, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products and equipment, materials and supplies* used in the distribution and installation of sheet metal products, and *pipe and tubing* between Vernon, Calif., Dallas, Tex., Arlington Heights, Ill., and Philadelphia, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsites, shipping facilities, dealers, customers, or suppliers of Acme Manufacturing Co. NOTE: Common control may be involved. Applicant states that no tacking circumstances are known. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 70832 (Sub-No. 15), filed February 16, 1972. Applicant: NEW PENN MOTOR EXPRESS, INC., 18 East Weidman Street, Lebanon, PA 17042. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuff*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Massachusetts and New Jersey, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 311), filed February 9, 1972. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Valves, hydrants, parts, attachments, and accessories;* and (B) *materials, equipment, and supplies* used in the manufacture thereof (except commodities in bulk), between Jefferson County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it will tack where possible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 74321 (Sub-No. 55), filed January 17, 1972. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (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 items named 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 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 in Denver, Colo.

No. MC 83835 (Sub-No. 89), filed February 11, 1972. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Carlinville, Centralia, Flora, Irvington, and Sparta, Ill., and Louisiana, Mo., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Montana, Nevada, New Mexico, Mississippi, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that tacking is possible but is not feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 94350 (Sub-No. 302), filed January 17, 1972. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (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 shipments, from points in Dyer County, Tenn., and from points in Orange County, N.C., to points in the United States east of the Montana, Wyoming, Colorado, and New Mexico boundary line. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 94350 (Sub-No. 305), filed February 14, 1972. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (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 shipments, from Anson County, S.C., to points east of the Mississippi River (except Minnesota and Louisiana). 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 specify a location.

No. MC 95876 (Sub-No. 122), filed February 9, 1972. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, (1) between points in Porter and Lake Counties, Ind., and Cook, Will, Lake, and Du Page Counties, Ill., on the one hand, and, on the other, points in Minnesota; and (2) between points in Minnesota. NOTE: Applicant states that tacking is possible with its Sub Nos. 9, 50, 64, and 101. 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 Minneapolis, Minn., or Chicago, Ill.

No. MC 97904 (Sub-No. 13), filed February 11, 1972. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Post Office Box 4006, Knoxville, TN 37921. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and those requiring special equipment), between Madisonville and Etowah, Tenn., from Madisonville over U.S. Highway 411 to Etowah, and return over the same route, serving all intermediate points and points within 5 miles of Etowah. NOTE: If a hearing is deemed

necessary, applicant requests it be held at Nashville, Knoxville, or Chattanooga, Tenn.

No. MC 99208 (Sub-No. 10), filed February 3, 1972. Applicant: SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Post Office Box 3569, Knoxville, TN 37917. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Knoxville, Tenn., and New Orleans, La., with service at New Orleans, La., restricted to shipments having a prior or subsequent movement by rail, water, motor common carrier, or freight forwarder. NOTE: Applicant states it intends to tack with presently held authority in its MC 99208 and subs. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 103993 (Sub-No. 689), filed February 7, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: William J. Lippman, Suite 960, Federal Bar Building West, Washington, D.C. 20006. 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, buildings and sections of buildings from all points in Maryland, North Carolina, South Carolina, Virginia, and West Virginia 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 Raleigh, N.C.

No. MC 104896 (Sub-No. 39), filed February 11, 1972. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, PA 17044. 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: *Foodstuffs* (except commodities in bulk), from the facilities of H. J. Heinz Co. at Toledo, Bowling Green, and Fremont, Ohio, to points in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 587), filed February 4, 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: *Insulation and materials and supplies* used in the installation thereof, from the plantsite of Metal Buildings Insulation, Inc., at or near Cleveland, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: 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 Washington, D.C.

No. MC 106398 (Sub-No. 588), filed February 10, 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: *Building panels, building sections, and materials and supplies* used in the installation thereof, from Tulsa, Okla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, 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, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsite and warehouse facilities of Research and Manufacturing Corp. at Tulsa, Okla. NOTE: 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 Tulsa, Okla.

No. MC 107012 (Sub-No. 143), filed February 7, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, uncrated (1) from El Segundo, Calif., to points in Texas, Georgia, South Carolina, and Florida; and (2) from Sparks, Nev., to points in California, Oregon, and Washington. NOTE: Applicant states that tacking is possible with its Sub-No. 109 at Dallas, Tex., to serve points in Arkansas. 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 107012 (Sub-No. 144), filed February 7, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, uncrated, from Greenville, S.C., and Lyerly, Ga., to points in Minnesota, Iowa, North Dakota, South Dakota, and Nebraska. 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 in Washington, D.C.

No. MC 107107 (Sub-No. 418), filed February 3, 1972. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food preparations* (except meat and meat products, dairy products, frozen food and commodities in bulk), from Kendallville, Ind., to points in Florida and Georgia. 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., or Chicago, Ill.

No. MC 107313 (Sub-No. 2), filed February 11, 1972. Applicant: MARION LANGROCK, doing business as CITY DRAY & TRANSFER, Box 233, Lennox, SD 57039. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from Lennox, S. Dak., to points in Lyon, Osceola, and Woodbury, Counties, Iowa, Cottonwood, Lincoln, Lyon, Pipestone, Rock, and Yellow Medicine Counties, Minn. 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 Falls, or Pierre, S. Dak.

