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PART I

(Part II begins on page 6449)

HIGHLIGHTS OF THIS ISSUE

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

Note: In the Highlights for the issue of Friday, March 24, 1972, the two entries under "Food Additives" referring to Merck Laboratories and Whitco Chemical Corp. and the entry for "Pesticides" were included inadvertently. These documents appear in the issue for Saturday, March 25, 1972, at pages 6218 and 6225, respectively.

FEDERAL REGISTER

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

5 CFR

213 6379

7 CFR

877 6379
1421 (2 documents) 6379

9 CFR

76 6379

10 CFR

2 6380

PROPOSED RULES:

50 6408

12 CFR

PROPOSED RULES:

336 6408

14 CFR

39 6380
71 (6 documents) 6381, 6382
73 (3 documents) 6382, 6383
75 (2 documents) 6383
241 6384

PROPOSED RULES:

71 (4 documents) 6406, 6407
75 (2 documents) 6407

16 CFR

13 (14 documents) 6387–6399

26 CFR

1 (3 documents) 6400
13 6400

29 CFR

720 6400

33 CFR

PROPOSED RULES:

26 6405

37 CFR

PROPOSED RULES:

6 6404

40 CFR

180 (3 documents) 6400, 6401

45 CFR

252 6450
1005 6402

47 CFR

73 6402

PROPOSED RULES:

73 6408

49 CFR

571 6403

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: from Special Assistant to the Deputy Assistant Secretary for Equal Opportunity to Staff Assistant to the Deputy Assistant Secretary for Equal Opportunity.

Effective on publication in the FEDERAL REGISTER (3–29–72), subparagraph (4) of paragraph (f) of § 213.3384 is amended as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

* * * * *

(f) *Office of the Assistant Secretary for Equal Opportunity.* * * *

(4) One Staff Assistant to the Deputy Assistant Secretary.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.72–4799 Filed 3–28–72;8:52 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices for 1971–72 Crop

Correction

In F.R. Doc. 72–4261 appearing at page 5741 in the issue for Tuesday, March 21, 1972, the following changes should be made:

1. In the first line of § 877.22(g) the word "trish" should read "trash".

2. In the last line of § 877.26(b) the word "by" should read "for".

3. In Schedule A under paragraph (A) the word "interior" in the second line of the explanation for "*I*" should read "inferior".

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1972 Crop Oat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972 Crop Oat Loan and Purchase Program

Correction

In F.R. Doc. 72–3976 appearing at page 5601 in the issue for Friday, March 17, 1972, in § 1421.274(a) the rate per bushel for Shelby Co., Iowa, now reading "$0.57", should read ".56", and the rate per bushel for Gladwin Co., Mich., now reading ".58", should read ".57".

[CCC Grain Price Support Regulations, 1971-Crop Soybean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Soybean Loan and Purchase Program for 1971 Crop

The regulations issued by the Commodity Credit Corporation, published at 36 F.R. 13319, containing regulations for loans and purchases applicable to the 1971 crops of soybeans are amended to establish a basic loan and purchase rate for soybeans stored in the State of Vermont. Since this rate must be made available immediately to producers who wish to obtain loans on their soybeans stored in Vermont, it is hereby found and determined that compliance with the notice of proposed rule making procedure is impracticable and contrary to the public interest. Therefore, this amendment is being issued without following such proposed rule making procedure.

The amendment is as follows:

Section 1421.393, paragraph (a), is amended by inserting following the rates for counties in Texas, the following:

§ 1421.393 **Support rates, premiums and discounts.**

* * * * *

(a) * * *

VERMONT	*Rate per bushel*
All counties	$2.11

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421)

Effective date: Upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on March 17, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72–4807 Filed 3–28–72;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 72–510]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, a new paragraph (e)(4) relating to the State of South Carolina is added to read:

(e) * * *

(4) *South Carolina.* That portion of Florence County bounded by a line beginning at the junction of State Highway 57 and State Highway 66; thence, following State Highway 57 in a southeasterly direction to State Highway 41, 51; thence, following State Highway 41, 51 in a southerly direction to the Lynches River; thence, following the north bank of the Lynches River in a generally northwesterly direction to State Highway 49; thence, following State Highway 49 in a northwesterly direction to State Highway 66; thence, following State Highway 66 in a northerly, then northeasterly direction to its junction with State Highway 57.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707)

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

The amendment quarantines a portion of Florence County, S.C., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making procedure would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of March 1972.

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

[FR Doc.72-4731 Filed 3-28-72;8:47 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Atomic Safety and Licensing Appeal Board

The Atomic Energy Commission's rules of practice, 10 CFR Part 2, provide for the establishment of an Atomic Safety and Licensing Appeal Board to perform the review function which would otherwise be performed by the Commission in certain licensing proceedings. Section 2.787 of 10 CFR Part 2 describes the composition of the Appeal Board as "the Chairman, Vice-Chairman, and a third member designated by the Commission for each proceeding, except that in proceedings involving antitrust considerations, it is composed of the Chairman and two members designated by the Commission possessing qualifications appropriate to the issues to be decided."

The Commission has amended § 2.787 of 10 CFR Part 2 to provide for the designation of alternate members of the Atomic Safety and Licensing Appeal Board. If a member of the Appeal Board, including the Chairman or Vice-Chairman, becomes unavailable, an alternate will be designated by the Commission to serve as a member of the Appeal Board.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 2, is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER (3-29-72).

Section 2.787 is amended to read as follows:

§ 2.787 Composition of Atomic Safety and Licensing Appeal Board.

The Atomic Safety and Licensing Appeal Board is composed of the Chairman, Vice-Chairman, and a third member designated by the Commission for each proceeding, except that in proceedings involving antitrust considerations it is composed of the Chairman and two members designated by the Commission possessing qualifications appropriate to the issues to be decided. The Commission may designate an alternate to serve as a member (including Chairman) of the Atomic Safety and Licensing Appeal Board in the event that the Chairman, Vice-Chairman, or a member of the Appeal Board becomes unavailable.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

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

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-4878 Filed 3-28-72;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-WE-7-AD, Amdt. 39-1418]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-9 and Military C-9A (DC-9-32F) Airplanes

There have been instances of cracks occurring in the engine pylon upper aft spar cap and strap (doubler) on Douglas Model DC-9 airplanes. One occurrence resulted in complete failure of the rear spar, damage to the pylon and adjacent fuselage structure, and subsequent disorientation of the engine. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a one-time only visual inspection of the engine pylon aft spar upper cap, strap, adjacent pylon and fuselage internal and external structure; repetitive radiographic inspections of the engine pylon aft upper spar caps and straps; and, repair or replacement of these structures, if necessary, on Douglas Model DC-9-10, -20, -30, -40 series and C-9A (DC-9-32F) airplanes.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to Model DC-9 series airplanes certificated in all categories.