No. MC 107839 (Sub-No. 148), filed February 3, 1972. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in section A 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, in tank vehicles), from the plantsites and storage facilities of Swift & Co., at Scottsbluff and Gering, Nebr., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Mississippi, and Tennessee, restricted to the transportation of traffic originating at the above-named origins and destined to the named states. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 109689 (Sub-No. 231), filed February 7, 1972. Applicant: W. S. HATCH CO., a corporation, 643 South

800 West, Woods Cross, UT 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from points in Tooele County, Utah, to points in California, Nevada, Idaho, Wyoming, Montana, Oregon, Washington, Arizona, Colorado, 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 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 Salt Lake City, Utah.

No. MC 110287 (Sub-No. 4), filed February 7, 1972. Applicant: LOUIS SARLO, JR., AND CHARLES J. SARLO, a partnership, doing business as SARLO TRUCKING SERVICE, 820 Jersey Avenue, Gloucester City, NJ 08030. 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: *Waste paper* for recycling, from Arlington, Va., and points in Delaware, Maryland, and the District of Columbia to Gloucester City, N.J. 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 Philadelphia, Pa., or Washington, D.C.

No. MC 110563 (Sub-No. 81), filed February 7, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, 113 North Ohio Avenue, also Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, butter, and dairy products*, from St. Louis, Mo., and its commercial zone, and National Stockyards, Ill., to points in Indiana, Ohio, 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 St. Louis, Mo.

No. MC 110683 (Sub-No. 82), filed February 10, 1972. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. 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), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., as an off-route point in connection with presently authorized regular route operations between Winchester, Va., and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 83), filed February 10, 1972. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. 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), serving Fluvanna and Louisa Counties, Va., as off-route points in connection with applicant's regular-route authority to serve Charlottesville, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110686 (Sub-No. 43), filed February 7, 1972. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. 17721. Applicant's representative: David A. Sutherland, 1140 Connecticut Avenue NW., Suite 1100, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cable assemblies and cable parts*, from Avis and Williamsport, Pa., and Martinsburg, W. Va., to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *Materials and supplies*, used in the manufacture of cable assemblies and cable parts, from points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Avis and Williamsport, Pa., and Martinsburg, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111981 (Sub-No. 18), filed February 10, 1972. Applicant: ROBIDEAU'S EXPRESS, INC., Front Street and Oregon Avenue, Philadelphia, Pa. 19102. 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 to protect such products from heat or cold, from the facilities of Kraftco Corp., at or near Allentown and Fogelsville, Pa., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. Restriction: The authority granted is restricted to traffic originating at the named origin points. 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 Philadelphia, Pa., or Washington, D.C.

No. MC 112304 (Sub-No. 53), filed February 23, 1972. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products*, from points in Jackson County, Ill., to points in the United States in and East of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico; and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in the destination territory named in (1) above to points in Jackson County, Ill. NOTE: Applicant states tacking possibilities exist with applicant's sub 1 "size and weight" authority although tacking operations are not planned at this time. 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 St. Louis, Mo.

No. MC 113362 (Sub-No. 231), filed February 7, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Raymond W. Ellsworth, Post Office Box 227, Seneca, PA 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chewing gum, and related items*, from Duryea, Pa., to Pittsburgh, Pa.; Cleveland, Ohio; Cincinnati, Ohio; Grand Rapids, Mich.; and Kansas City, Kans.; restricted to traffic originating at the plantsite and storage facility of Topps Chewing Gum, Inc. 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 113528 (Sub-No. 21), filed February 4, 1972. Applicant: MERCURY FREIGHT LINES, INC., Post Office Box 1247, 710 North Joachim Street, Mobile, AL 36601. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco and tobacco products, including cigarettes*, from points in North Carolina to points in Alabama

south of U.S. Highway 278. NOTE: Applicant states it intends to tack the requested authority with its existing authority at Birmingham, Selma, and Mobile, Ala., and perform through service to its system points, including Dallas, Forth Worth, Houston, Beaumont, Tex., and Baton Rouge, La. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Atlanta, Ga.

No. MC 113843 (Sub-No. 181), filed February 7, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, and Vermont, restricted to traffic originating at the named origins and destined to points in the named destination territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Philadelphia, Pa.

No. MC 113865 (Sub-No. 15), filed February 3, 1972. Applicant: STAUFFER TRUCK SERVICE, INC., Rural Route No. 1, Taylor, Mo. 63471. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Utility truck bodies, and pickup truck tool boxes, and packs*, from West Quincy, Mo., to points in the United States (except Alaska and Hawaii), under contract with Knapheide Manufacturing Co. NOTE: Applicant now holds common carrier authority under its No. MC 123245 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 114274 (Sub-No. 18), filed February 11, 1972. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th Street Place, Des Moines, IA 50306. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. 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 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 skins), from the plant and warehouse sites of Farmland Foods, Inc. at or near Iowa Falls, Carroll, and Denison, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, the District of Columbia, and Louisville and Covington, Ky. Restriction: The operations sought herein are restricted to the transportation of traffic originating at the above-named origins and destined to points in the above-named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 115162 (Sub-No. 244), filed January 17, 1972. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, chips, shavings, and refuse*, from points in Stone County, Miss., to Mobile, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115273 (Sub-No. 11), filed February 11, 1972. Applicant: ACME CARRIERS, INC., 216 Third Street, Brooklyn, NY 11215. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle caps*, from the facilities of Ferdinand Gutmann & Co., located at Brooklyn, N.Y., to Jacksonville, Northbrook, and Granite City, Ill.; Independence, Mo.; and Oconomowoc, 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 New York, N.Y., or Newark, N.J.