Compliance required as indicated.

To prevent failures of the engine mount pylon as the result of cracks in the engine pylon upper aft spar caps (P/N 9958154-5, and -6) and/or the titanium straps (P/N 9958154-17 and -18) and supporting structure, accomplish the following:

A. For aircraft with more than 8,000 hours' time in service: Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished, visually inspect the upper aft spar caps and straps and adjacent fuselage and pylon internal and external structure for any evidence of cracking, in accordance with the following procedure or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

1. Visually inspect the aft face and upper and lower edges of the titanium strap, P/N 9958154-17 and -18, and the upper and lower edges of the steel spar cap, P/N 9958154-5 and -6, at the first, second and third fasteners inboard and outboard of the fuselage shell; and,

2. Visually inspect the bend radius and vertical line of rivets in the pylon rear spar supporting bulkhead shear clips, P/N 9912246-43 and -44, inside the fuselage shell between longerons 14 and 16; and,

3. Visually inspect the bend radius and horizontal line of rivets in the outboard leg of the intercostals, P/N 9915596-3 and -4, which attach to the fuselage skin between the pylon rear spar supporting bulkhead and next aft fuselage frame (P/N 5913596) inside the fuselage shell; and,

4. Visually inspect the bend radius and vertical line of rivets in the outboard leg of the fuselage frame shear clips, (P/N 5913596-11 and -12, P/N 5913595-11 and -12), inside the fuselage shell, at the first and second fuselage frames (P/N's 5913596 and 5913595) aft of the rear spar support bulkhead.

5. If a crack is found:

a. In the pylon support or adjacent fuselage structure, before further flight, replace the cracked parts with new parts of the same design, or repair in accordance with instructions prescribed in the Douglas DC-9 Structural Repair Manual, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region. After accomplishment of the above, perform the radiographic inspections specified in paragraph "B".

b. In the spar cap and/or strap, before further flight, replace the cracked parts with new parts of the same design.

c. Upon installation of a new spar cap and/or strap of the same design, the inspections required in paragraphs A and B may be discontinued until those parts accumulate 8,000 hours' time in service, at which time reinstate the program of inspections and any necessary replacements or repairs per this AD.

B. If no cracks are found after accomplishment of the inspections required by paragraphs A-1 through A-4, or, after repair or replacement of parts as specified in 5(a), within the next 1,500 hours' time in

service after the effective date of this AD and thereafter, at intervals not to exceed 1,500 hours' time in service from the last inspection, inspect the upper aft steel spar caps, P/N 9958154–5 and –6 and titanium cap straps, P/N 9958154–17 and –18, using radiographic inspection methods in accordance with the instructions outlined in Douglas All Operators Letter, AOL 9–66 dated November 22, 1971, or other radiographic inspection methods accomplished in a manner approved by Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: Approval of other radiographic inspection methods requires submittal of performance standards and technical qualifications which have been based upon positive proof of the ability to detect any crack in an area immediately adjacent to the bolt holes in the aft upper spar cap and strap.

If cracks are found as a result of the radiographic inspections, before further flight replace the failed parts with new parts of the same design.

This amendment becomes effective March 30, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1959, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 20, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.72–4713 Filed 3–28–72;8:45 am]

[Airspace Docket No. 71–GL–19]

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

Alteration of Control Zone; Correction

In F.R. Doc. 72–2405, on page 3509 in the issue of Thursday, February 17, 1972, line 1 of the Dayton, Ohio (Wright-Patterson AFB) control zone description should be corrected to read "Within a 5-mile radius of Wright-Patterson AFB."

Issued in Des Plaines, Ill., on March 9, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72–4717 Filed 3–28–72;8:45 am]

[Airspace Docket No. 71–GL–34]

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

Alteration of Control Zone

On pages 620 and 621 of the FEDERAL REGISTER dated January 14, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of the Federal Aviation Regulations so as to alter the control zone at Willoughby, Ohio.

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., May 25, 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 March 9, 1972.

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

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

WILLOUGHBY, OHIO

Within a 5-mile radius of the Lost Nation Airport (latitude 41°40'45" N., longitude 81°23'45" W.); within 4 miles each side of the 088° bearing from the Lost Nation RBN extending from the 5-mile-radius zone to 12 miles east of the RBN; within 3 miles each side of the 268° bearing from the RBN extending from the 5-mile-radius zone to 8.5 miles west of the RBN; within 3 miles each side of the 050° radial of the Lost Nation TVOR extending from the 5-mile-radius zone to 8.5 miles northeast of the TVOR; excluding the portion within the Cleveland, Ohio (Cuyahoga County Airport), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

[FR Doc.72–4716 Filed 3–28–72;8:45 am]

[Airspace Docket No. 71–PC–2]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke a portion of the Swordfish, Hawaii, transition area.

The Poipu Airstrip, Koloa, Kauai, has been permanently deactivated and the instrument approach procedures associated with the airport have been canceled. Therefore, the 2,700 foot portion of the transition area is no longer required.

Since this action involves, in part, navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143) the Swordfish, Hawaii, transition area is amended by deleting all preceding the phrase "5,000 feet above the surface" and substituting "That airspace extending upward from" therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1972.

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

[FR Doc.72–4718 Filed 3–28–72;8:45 am]

[Airspace Docket No. 72–WA–19]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area in the vicinity of Thunder Bay, Ontario, Canada.

By agreement between the Ministry of Transport (MOT), Canada, and the Department of Transportation (DOT), United States, the air route traffic control boundaries have been realigned so that the MOT will control the airspace, in part, within a 35-nautical-mile radius of Thunder Bay Airport, Ontario, Canada. The MOT has designated a terminal control area, effective March 30, 1972, extending upward from 700 feet above the surface within a 35 NMI radius of Thunder Bay Airport, excluding the airspace over the United States. The MOT has asked the DOT to designate a 1,200-foot floor transition area within the portion of the 35 NMI radius area extending over the United States to facilitate the control of air traffic within the Thunder Bay terminal control area. Action is taken herein to designate the requested transition area.

Since a situation exists that requires the immediate adoption of this amendment in the interests of safety, it is found that notice and public procedure thereon are impracticable and contrary to the public interest and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., March 30, 1972, as hereinafter set forth.

Section 71.181 (37 F.R. 2143) is amended by adding the following transition area:

THUNDER BAY, ONTARIO, CANADA

That airspace extending upward from 1,200 feet above the surface within a 35-nautical-mile radius of Thunder Bay Airport (lat. 48°22'19" N., long. 89°19'26" W.), excluding the portion outside the United States.