No. MC 115311 (Sub-No. 132), filed February 3, 1972. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. 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: *Fly ash*, in bulk and in packages, from points in Bartow County, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennesessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115826 (Sub-No. 238), filed February 8, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, also Post Office Box 5088, 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: *Foodstuffs*, from Kalona, Iowa, to points in Idaho, Illinois, Indiana, Texas, Georgia, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nevada, Colorado, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, California, Washington, Wisconsin, Wyoming, Arizona, New Mexico, Alabama, Oklahoma, Arkansas, Louisiana, Mississippi, Kentucky, Tennessee, Florida, South Carolina, North Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 116073 (Sub-No. 223), 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, from points in Geary, Sumner, Lyon, Riley, and Douglas Counties, Kans., to points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 116273 (Sub-No. 152), filed February 11, 1972. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in shipper owned trailers, (1) between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin, and (2) from points in Delaware, Louisiana, New Jersey, Pennsylvania, and Texas, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 217), filed February 7, 1972. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials*, from the Lagro, Ind., plantsite and the Wabash, Ind., warehouse site of the Celotex Corp. to points in Arkansas, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 218), filed February 10, 1972. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, oils, greases, and lubricants*, from Ponca City, Okla., and Wichita, Kans., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116763 (Sub-No. 219), filed February 10, 1972. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp. at or near Fogelsville and Allentown, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 117200 (Sub-No. 17), filed February 4, 1972. Applicant: TISCH & DREW, INC., 212 Green Bay Avenue, Oconto Falls, WI 54154. Applicant's representative: Allen Tisch (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk fertilizer and fertilizer compounds*, from St. Paul, Minneapolis, Maplewood, Red Rock, Savage, and Pine Bend, Minn., to points in Wisconsin, under contract with Midland Cooperatives, Inc., Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Green Bay, Appleton, or Madison, Wis.

No. MC 117799 (Sub-No. 31), filed February 15, 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, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Styropar* (in drums) from Jamesburg, N.J., and Kobuta (Beaver County), Pa., to Nixa, Mo. 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 Kansas City, Mo., or Omaha, Nebr.

No. MC 117799 (Sub-No. 32), filed February 15, 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, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Carthage, Mo., to Landover, Md. 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 San Francisco or Los Angeles, Calif.

No. MC 117799 (Sub-No. 33), filed February 16, 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, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen and commodities in bulk), 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 Gustine, Calif., and Washington Court House, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: 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 Los Angeles or San Francisco, Calif.

No. MC 118989 (Sub-No. 70), filed February 4, 1972. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, plastic materials and products, paper and paper products (except commodities in bulk), between the plantsites and storage facilities of Will Ross, Inc., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the plant and storage facilities of Will Ross, Inc., restricted to traffic originating at and destined to the named plant and storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119110 (Sub-No. 5), filed February 4, 1972. Applicant: KELLY TRUCK LINES, INC., 925 South Gladstone, Columbus, IN 47201. Applicant's representative: Thomas F. Quinn, 715 First Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coil steel*, from Allenport, Pa., and North Steubenville, Ohio, to Columbus, Ind., under contract with Cosco Household Products, Inc., a subsidiary of Hamilton-Cosco, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Cincinnati, Ohio.

No. MC119619 (Sub-No. 67), filed February 8, 1972. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, and Vermont, restricted to traffic originating at named origins and destined to points in the described destination territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Philadelphia, Pa.

No. MC 124070 (Sub-No. 25), filed February 7, 1972. Applicant: CHEMICAL HAULERS, INC., Post Office Box 2038, Hammond, IN 46323. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in shipper owned trailers, (1) between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin; and (2) from points in Delaware, Louisiana, New Jersey, Pennsylvania, and Texas, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124078 (Sub-No. 510), filed February 7, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having an immediate prior

or subsequent movement over the lines of the Chicago & North Western Railway, between points in Illinois, Iowa, Kansas, Upper Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states tacking possible but 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 Chicago, Ill., or St. Paul, Minn.

No. MC 124154 (Sub-No. 52), filed February 7, 1972. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Applicant's representative: W. D. Wingate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer axles*, (2) *running gear assemblies*, and (3) *component parts and materials* used in the manufacture of trailer axles and running gear assemblies (except commodities requiring the use of special equipment), between the plantsite of Foreman Manufacturing Co. located in Turner County, Ga., and points in Kentucky and Mississippi. 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 124679 (Sub-No. 47), filed February 7, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 21st South, Salt Lake City, UT 84119. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. 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 I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Swift & Co. at Scottsbluff and Gering, Nebr., 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 shipments originating at the above-named plantsite and destined to the above-named States. NOTE: Applicant now holds contract carrier authority under its No. MC 128813 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124679 (Sub-No. 48), filed February 14, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 21st South, Salt Lake City, UT 84119. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except bulk and hides or skins), from St. Louis, Mo., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Pennsylvania. NOTE: Applicant now holds contract carrier authority under its No. MC 128813 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 Washington, D.C., or Chicago, Ill.

No. MC 127238 (Sub-No. 4), filed February 9, 1972. Applicant: DOROTHY R. ZUMMO, doing business as AIR DELIVERY SERVICE, Post Office Box 1102, Scranton, PA 18501. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require special equipment), between John F. Kennedy International Airport, New York, N.Y.; La Guardia Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Allentown-Bethlehem-Easton Airport, Northampton and Lehigh Counties, Pa.; and Scranton-Wilkes-Barre Airport, Lackawanna and Luzerne Counties, Pa.; on the one hand, and, on the other, points in Susquehanna, Lackawanna, Luzerne, Wyoming, Bradford, Tioga, Columbia, Lycoming, and Wayne Counties, Pa., and Warren County, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 129162 (Sub-No. 12), filed February 3, 1972. Applicant: ROBERT B. SCHILLI, Trustee, under the last will of Bernard Raymond Schilli, deceased, doing business as SCHILLI TRANSPORTATION, 230 St. Clair Avenue, East St. Louis, IL 62201. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocarbon-nitrate*, from Central City, Ky., to points in Lee, Wise, Buchanan, Dickenson, and Scott Counties, Va., and points in 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 St. Louis, Mo.

No. MC 129444 (Sub-No. 5), filed February 14, 1972. Applicant: KNOBLOCH TRUCKING CO., INC., Yaphank Avenue, Brookhaven, N.Y. 11719. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, animal feeds, and materials* used in the manufacture, sale and distribution of such commodities in vehicles equipped to protect such products from heat or cold except in bulk, in tank vehicles, between the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., on the one hand, and, on the other, points in New York, Richmond, Bronx, Kings, Queens, Nassau, and Suffolk Counties, N.Y., and Middlesex, Union, and Hudson Counties, N.J., under contract with Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133002 (Sub-No. 2), filed February 4, 1972. Applicant: ROBERT W. GROH, 2610 South Lakeport, Sioux City, IA 51102. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery supplies*, from the plantsite of Globe Products Co., Inc., at Clifton, N.J., to points in Virginia, North Carolina, South Carolina, Florida, Tennessee, Georgia, Alabama, Louisiana, Mississippi, Texas, Colorado, Utah, Nevada, Arizona, California, Washington, and Oregon, under contract with Globe Products Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 134453 (Sub-No. 3), filed February 9, 1972. Applicant: STERNLITE TRANSPORTATION COMPANY, a corporation, Winsted, Minn. 55395. Applicant's representative: Wesley Holter (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles or posts, outside lighting, aluminum, cement or steel, and parts thereof, posts, signs, steel; poles, flagpole, unfinished, aluminum; poles, electric wire, steel, and parts thereof*, from East Stroudsburg, Pa., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Union Metal Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 134477 (Sub-No. 17), filed February 9, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) and (2) *Foodstuffs*, from Butterfield, Madelia, and St. James, Minn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minneapolis, Minn.

No. MC 134631 (Sub-No. 11), filed February 9, 1972. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio, phonograph and storage cabinets, record changer bases, and speaker boxes*, with or without mechanisms, from Chetek, Wis., to Paterson, N.J.; Brooklyn, N.Y.; Los Angeles, Calif.; Batavia, N.Y.; Smithfield, N.C.; Indianapolis, Ind., and Sioux City, Iowa, under contract with A.B.C. Chetek, Inc. NOTE: Applicant holds common carrier authority under MC 118202, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134922 (Sub-No. 26), filed February 3, 1972. Applicant: B. J. McADAMS, 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: *Milk food products* (except in bulk, other than frozen), *plastic articles, rubber articles, and drugs*, from Altavista, Va., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming, restricted to traffic originating at Altavista, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135109 (Sub-No. 2), filed February 7, 1972. Applicant: SECO, INC., 219 North Jackson, Mason City, IA 50401. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* such as are dealt in by book and magazine publishing companies and *fixtures, materials, supplies, and equipment* used in the operation of such businesses, from Hightstown, N.J., to Manchester, Mo., serving Manchester, Pa., and Indianapolis and Crawfordsville, Ind., for pickup only, and return, for pickup only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135469 (Sub-No. 2), filed February 16, 1972. Applicant: HAWKEYE TRANSPORT CO., a corporation, 601 East Front Street, Stanwood, IA 52337. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, in bulk, in tank vehicles, from at or near Clinton, Iowa, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines or Cedar Rapids, Iowa.