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

Issued in Washington, D.C., on March 27, 1972.

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

[FR Doc.72–4836 Filed 3–28–72;8:53 am]

[Airspace Docket No. 71-GL-32]

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

Designation of Transition Area

On page 620 of the FEDERAL REGISTER dated January 14, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Versailles, Ohio.

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., May 25, 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 March 9, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

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

VERSAILLES, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Darke County Airport (latitude 40°12'17" N., longitude 84°31'38" W.); and within 3 miles either side of the 265° bearing from the airport, extending from the 5-mile-radius area to 8 miles from the airport.

[FR Doc.72-4714 Filed 3-28-72;8:45 am]

[Airspace Docket No. 72-SO-20]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace and Transition Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to redesignate the Albemarle Sound, N.C., restricted areas R-5301A, R-5301B, R-5301C, R-5302, the Long Shoal Point, N.C., restricted area, R-5313, as joint-use restricted areas; lower the designated altitudes of R-5313 from FL 400 to 18,000 feet MSL; alter the North Carolina transition area to designate the airspace as controlled airspace for radar vectoring of aircraft from inland locations to the outer banks and for radar vectoring of aircraft off airways for weather avoidance. The Department of the Navy has concurred in the alteration of the restricted areas.

Since these amendments are minor in nature and will relieve a restriction, notice and public procedure hereon are unnecessary and for this reason may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Parts 71 and 73 are amended, effective upon publication, as hereinafter set forth.

1. Section 73.53 (37 F.R. 2365) is amended as follows:

a. In R-5301A, Albemarle Sound, N.C., "Controlling agency: Federal Aviation Administration, Washington ARTC Center" is added.

b. In R-5301B, Albemarle Sound, N.C., "Controlling agency: Federal Aviation Administration, Washington ARTC Center" is added.

c. In R-5301C, Albemarle Sound, N.C., "Controlling agency: Federal Aviation Administration, Washington ARTC Center" is added.

d. In R-5302, Albemarle Sound, N.C., "Controlling agency: Federal Aviation Administration, Washington ARTC Center" is added.

e. In R-5313, Long Shoal Point, N.C., "Controlling agency: Federal Aviation Administration, Washington ARTC Center" is added and "Designated altitudes. Surface to FL 400" is deleted and "Designated altitudes. Surface to 18,000 feet MSL" is substituted therefor.

2. Section 71.181 (37 F.R. 2143) the North Carolina transition area is amended by deleting "Within R-5301A and B, R-5306A, B and C, R-5311, R-5313, R-5302" and "Within R-5306A, B and C, R-5311" is substituted therefor.

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

Issued in Washington, D.C., on March 23, 1972.

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

[FR Doc.72-4719 Filed 3-28-72;8:46 am]

[Airspace Docket No. 71-EA-127]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

On January 12, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 478) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would: (1) Raise the ceiling of R-6611 and R-6613; (2) change the time of designation of R-6611, R-6612, and R-6613; and (3) change the Using Agency of R-6611, R-6612, and R-6613.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the NPRM, it was noted that the time of designation of R-6611A, R-6612, and R-6613A did not specify the number of hours in advance of the intended operation that the NOTAM should be issued. Action is taken herein to reflect the change. Since this amendment is editorial in nature and no substantive change in the regulation is effected, additional notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

Section 73.66 (37 F.R. 2375) is amended as follows:

1. R-6611 DAHLGREN COMPLEX, VA.

a. In the caption, add: *"Subarea A"* Designated Altitudes: Delete "Surface to Flight Level 400" and substitute "Surface to 40,000 feet MSL" therefor.

b. In the Time of Designation: Delete "0800 to 1700, e.s.t., Monday through Saturday, September 1 through May 31; 0700 to 1600, e.s.t., Monday through Saturday, June 1 through August 31" and substitute "0800-1700 local time, Monday through Friday, other times by NOTAM issued 48 hours in advance" therefor.

c. In the Using Agency: Delete "Commander, Naval Proving Grounds, Dahlgren, Va." and substitute "Commander, Naval Weapons Laboratory, Dahlgren, Va." therefor.

d. "Subarea B" is added.

Boundaries. Beginning at lat. 38°21'30" N., long. 77°01'15" W.; to lat. 38°17'30" N., long. 76°56'00" W.; to lat. 38°15'45" N., long. 76°52'00" W.; to lat. 38°13'00" N., long. 76°54'35" W.; to lat. 38°19'15" N., long. 77°02'00" W.; to the point of beginning.

Designated altitudes. 40,000 feet MSL to 60,000 feet MSL.

Time of designation. By NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, Va.

2. R-6612 DAHLGREN COMPLEX, VA.

a. In the Time of Designation: Delete "0800 to 1700, e.s.t., Monday through Saturday, September 1 through May 31; 0700 to 1600, e.s.t., Monday through Saturday, June 1 through August 31" and substitute "0800-1700 local time, Monday through Friday, other times by NOTAM issued 48 hours in advance" therefor.

b. In the Using Agency: Delete "Commander, Naval Proving Grounds, Dahlgren, Va." and substitute "Commander, Naval Weapons Laboratory, Dahlgren, Va." therefor.

3. *R-6613 Dahlgren Complex, Va.* a. In the caption *"Subarea A"* is added.

b. In the Designated altitudes: Delete "Surface to Flight Level 400" and substitute "Surface to 40,000 feet MSL" therefor.

c. In the Using agency: Delete "Commander, Naval Proving Grounds, Dahlgren, Va." and substitute "Commander, Naval Weapons Laboratory, Dahlgren, Va." therefor.

d. *"Subarea B"* is added.

Boundaries. Beginning at lat. 38°15'45" N., long. 76°52'00" W.; to lat. 38°13'30" N., long. 76°46'35" W.; to lat. 38°10'00" N.,

long. 76°50'00" W.; to lat. 38°13'00" N., long. 76°54'35" W.; to the point of beginning.

Designated altitudes. 40,000 feet MSL to 60,000 feet MSL.

Time of designation. By NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Naval Weapons Laboratory, Dahlgren, Va.

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

Issued in Washington, D.C., on March 23, 1972.

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

[FR Doc.72-4721 Filed 3-28-72;8:46 am]

[Airspace Docket No. 72-NW-7]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Warrenton, Oreg., Restricted area R-5705. This revocation is made at the request of the Department of the Army.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (3-29-72), as hereinafter set forth.

In § 73.57 (37 F.R. 2369) is amended as follows: "R-5705 Warrenton, Oreg." is revoked.

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

Issued in Washington, D.C., on March 23, 1972.

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

[FR Doc.72-4720 Filed 3-28-72;8:46 am]

[Airspace Docket No. 71-WA-9B]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4791) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 23 area high routes as part of the overall program to establish an area navigation route structure.