No. MC 135715 (Sub-No. 4), filed February 23, 1972. Applicant: DAN TRUCKING, INC., 7435 University Avenue, La Mesa, CA 92401. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing, related supplies and accessories*, from Washougal, Wash., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, and Utah, and (2) *materials, equipment, and supplies* used in the manufacture, processing, sale, distribution, and installation of corrugated plastic drainage tubing, from points in Arizona, California, Idaho, Montana, Nevada, Oregon, and Utah, to Washougal, Wash., under contract with Advanced Drainage Systems, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135725 (Sub-No. 4), filed February 23, 1972. Applicant: FRY TRUCKING, INC., 507 West Fifth Street, Wilton Junction, IA 52778. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients, animal and poultry health and related products, insecticides, pesticides, and empty bags, containers, advertising matter, and premiums therefor*, from Geneseo, Ill., and Norfolk, Nebr., to Atlantic and Storm Lake, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135787 (Sub-No. 1), filed February 4, 1972. Applicant: TENNANT & PIERCE TRUCKING, INC., 7415 Northeast 122d Street, Kirkland, WA 98033. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing and heating fixtures, equipment, supplies, accessories*, from San Pablo, Stockton, Torrance, and City of Industry, Calif., to points in Oregon on and west of U.S. Highway 97, and points in Washington, under contract with American Standard, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135822 (Sub-No. 2), filed February 10, 1972. Applicant: WAYNE THEODORE BROWN, doing business as WAYNE T. BROWN TRUCKING, Post Office Box 344, Glendale, OR 97442. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, boards or sheets consisting of sawdust or ground wood with added resin binder, compressed and related items*, between points in Douglas, Jackson, and Josephine Counties, Oreg., on the one hand, and, on the other, points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Roseburg, Oreg.

No. MC 135903 (Sub-No. 2), filed February 9, 1972. Applicant: MID NEBRASKA TRUCKING, INC., Cornlea, Nebr. 68630. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery and related parts, equipment, materials and supplies*, between the facilities of Mark's Implement, Inc. at or near Cornlea, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Mark's Implement, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135957 (Sub-No. 1), filed February 4, 1972. Applicant: POC, INC., doing business as DREXEL MOVING AND STORAGE CO., a corporation, 747 West Rialto Avenue, San Bernardino, CA 92410. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Diego, San Bernardino, Orange, Los Angeles, Riverside, Ventura, Santa Barbara, Imperial, Kern, and San Luis Obispo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such

traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or San Francisco, Calif.

No. MC 136036 (Sub.-No. 1), filed February 9, 1972. Applicant: PALMCASTER MOVING & STORAGE, a corporation, 45358 10th Street West, Lancaster, CA 93534. 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 Kern and Los Angeles Counties, Calif., 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 shipment. NOTE: If a hearing is deemed necessary, applicant did not specify a location.

No. MC 136159 (Sub-No. 3), filed February 4, 1972. Applicant: AVIS HIGGINS, doing business as A.B.S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Signs, sign parts, sign poles, sign pole parts, and accessories*, from Pardeeville, Wis., to points in the United States (including Alaska but except Hawaii), (2) *Used signs, used sign parts, used sign poles, used sign pole parts, and materials, equipment, and supplies* which are used or useful in the manufacture, sale, production or distribution of the commodities named in Part (1) above, from points in the United States (including Alaska but except Hawaii), to Pardeeville, Wis., (3) *Fiberglass reinforced panels and accessories*, from Gainesville, Fla., to points in the United States (including Alaska but except Hawaii), and (4) *Materials, equipment, and supplies* which are used or useful in the commodities named in Part (3) of this application, from points in the United States (including Alaska but except Hawaii), to Gainesville, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 136202 (Sub-No. 1), filed February 11, 1972. Applicant: B. D. GREEK AND ANNA L. CARDWELL, a partnership, doing business as REBEL VAN LINES, 2945 West Columbia, Torrance, CA 90503. 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 Los Angeles, Orange, San Diego, Riverside, Imperial, San Bernardino, Kern, Ventura, Santa Barbara, Monterey, San Luis Obispo, San Benito, Santa Cruz, Santa Clara, San Mateo, Alameda, Contra Costa, Marin, and San Francisco Counties, Calif., 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: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136247 (Sub-No. 1), filed February 9, 1972. Applicant: WRIGHT TRUCKING, INC., 1303 10th Street SE., Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and malt beverage containers and cartons, bottle and can openers, advertising matters, and brewery products* when moving therewith, from Olympia, Wash., to points in North Dakota, and (2) *empty containers and cartons, advertising matter, spoiled malt beverages, pallets and brewery materials, supplies and ingredients*, from points in North Dakota to Olympia, Wash. 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 Fargo, N. Dak., or Minneapolis, Minn.

No. MC 136258 (Sub-No. 2), filed February 16, 1972. Applicant: HARDING TRUCKING, INC., Box 65, Whiting, IA 51063. Applicant's representative: Lyle Harding (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pieces thereof*, in dump vehicles, from Dakota City and West Point, Nebr., to Denison, Iowa, under a continuing contract with Iowa Beef Processors, Inc., and its subsidaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 136269 (Sub-No. 2), filed February 11, 1972. Applicant: ELECTRONIC MOVING & STORAGE COMPANY, a corporation, 2095 General Truman Street NW., Atlanta, GA 30318. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying, duplicating, and reproducing machines and parts and supplies* used in the installation and operation thereof (crated and uncrated), from the plantsite and warehouse of Xerox Corp., Charlotte, N.C., on the one hand, and, on the other, points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136361 (Sub-No. 1), filed January 31, 1972. Applicant: CECIL BURNETT, doing business as CECIL "SANDY" BURNETT TRUCKING CO., Route 1, Box 30, Lawrenceburg, IN 47025. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, and crushed stone, and commodities* usually and ordinarily transported in dump vehicles, from Harrison and Hooven, Ohio, to points in Dearborn County, Ind., under contract with Dearborn Gravel, Inc., and Top Quality Building Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 136387, filed November 21, 1971. Applicant: HILLIS D. GREER, doing business as GREER'S SERVICE, 4455 El Cajon Boulevard, San Diego, CA 92115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Arizona, New Mexico, Texas, Oregon, Washington, California, Nevada, Idaho, Montana, Utah, Colorado, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Diego or Los Angeles, Calif.

No. MC 136401 (Sub-No. 2), filed February 10, 1972. Applicant: ROBIN EXPRESS, INC., 20–02 Steinway Street, Long Island City, NY 11105. Applicant's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, NY 11227. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tires, tubes, patches, flaps, gaskets, valves, road maps, calendars and materials, equipment, and supplies* incidental to business of a tire manufacturer, wholesaler or distributor in cargo containers or trailers, from points in the New York, N.Y., commercial zone; to Lake Success and New Hyde Park, N.Y., under continuing contract with Michelin Tire Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136407 (Sub-No. 1), filed February 4, 1972. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 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: (1) *Malt beverages and related advertising materials*, from Jefferson County, Colo., to points in Arizona, California, Kansas, Oklahoma, Texas, New Mexico, Idaho, Wyoming, Utah, and Nevada, under a continuing contract with Adolph Coors Co. of Golden, Colo., and (2) *machinery, equipment, materials, and supplies*, used by and dealt in by breweries or porcelain manufacturing facilities, from points in Arizona, California, Kansas, Oklahoma, Texas, New Mexico, Idaho, Wyoming, Utah, and Nevada to points in Jefferson County, Colo., under a continuing contract or contracts with Adolph Coors Co. or Coors

Porcelain Co., both of Golden, Colo. Restriction: Items (1) and (2) above are restricted to the transportation of shipments originating at or destined to the facilities of the above named shippers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136417, filed January 21, 1972. Applicant: B. M. UNDERWALD TRUCKING, INC., 821 East Linden Avenue, Linden, NJ. 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: *Such bulk commodities* as are transported in dump trucks, from Kenvil, Montclair, Summit, Millington, Bound Brook, Hanover, West Orange, Lakewood, and Carpenterville, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, Dutchess, Putnam, Columbia, Albany, Greene, Orange, Rockland, Ulster, and Rensselaer Counties, N.Y. Restriction: The above service to be performed under contract with Houdaille Construction Materials Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136418, filed February 9, 1972. Applicant: McDANIEL TRUCKING, INC., Route 1, Box 178, Orange, VA 22960. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wooden pallets, and wood residuals*, from Orange, Va., to points in South Carolina, North Carolina, Tennessee, West Virginia, Ohio, Maryland, New Jersey, Delaware, Pennsylvania, New York, Connecticut, Michigan, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

### MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 440), filed February 9, 1972. Applicant: TRANSPORT OF NEW JERSEY, a corporation, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Thomas J. McCluskey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, (1) between Allentown, Pa., and Atlantic City, N.J. From Allentown, Pa., over Pennsylvania Highway 145 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Northeast Extension Pennsylvania Turnpike at Interchange 33, thence over Northeast Extension Pennsylvania Turnpike to junction Pennsylvania Turnpike at Interchange 25, thence over Pennsylvania Turnpike to junction New Jersey Turnpike at Interchange 6, thence over New Jersey Turnpike to junction New Jersey Highway 168, thence over New Jersey Highway 168 to junction Atlantic City Expressway at Interchange 44, thence over Atlantic City Expressway to Atlantic City, N.J., and returning over the same route, serving no intermediate points except for joinder purposes only; (2) between Bethlehem, Pa., and Atlantic City, N.J. From Bethlehem, Pa., over Pennsylvania Highway 191 to junction U.S. Highway 309 (also from Allentown, Pa., over unnumbered highways to U.S. Highway 309), thence over U.S. Highway 309 to junction Pennsylvania Highway 313, thence over Pennsylvania Highway 313 to junction U.S. Highway 611, thence over U.S. Highway 611 to Pennsylvania Turnpike at Interchange 27, thence over Pennsylvania Turnpike to junction of Pennsylvania Highway 132 at Interchange 28, thence over Pennsylvania Highway 132 to junction Interstate Highway 95 (also from junction U.S. Highway 13 and Pennsylvania Turnpike at Interchange 29 over U.S. Highway 13 to Interstate Highway 95, thence over Interstate Highway 95 to junction Pennsylvania Highway 132), thence over Interstate Highway 95 to the Tacony-Palmyra Bridge in Philadelphia, Pa., thence over the Tacony-Palmyra Bridge to New Jersey Highway 73, thence over New Jersey Highway 73 to junction New Jersey Turnpike at Interchange 4, thence over the route described in (1) above to Atlantic City, N.J., and return over the same route, serving no intermediate points except for joinder purposes only; (3) Between Quakertown, Pa., and Atlantic City, N.J. From junction U.S. Highway 309 and Pennsylvania Highway 313, Quakertown, Pa., over U.S. Highway 309 to junction Pennsylvania Turnpike at Interchange 26, thence over the routes described in (1) and (2) above to Atlantic City, N.J., and returning over the same route, serving no intermediate points except for joinder purposes only; (4) between Rahway and Carteret, N.J. From junction Hart Street, Randolph Avenue and Blazing Star Road at the Rahway-Woodbridge, N.J., boundary line, over Blazing Star Road and Roosevelt Avenue to junction of Roosevelt Avenue and New Jersey Turnpike at Interchange No. 12, Carteret, N.J., and returning over the same route, serving all intermediate points, and (5) between points in Maplewood, N.J. From junction Springfield Avenue and Prospect Street over Springfield Avenue to junction of Springfield Avenue and Millburn Avenue, thence over Millburn Avenue to the Maplewood-Millburn boundary line and returning over the same route, serving all intermediate points. NOTE: Applicant states it intends to tack the above routes to its existing routes. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Allentown or Philadelphia, Pa.