To date, six of the proposed high routes have been designated in two rules. Additional proposed routes J868R, J871R, J872R, J873R, and J877R have now been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received to the five routes.

Small latitude/longitude changes were made to the first waypoint in J868R to make it coincide with the Blue Springs, Mo., VORTAC. In J871R all reference facilities have been changed and one waypoint was added to provide more precise route definition and to improve signal coverage. In J872R small changes were made in latitude/longitude of the second waypoint for compatibility with the terminal arrival area. In J873R small changes were made in latitude/longitude of the first waypoint for compatibility with the terminal departure area, and the reference facility was changed for the second waypoint to improve signal coverage. In J877R small changes were made in latitude/longitude of the first waypoint for compatibility with the terminal departure area. The latitude/longitude changes, made herein, are minor in nature and have only slight effect on route alinement as proposed in the notice.

Remaining routes in Airspace Docket No. 71-WA-9 will be issued in one or more final rules soon after flight inspection has been completed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint Name	*Location* N. Latitude/ W. Longitude	Reference facility
J868R (KANSAS CITY, MO., TO ST. LOUIS, MO.)		
Blue Springs, Mo.	39°02'46"/94°15'31"	Kirksville, Mo.
Hawk, Mo.	38°42'35"/90°55'59"	Farmington, Mo.
J871R (ATLANTA, GA., TO ST. LOUIS, MO.)		
Bremen, Ga.	33°39'32"/85°12'55"	Montgomery, Ala.
Fort Payne, Ala.	34°22'17"/85°58'00"	Chattanooga, Tenn.
Duck River, Tenn.	35°38'02"/87°20'37"	Nashville, Tenn.
Festus, Mo.	38°12'05"/90°21'00"	Centralia, Ill.
J872R (ATLANTA, GA., TO COLUMBIA, S.C.)		
Social Circle, Ga.	33°37'10"/83°36'42"	Augusta, Ga.
Gilbert, S.C.	33°55'32"/81°30'05"	Do.
J873R (COLUMBIA, S.C., TO ATLANTA, GA.)		
Irmo, S.C.	34°01'57"/81°19'19"	Augusta Ga.
Lanier, Ga.	34°19'21"/83°40'53"	Spartanburg, S.C.
J877R (SAVANNAH, GA., TO ATLANTA, GA.)		
Oliver, Ga.	32°20'30"/81°26'36"	Augusta, Ga.
Sinclair, Ga.	33°05'19"/83°33'03"	Do.

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

Issued in Washington, D.C., on March 23, 1972.

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

[FR Doc.72-4723 Filed 3-28-72;8:46 am]

[Airspace Docket No. 71-WA-2C]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4298) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes as a part of the overall program to establish an area navigation route structure.

To date, 17 of the proposed high routes have been designated in three rules. Additional proposed routes, J838R and J883R have now been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The USAF Strategic Air Command tentatively objected to one of the proposed routes due to possible derogation to their training program by conflicts between the proposed route and military refueling areas. The FAA regions involved have assured USAF that procedural separation shall be provided between military aircraft and civil aircraft at route conflict points.

A portion of J838R was realigned to parallel existing route J839R and thereby effect segregation of the two routes. New reference facilities were selected for all waypoints due to the realignment involved and also to provide improved signal coverage. In J883R the second waypoint was changed slightly to conform to present route J884R. Also, minor changes were made to geographical coordinates of the fourth and fifth waypoints for more precise route definition. The sixth waypoint was moved slightly to terminate over the Kingston VORTAC facility. These minor changes to J883R do not significantly affect the route alignment as proposed in the Notice.

Remaining routes in Airspace Docket No. 71-WA-2 will be issued in one or more final rules soon after flight inspection has been completed.

In consideration of the foregoing, part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint name	Location, N. Latitude/ W. Longitude	Reference facility
J838R (ATLANTA, GA., TO JACKSONVILLE, FLA).		
Crest, Ga	32°59'25"/84°27'28"	Augusta, Ga.
Vienna, Ga	32°12'48"/83°29'51"	Do.
Calahan, Fla	30°45'09"/82°05'08"	Savannah, Ga.
J883R (MINNEAPOLIS, MINN. TO NEW YORK, N.Y.)		
Minneapolis, Minn.	45°08'45"/93°22'23"	Minneapolis, Minn.
Denmark, Wis	44°23'25"/87°53'34"	Milwaukee, Wis.
Nirvana, Mich	44°01'23"/85°45'09"	Pullman, Mich.
Sanilac, Mich	43°32'20"/82°37'40"	Peck, Mich.
Blakely, N.Y	42°47'58"/78°41'56"	Buffalo, N.Y.
Kingston, N.Y	41°39'55"/73°49'22"	Huguenot, N.Y.

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

Issued in Washington, D.C., on March 23, 1972.

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

[FR Doc.72-4722 Filed 3-28-72;8:46 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-726; Amdt. 40]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Depreciation Costs for Regulatory Purposes as Well as for Accounting Purposes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1972.

By circulation of EDR-209, dated July 22, 1971 (Docket 23641), the Board gave notice that it had under consideration proposed amendments to Part 241 of its Economic Regulations (14 CFR Part 241) which would require all certificated air carriers to set forth in Form 41 reports filed with the Board the depreciation costs established for regulatory purposes, depreciation costs accrued by carrier management for accounting purposes, and the numerical differences between them.

In the notice of proposed rule making, it was observed that for accounting purposes the carriers are free to select their own bases of depreciation which, as a consequence, are reflected in both their books of account and official Form 41 reports filed with the Board. The result is that the Board and the public are left uninformed through the carriers' official reports as to those depreciation expense provisions which are recognized for pricing and other regulatory purposes. Thus, the primary objectives of the proposed rule were to make the carriers' reports filed with the Board more directly useable for regulatory purposes and to eliminate the possibility that users of the reports will erroneously conclude that the flight equipment depreciation for accounting purposes contained therein is recognized for regulatory purposes. These objectives would be accomplished by revising Form 41 "Schedule B-5 Property and Equipment" and establishing a new Form 41 "Schedule P-5(a) Components of Flight Equipment Depreciation."

Comments were submitted by the Airline Finance and Accounting Conference of the Air Transport Association of America (ATA) on behalf of 24 of its members, The Flying Tiger Line, Inc. (Flying Tiger), Universal Airlines, Inc. (Universal), and the U.S. Postal Service (Postal Service). After full consideration of all comments, the Board has decided to adopt the amendments to Part 241 substantially as proposed. Except to the extent modified herein, the tentative findings set forth in the explanatory statement to the proposed rule are incorporated by reference and made final.