### APPLICATIONS OF WATER CARRIERS

No. W-16 (Sub-No. 8) (S. C. LOVELAND CO., INC. EXTENSION—PACIFIC COAST (3), filed February 10, 1972. Applicant: S. C. LOVELAND CO., INC., 320 Walnut Street, Philadelphia, PA. Applicant's representative: Donald Macleay, 1625 K Street NW., Washington, DC 20006. By application filed February 10, 1972, applicant seeks operation as a common carrier by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length or 100 tons in weight, *component parts thereof, and related equipment*, between Key West and Tampa, Fla., and New Orleans, La., on the one hand, and, on the other, ports and points along the Pacific coast and tributary waterways in California, Oregon, and Washington.

No. W-78 (Sub-No. 10) (THE VALLEY LINE COMPANY EXTENSION-INTERCOASTAL) filed February 8, 1972. Applicant: THE VALLEY LINE COMPANY, a corporation, 411 North Seventh Street, St. Louis, MO 63101. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. By application filed February 8, 1972, applicant seeks to operate as a common carrier by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length or 100 tons in weight, *component parts* thereof, and *related equipment*, between ports and points along the Pacific coast and tributary waterways, on the one hand, and, on the other, ports and points within applicant's existing authority and ports and points along the Gulf of Mexico and tributary waterways.

### APPLICATION FOR BROKERAGE LICENSE

No. MC 12830 (Sub-No. 2) (Correction), filed January 28, 1972, published in the FEDERAL REGISTER issue of February 25, 1972, corrected and republished as corrected, this issue. Applicant: CANTON AUTOMOBILE CLUB, INC., doing business as CANTON AUTOMOBILE CLUB, 2722 Fulton Drive NW., Canton, OH 44711. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, OH 43215. For a license (BMC-5) to engage in operations as a *broker*, at Canton, Akron, and Wooster, Ohio, in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Summit and Wayne Counties, Ohio, and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: The purpose of this republication is to include Akron, Ohio, to the territorial scope of the application which was inadvertently omitted from the previous publication.

### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 128974 (Sub-No. 2), filed February 4, 1972. Applicant: CLIFFORD R. LATHROP, Box 470, Lathrop Lane and Route 31, Dundee, IL 60118. 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: *Cattle, other than ordinary,* (1) between points in the United States (except Alaska and Hawaii) and (2) from points in the United States (except Alaska and Hawaii) to ports of entry on the international boundary line between the United States and Canada at Sweetgrass, Mont., Buffalo, N.Y., International Falls, Minn., and Blaine, Wash., destined to points in Canada.

No. MC 136242, filed November 23, 1971. Applicant: ROBERT SCHMIDT TRUCKING LTD., a corporation, Box 356, Manning, AB Canada. Applicant's representative: Bishop & McKenzie, Bank of Montreal Building, Seventh Floor, Edmonton 15, AB Canada. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used farm machinery, combines, tractors, plows, discs, drills, cultivators, and all accessories* used on these machines, and *road building equipment,* between ports of entry on the international boundary line between the United States and Canada located in Montana, and points in Montana.

By the Commission.

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

[FR Doc.72-3501 Filed 3-8-72;8:45 am]

# PRICE COMMISSION

## CONTROL OF INFLATION

### Notice of Public Hearing

Notice is hereby given that the Price Commission will hold a public hearing on March 24, 1972, in Chicago, Ill.

The purpose of the hearing is to receive input from various sectors of the nation, including industry, commerce, labor, consumers, and others. The Commission is seeking a general review of policy; an evaluation of its approach to curbing inflation; discussion of possible policy changes; identification of specific problem areas; and the application of policy to controlling inflation.

The hearing will be held from 9 a.m. to 2:30 p.m. in the "Illinois Room" of the Chicago Circle Campus of the University of Illinois, 750 South Halstead Street. Parking will be available only in lot No. 3, at the northeast corner of Halstead and Polk.

The public hearing hereby scheduled reflects the Commission's intention to comport with the stated desire of Congress (section 207 of the Economic Stabilization Act of 1970, as amended) for public hearings on matters which have a significantly large impact on the national economy.