All carrier participants take exception to the proposed rule on the basis that it would result in each carrier maintaining a separate set of records for regulatory flight equipment depreciation expense and related assets and reserves at a time when they can ill afford all the added clerical time and costs which this involves. ATA and Flying Tiger, nevertheless, agree that it is easier for them to furnish the Board with flight equipment depreciation data recognized for regulatory purposes than it is for the Board to develop the data in-house.[1] The ATA and Flying Tiger strongly object, however, to the commingling of regulatory flight equipment depreciation data with the flight equipment depreciation expenses and reserves that are taken from the books of account. The Postal Service, on the other hand, strongly supports the proposed amendments to Part 241 set forth in EDR-209, essentially stating that adoption of the proposed rule would relieve the Board and the Postal Service of the extremely burdensome task of recomputing flight equipment depreciation on a uniform basis at any given point in time in order to ascertain the relationships between mail rates and mail costs, and thus would result in an overall benefit to the public.

Since ATA and Flying Tiger have agreed that it is easier for the carriers to furnish the Board with regulatory flight equipment depreciation data than it is for the Board to develop the data, the area of contention seems to be whether or not the reporting requirements should be included in Part 241 or made a separate part of the Economic Regulations. It is their contention that a new part in the Economic Regulations, such as those established for Scheduled All-Cargo Services and Military Airlift Command Charter Services in Parts 242 and 243, respectively, should be established to require the reporting of regulatory flight equipment depreciation computations for the following reasons: (1) Regulatory flight equipment depreciation computations will be maintained on a memorandum basis only, as distinguished from being recorded in the carriers' books of account, resulting in a conflict with sections 22(e) and 32(e) of Part 241 which specify that all financial data reported on Form 41 B, P, and G schedules shall reflect the status of the air carriers' books of account; (2) inclusion of the data in the Form 41 reports would confuse users of the financial statements; and (3) differences in methodology applied to obtain data for financial accounting results, as opposed to regulatory purposes, are significant in several other areas, such as deferred taxes, investment tax credits, gains and losses on property sales, equipment deposits, maintenance reserves, etc.; and, thus, clarification of the differences in financial accounting versus regulatory methodologies would be necessary in all significant functional areas. The carriers also make the conclusory statement that they disagree with the rationale set forth in the explanatory statement to the proposal that Form 41 users might assume that depreciation charges reflected in Form 41 are approved by the Board and that the Board might then be held responsible with carrier management for the reported result. Finally, ATA and Flying Tiger request that the Form 41 Subcommittee of ATA's Corporate Accounting Committee be permitted to assist the Board's Bureau of Accounts and Statistics in developing the appropriate reporting formats and procedures.

The proposal would not result in a conflict between the carriers' books of account and their official Form 41 reports filed with the Board as variously contended by the carriers. The regulatory flight equipment depreciation data to be reported in the Form 41 reports would be a breakdown of, rather than a substitution for, the amount of flight equipment depreciation recorded in the carriers' books of account. Thus, the total depreciation reported in the Form 41 reports would always reflect the status of the air carriers' books of account, together with disclosure of the amounts of flight equipment depreciation reserves and expenses recognized for regulatory purposes. Memorandum record keeping was not proposed, therefore, since the regulatory flight equipment depreciation data to be reported in the Form 41 reports would be merely a computational breakdown of the flight equipment depreciation accrued for accounting purposes.

We also disagree with the carriers' contention that regulatory depreciation should be reported under a separate part of the Economic Regulations to avoid confusing users of the Form 41 reports. On the contrary, the primary purpose of the proposed rule was to make the Form 41 reports more informative and more

[1] Universal is silent in this respect, but states its belief that the piecemeal amendment process now being followed by the Board should be halted short of issuance of a final rule, and that an industry-government conference be called to discuss further changes which the Board contemplates making in the accounting and reporting requirements. It is to be noted, however, that while the piecemeal method of rule making may be troublesome to Universal, it has proved to be an effective way of amending Part 241 on a timely basis with the least amount of burden to both the carriers and the Board, as opposed to one all-inclusive rule encompassing many areas.

useful by providing adequate disclosure concerning depreciation practices. Under the proposal, the Form 41 would not only reveal that the depreciation recorded by the carriers may be different from that recognized for regulatory purposes, but also the impact of any differences on the financial statements. If the depreciation recognized for regulatory purposes were reported in a separate part, as the carriers suggest, the Form 41 report would not provide disclosure of a vital piece of economic data sought by the rule. Furthermore, two reports would exist, each showing different amounts of depreciation without any reconciliation of the differences. Certainly, such a dual standard of reporting would not be conducive to a general understanding or sound decisions on the part of the stockholders, investors, bankers, or the general public.

Moreover, the public has the right to expect that the Form 41 reports filed by the air carriers accurately reflect the impact of both management and regulatory actions. Also, the public knows that the Board does determine the depreciation allowances to be considered in the establishment of rates and charges the carriers make against the public for traffic carried. It would seem to follow, contrary to the carriers' contention, that the public would naturally assume that these same depreciation amounts are also reflected in the carriers' official reports filed with the Board. The carriers, likewise, know the inferences likely to be drawn by the public from these reports and the kind of reliance the public will place on these reports. It is also important to note in this regard that it is a fundamental requirement of the Form 41 reports that all substantive matters which influence materially conclusions to be drawn from the financial statements, but which are not clearly identified therein, be completely and clearly disclosed in supplementary schedules. Since differences resulting from financially and regulatory-computed flight equipment depreciation may be of substantive nature, it is incumbent upon the Board to have these differences disclosed in the Form 41 financial schedules.[2]

We now turn to the carriers' observation that there are other differences between financial accounting and regulatory practices in addition to depreciation which need clarification. We agree that such areas as deferred taxes, investment tax credits, gains and losses on property sales, equipment deposits, and maintenance reserves should and in fact do receive special consideration and treatment in regulatory proceedings. What the carriers overlook, however, is that these items are already disclosed in supplementary schedules of Form 41.[3] For the most part, we believe that disclosure is adequate for these items to permit the Board to identify the amounts involved and to treat them in accordance with the accepted regulatory practice. Depreciation is the notable exception. Although depreciation standards have been established for regulatory purposes, these standards are not reflected in the Form 41 reports. Accordingly, users of Form 41 reports are uninformed as to the regulatory amounts of depreciation, and the Board's staff at present is faced with the burden of recomputing depreciation every time depreciation is used in a regulatory proceeding.