Any person who has a substantial interest in the subject of the hearing, or who is a representative of a group or class of persons which has a substantial interest in the subject of the hearing, may submit, on or before March 14, 1972, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation. Oral presentations may be supplemented by written submissions filed with the Commission before the oral presentation or by March 21, 1972. The Commission reserves the right to select the persons to be heard at the hearing, to schedule and determine the length of their respective presentations, and to establish the procedures governing the conduct of the hearing. In addition, the Commission requests all other interested persons to submit written suggestions and comments on the subject for Commission consideration by March 21, 1972.

All written submissions and requests to make an oral presentation should be sent to Mr. Robert C. Cassidy, Price Commission, 2000 M Street NW., Washington, DC 20508.

Issued in Washington, D.C., on March 8, 1972.

C. JACKSON GRAYSON, JR., *Chairman, Price Commission.*

[FR Doc.72-3720 Filed 3-8-72;11:20 am]

## INSURERS

### Rate Increases Approved Prior to August 15, 1971

Current Price Commission regulations allow insurers to charge a price for insurance in excess of the base price only when that price is in accordance with the provisions of § 300.20. Prior to Executive Order 11615 providing for the stabilization of prices, rents, wages, and salaries, dated August 15, 1971, numerous rate increases subject to rate regulation in the various jurisdictions were filed and approved or otherwise determined to be in compliance with State regulatory requirements. The Price Commission has decided to allow these rate increases which were not implemented because of the freeze to go into effect without additional review.

Therefore, the Price Commission has determined that, effective as of March 7, 1972, an insurer may, without prenotification, implement an insurance rate increase if that rate was subject to State rate regulation and if it was filed and approved or otherwise determined to be in compliance with the applicable State rate regulatory requirements by the State regulatory agency prior to August 15, 1971. However, any insurer subject to the reporting requirements of paragraph (h) of § 300.20 who puts an increase into effect in accordance with this notice must file a quarterly report for the quarter in which the increase is implemented. Reference should be made to this notice as authority for the increase.

Issued in Washington, D.C., on March 7, 1972.

C. JACKSON GRAYSON, JR., *Chairman, Price Commission.*

[FR Doc.72-3721 Filed 3-8-72;11:20 am]

## PUBLIC UTILITIES

### Further Action With Respect to Certain Rate Increases

On February 11, 1972, the Price Commission published a notice (37 F.R. 3094) in which it was stated that, in order to allow time for any changes in the Commission's regulations which might result from public hearings on the question of public utility rates to be applied to pending price increases, certain price increases by privately owned public utilities which were not legally in effect on February 9, 1972, would be temporarily prohibited.

The Commission contemplates that the revised regulations on this subject will be published before March 25, 1972. In order to provide for the orderly implementation of the revised regulations, the Commission hereby orders that the prohibition contained in the above-cited notice is extended until March 25, 1972, or, with respect to any particular price increase, such earlier date as revised regulations on the subject are published and it has been determined that the price increase is in compliance with those regulations.

Issued in Washington, D.C., on March 8, 1972.

C. JACKSON GRAYSON, JR., *Chairman, Price Commission.*

[FR Doc.72-3733 Filed 3-8-72;1:38 pm]

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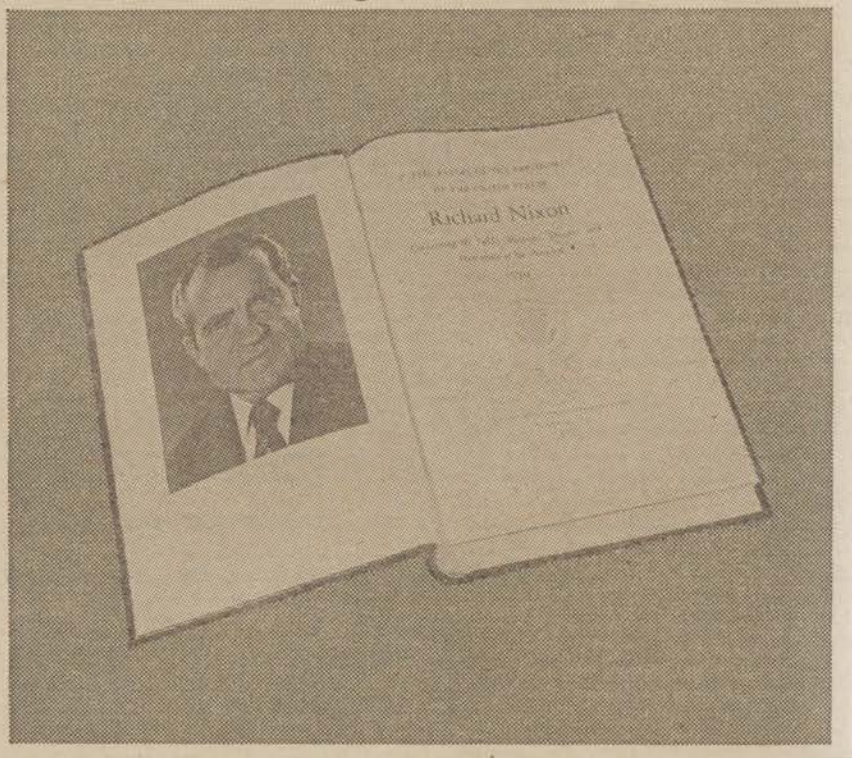

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