We presume the carriers' request that ATA be permitted to assist in developing the reporting formats and procedures was correlative to their recommendation for the establishment of a new part of the Economic Regulations. Since we have decided to require disclosure in the Form 41 reports as proposed, it appears that the question of carrier assistance in this regard is no longer applicable. In deference to the carriers' assertion that differences between depreciation costs recognized for regulatory purposes and those established for accounting purposes will have no real value unless accompanied by explanation, however, we have modified the new Schedule P–5(a) by including an explanation section at the bottom of the schedule.

Finally, it was noted in the proposal to make the final rule effective 30 days after publication in the FEDERAL REGISTER. We have decided, however, that an effective date of January 1, 1972, would be preferable. This would allow ample time for the carriers to familiarize themselves with the new reporting requirements, inasmuch as the first quarter reports would not be due until May 10, 1972. Thus, making this rule effective on January 1, 1972, should not impose a significant burden upon any person. For the above reasons, the Board finds that good cause exists for making the rule effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) effective January 1, 1972, as follows:

1. Amend the list of schedules in paragraph (a) of Section 22—General Reporting Instructions by adding Schedule P–5(a) so that the list in pertinent part reads:

Schedule No.		Filing	
		Frequency	Postmark Interval (days)
* * *	* * *	* * *	* * *
P–5.1	Aircraft Operating Expenses—Group I Air Carriers	Quarterly	40
P–5.2	Aircraft Operating Expenses—Group II and Group III Air Carriers.	do	40
P–5(a)	Flight equipment Depreciation	do	40
P–6	Components of Maintenance, Passenger Service, and General Services and Administration Expense Functions—All Air Carrier Groups.	do	40
* * *	* * *	* * *	* * *

2. Amend Section 23—Certification and Balance Sheet Elements by adding new paragraph (g) to the reporting instructions for Schedule B–5 Property and Equipment to read:

Schedule B–5 Property and Equipment

* * * * *

(g) Column 8, "Reserve for Depreciation—Regulatory Components" shall include the accumulation of all provisions for losses due to use and obsolescence computed in accordance with such standards as may be or are prescribed for regulatory purposes. Column 9, "Reserve for Depreciation—Other Components" shall reflect the difference between the amounts in columns 8 and 10 of this schedule. Column 10, "Reserve for Depreciation—Carrier Total" shall include the accumulations of all provisions for losses due to use and obsolescence accrued by carrier management for accounting purposes.

3. Amend Section 24—Profit and Loss Elements by adding after the reporting instructions for Schedules P–5.1 and P–5.2 reporting instructions for Schedule P–5(a) to read:

Schedule P–5(a) Components of Flight Equipment Depreciation

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Two sets of this schedule shall be filed each quarter for each operating entity. One set shall reflect the indicated data applicable to the current quarter. The second set shall reflect the indicated data applicable to the 12-month period ended with the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each schedule of the set covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each schedule of the set covering 12 months to date data.

(d) Data applicable to each aircraft type operated by the air carrier shall be reported in separate columns of this schedule and each aircraft type for which report is being made shall be identified at the head of each column in the space provided opposite "Aircraft Type." However, each air carrier may

[2] Regulatory accounting and public accounting should have no distinctions, however, except to recognize the areas of policy and prerogatives of each. In this respect, it is a universal regulatory technique to bring out these areas through subclassifications of carrier-reported data, i.e., property acquisition adjustments and various reserve accounts.

[3] For example, gains on property sales are already reported in detail on Schedule B–8(a) Flight Equipment Capital Gains Invested or Deposited for Reinvestment in Flight Equipment.

group on a uniform basis, data applicable to small single-engine aircraft types of approximately equivalent size, flight principles and characteristics. For this purpose two groups, with subdivision as between fixed-wing and rotary-wing aircraft types, and between reciprocal-engine, turbojet and turboprop aircraft types are established as follows: (1) Single-engine aircraft with maximum continuous horsepower of 300 or under; (2) single-engine aircraft with maximum continuous horsepower of 301 to 450, inclusive. All other aircraft types, including larger single-engine and small twin-engine types, are to be separately reported. Aircraft types not generally used in revenue services shall be separately reported. If more than one type of aircraft is involved, a separation of data relating to each type of aircraft shall not be required.

(e) "Aircraft type" refers to models, such as B–707–100, B–707–300, CV–240, DC–6, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

(f) Italicized codes and item titles do not constitute accounts or account numbers prescribed for air carrier accounting but shall be used for reporting purposes only.

(g) All items shall be completed by each Group II and Group III air carrier, and all items except items 76.3, 76.4, 70.3, and 70.4 shall be completed by each Group I air carrier. Items 76.1 through 76.6 shall reflect flight equipment depreciation expense provisions computed in accordance with such standards as may be or are prescribed for regulatory purposes. Items 70.1 through 70.6 shall reflect the difference between the amounts reported in items 76.1 through 76.6 on this schedule and the flight equipment depreciation amounts reported in items 75.1 through 75.6 on Schedule P–5.1 or P–5.2, as applicable. Item 75.6 shall reflect the flight equipment depreciation amounts reported in this item on Schedule P–5.1 or P–5.2, as applicable.

(h) Amounts included in line items 70.1 through 70.5 shall be explained in the bottom section of this schedule. The explanation shall set forth the factors giving rise to the differences between regulatory components and carrier components of flight equipment depreciation expense.

4. Amend the list of schedules in paragraph (a) of Section 32—General Reporting Instructions by adding Schedule P–5(a) so that the list in pertinent part reads:

Schedule No.		Filing	
		Frequency	Postmark interval (days)
* * *	* * *	* * *	* * *
P–5.1	Aircraft Operating Expenses—Group I Air Carriers	Quarterly	40
P–5.2	Aircraft Operating Expenses—Group II and Group III Air Carriers.	do	40
P–5(a)	Flight Equipment Depreciation	do	40
P–6	Components of Maintenance, Passenger Service, and General Services and Administration Expense Functions.	do	40
* * *	* * *	* * *	* * *

5. Amend Section 33—Certification and Balance Sheet Elements by revising paragraph (d) of the reporting instructions for Schedule B–2.1 Notes to Balance Sheet; Corporate Paid-in Capital; Analysis of Sole Proprietorship Capital or Partnership Capital. As amended, paragraph (d) will read:

(d) The balances in subaccounts of balance sheet account 2390 Other Deferred Credits titled "Investment Tax Credits Available" and "Unrealized Investment Tax Credits" shall be set forth in this schedule as at the end of each calendar quarter. In addition, the balance in account 1619 Reserve for Depreciation—Flight Equipment at the end of each calendar quarter shall be reconciled to show: (1) The accumulated depreciation computed in accordance with such standards as may be or are prescribed for regulatory purposes identified under the caption "Reserve for Depreciation—Regulatory Components"; and (2) the difference between the regulatory components and the balance in account 1619 identified under the caption "Reserve for Depreciation—Other Components." The balance in account 1619 shall be shown under the caption "Reserve for Depreciation—Carrier Total."

6. Amend Section 34—Profit and Loss Elements by adding after the reporting instructions for Schedules P–5.1 and P–5.2 reporting instructions for Schedule P–5(a) to read:

Schedule P–5(a) Components of Flight Equipment Depreciation

(a) This schedule shall be filed by each supplemental air carrier.

(b) The schedule shall be filed for quarterly data only. The caption "Operation" at the head of each schedule is not applicable to supplemental air carriers.

(c) Data applicable to each aircraft type operated by the air carrier shall be reported in separate columns of this schedule and each aircraft type for which report is being made shall be identified at the head of each column in the space provided opposite "Aircraft Type." However, each air carrier may group, on a uniform basis, data applicable to small single-engine aircraft types of approximately equivalent size, flight principles and characteristics. For this purpose two groups, with subdivision as between fixed-wing and rotary-wing aircraft types, and between reciprocal-engine, turbojet and turboprop aircraft types are established as follows: (1) Single-engine aircraft with maximum continuous horsepower of 300 or under; (2) single-engine aircraft with maximum continuous horsepower of 301 to 450, inclusive. All other aircraft types, including larger single-engine and small twin-engine types, are to be separately reported. Aircraft types not generally used in revenue services shall be separately reported. If more than one type of aircraft is involved, a separation of data relating to each type of aircraft shall not be required.

(d) "Aircraft type" refers to models, such as DC–6, DC–6A, CV–240, L–649, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

(e) Italicized codes and item titles do not constitute accounts or account numbers prescribed for air carrier accounting but shall be used for reporting purposes only.

(f) All items shall be completed by each Group II air carrier, and all items except items 76.3, 76.4, 70.3, and 70.4 shall be completed by each Group I air carrier. Items 76.1 through 76.6 shall reflect flight equipment depreciation expense provisions computed in accordance with such standards as may be or are prescribed for regulatory purposes. Items 70.1 through 70.6 shall reflect the difference between the amounts reported in items 76.1 through 76.6 on this schedule and the flight equipment depreciation amounts reported in items 75.1 through 75.6 on Schedule P–5.1 or P–5.2, as applicable. Item 75.6 shall reflect the flight equipment depreciation amounts reported in this item on Schedule P–5.1 or P–5.2, as applicable.

(g) Amounts included in line items 70.1 through 70.5 shall be explained in the bottom section of this schedule. The explanation shall set forth the factors giving rise to the differences between regulatory components and carrier components of flight equipment depreciation expense.

7. Amend CAB Form 41 by revising Schedule B–5 to include the regulatory components of flight equipment depreciation and by adding new Schedule

P-5(a) as shown in Exhibits A and B [4] attached to the rule and made a part thereof.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-4566 Filed 3-28-72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2157]

PART 13—PROHIBITED TRADE PRACTICES

Austin H. Burke and Austin Burke, Inc.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15.235 Producer status of dealer or seller: 13.15-235(m) Manufacturer; § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary; 13.155-100 Usual as reduced, special, etc.; § 13.235 *Source or origin:* 13.235-60 Place: 13.235-60(e) Imported products or parts as domestic. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act; § 13.1325 *Source or origin:* 13.1325-70 Place: 13.1325-70(g) Imported product or parts as domestic. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act; § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Austin Burke et al., Miami Beach, Fla., Docket No. C-2157, March 1, 1972]

In the Matter of Austin H. Burke, an Individual, Formerly Doing Business as Austin Burke, Inc., a Corporation

Consent order requiring a Miami Beach, Fla., individual selling and distributing wool and textile fiber products, including men's wear, to cease misbranding his wool products and falsely and deceptively advertising his textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Austin H. Burke, an individual, formerly doing business as Austin Burke, Inc., a corporation, and respondent's representatives, agents and other employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool products" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the place or country in which such products are manufactured.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Austin H. Burke, an individual, formerly doing business as Austin Burke, Inc., a corporation, and respondent's representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely and deceptively advertising textile fiber products by making any representations, by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of a fiber present in the textile fiber product need not be stated.

It is further ordered, That respondent Austin H. Burke, an individual, formerly doing business as Austin Burke, Inc., a corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of men's wear or any of respondent's products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting the country of origin of his products by overemphasis or by giving undue prominence to any words or phrases relating to countries other than that in which the product originated or was manufactured, or in any other manner misrepresenting the country of origin of his products.

2. Describing or otherwise representing his products as "Vicuna Toned," "Vicuna Toned Doeskin," "Vicuna Finish" or "Chamois Doeskin," or words of similar import or meaning, unless such products are in fact (1) made of hairs, fleece or skin of the animal commonly known and referred to as "Vicuna" or (2) made of the skin of the female deer, an animal commonly known and referred to as doe; or (3) made from the skin of an Alpine Antelope commonly known and referred to as Chamois, or from the fleshers or undersplits of sheepskins which have been tanned in oil after splitting.

3. Describing or otherwise representing products as Mohair unless such product is composed entirely of the hair fibers of the Angora goat or failing to set forth the presence of any other constituent fibers in said product in immediate conjunction with and with equal size and conspicuousness in their order of predominance by weight.

4. Representing either directly or indirectly that the respondent manufactures his own products, by the use of such words as "Buy Direct. We Tailor Most of Our Own Clothing in San Diego" or words of similar import or meaning unless and until respondent owns, operates, and directly and absolutely controls manufacturing facilities wherein said products are manufactured.

5. Representing in advertisements, or in any other manner, directly or by implication, by means of the phrase "Most Items Comparable to and Less than Wholesale", or any other phrase, term or wording of similar import or meaning that the respondent's products are being offered for sale at a price equal to or less than the price paid for the product by respondent, unless that fact is true.

6. Representing directly or by implication, that any price, whether accompanied or not by descriptive terminology, is the respondent's former price of such product when such price is in excess of the price at which such product has been sold or offered for sale in good faith by the respondent on a regular basis for a reasonably substantial period of time in the recent regular course of business, or otherwise misrepresents the price at which such product has been sold or offered for sale by respondent.

7. Falsely or deceptively representing that savings are afforded to the purchaser of any product or misrepresenting in any manner the amount of savings afforded to the purchaser of the product.

[4] Filed as part of the original document.

8. Falsely or deceptively representing that the price of any product is reduced.

9. Failing to maintain full and adequate records disclosing the facts upon which any pricing claims are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 1, 1972.

By the Commission.

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

[FR Doc.72-4772 Filed 3-28-72;8:50 am]

[Docket No. C-2158]

PART 13—PROHIBITED TRADE PRACTICES

Dixie Furniture Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Dixie Furniture Co., Inc., et al., Atlanta, Ga., Docket No. C-2158, March 1, 1972]

In the Matter of Dixie Furniture Co., Inc., a Corporation, and Warren N. Dukes and James W. Dukes, Individually and as Officers of Said Corporation

Consent order requiring an Atlanta, Ga., firm selling furniture and appliances to cease violating the Truth in Lending Act by failing to use on its installment contracts the terms "cash price," "cash downpayment," "trade in," "total downpayment," "amount financed" and other terms required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Dixie Furniture Co., Inc., and its officers, and Warren N. Dukes and James W. Dukes, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any subsidiary or other corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price at which respondents offer, in the regular course of business, to sell for cash the property or services which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "trade-in" to describe the downpayment in property made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

4. Failing to disclose the sum of the "cash downpayment" and the "trade-in", and to describe that sum as the "total downpayment", as required by § 226.8(c)(2) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment as required by § 226.8(c)(3) of Regulation Z.

6. Failing to use the term "amount financed" to describe the amount of credit of which the customer has the actual use, as required by § 226.8(c)(7) of Regulation Z.

7. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

8. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

9. Failing to disclose the Annual Percentage Rate with an accuracy at least to the nearest quarter of 1 percent, computed in accordance with § 226.5(b)(1) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

10. Failing to print the term "Annual Percentage Rate" more conspicuously than other prescribed terminology, as required by § 226.6(a) of Regulation Z.

11. Failing to print the term "finance charge" more conspicuously than other prescribed terminology, as required by § 226.6(a) of Regulation Z.

12. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

13. Failing to print numerical amounts as figures printed in not less than the equivalent of 10 point type, as required by § 226.6(a) of Regulation Z.

14. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: March 1, 1972.

By the Commission.

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

[FR Doc.72-4773 Filed 3-28-72;8:50 am]

[Docket No. C-2151]

PART 13—PROHIBITED TRADE PRACTICES

Dixie Readers' Service, Inc., and Quinton Gibson

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of mispresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1368 *Bonded business;* § 13.1430 *Government endorsement, sanction or sponsorship;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings;* § 13.2165 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jackson, Miss., Docket No. C-2151, Feb. 14, 1972]

In the Matter of Dixie Readers' Service, Inc., a Corporation, and Quinton Gibson, Individually and as an Officer of Said Corporation

Consent order requiring a Jackson, Miss., solicitor and seller of magazine subscriptions through sales agents to cease failing to reveal all aspects of the job when recruiting prospective solicitors, misrepresenting that such solicitors will be engaged in contests for college and other awards, misrepresenting the terms and conditions of soliciting subscriptions, deceptively guaranteeing the delivery of the magazines, fostering sympathy appeals by its solicitors, failing to refund monies promptly, and failing to notify subscribers of their rights to cancel subscription contract within 3 days. The respondent is also required to deliver a copy of the decision and order to its sales agents and representatives.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Dixie Readers' Service, Inc., a corporation, and its officers and Quinton Gibson, individually and as an officer of said corporation, and respondents' agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, or distribution of magazines, magazine subscriptions or other products or the sale, solicitation or acceptance of subscriptions for magazines or other publications or monies paid therefor, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, to prospective solicitors and solicitors that they will travel on a planned itinerary to various large cities throughout the United States; or misrepresenting in any manner, the travel opportunities available to their representatives or solicitors.

2. Representing, directly or by implication, to prospective solicitors and solicitors that they will be furnished a new car while traveling for or on the behalf of respondents.

3. Representing, directly or by implication, to prospective solicitors or solicitors that respondents will pay the expenses of such solicitors; or misrepresenting, in any manner, the terms or conditions of employment as a solicitor for respondents.

4. Representing, directly or by implication, to prospective solicitors or solicitors that they will earn $185 per week, or any other stated or gross amount; or representing, in any manner, the past earnings of respondents' representatives or solicitors, unless in fact the past earnings represented have actually been received by a substantial number of respondents' representatives or solicitors and accurately reflect the average earnings of such representatives or solicitors.

5. Representing, directly or by implication, to prospective solicitors and solicitors that they will serve in any capacity other than as magazine subscription solicitors selling magazines on a door-to-door basis; or misrepresenting, in any manner, the terms, conditions, or nature of such employment, or the manner or amount of payment for such employment.

6. Failing clearly and unqualifiedly, to reveal during the course of any contact or solicitation of any prospective employee, sales agent or representative, whether directly or indirectly, or by written or printed communications, or by newspaper or periodical advertising, or person-to-person, that such prospective employee, sales agent or representative will be employed to solicit the sale of magazine subscriptions.

7. Soliciting or accepting subscriptions for magazines or other publications which respondents have no authority to sell or which respondents cannot promptly deliver or cause to be delivered.

8. Representing, directly or by implication, that respondents' representatives or solicitors are participants in a contest working for prize awards and are not solicitors working for money compensation; or misrepresenting, in any manner, the status of their sales agents or representatives or the manner or amount of compensation they receive.

9. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or for the benefit of any charitable or nonprofit organization; or misrepresenting in any manner, the identity of the solicitor or of his firm or of the business they are engaged in.

10. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or affiliated with programs sponsored by a government agency the purpose of which is to provide assistance to underprivileged groups or persons.

11. Representing, directly or by implication, that respondents' representatives or solicitors are competing for college scholarship awards.

12. Representing, directly or by implication, that respondents' representatives or solicitors are college students working their way through school.

13. Representing, directly or oy implication, that respondents' sales agents or representatives have been or are bonded or making any references to bonding, unless such sales agents or representatives have been bonded by a recognized bonding agency, and any payments made pursuant to such bonding arrangement would accrue directly to the benefit of subscribers ordering subscriptions from respondents' representatives or solicitors; or misrepresenting, in any manner, the nature, terms or conditions of any such bond.

14. Representing, directly or by implication, that respondents have a legal arrangement with any independent third party which insures the placement and fulfillment of each and every magazine subscription order; or misrepresenting, in any manner, the nature, terms and conditions of any such arrangement.

15. Representing, directly or by implication, that respondents guarantee the delivery of magazines for which they sell subscriptions and accept payments, without clearly and conspicuously disclosing the terms and conditions of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

16. Representing, directly or by implication, that the money paid by a subscriber to the respondents' representative or solicitor at the time of the sale is the total cost of the subscription in instances where the subscriber will be required to remit an additional amount in order to receive the subscription as ordered.

17. Representing, directly or by implication, that magazines purchased by subscribers will be distributed to various schools and institutions as gifts or contributions.

18. Misrepresenting the number and name(s) of publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

19. Utilizing any sympathy appeal to induce the purchase of subscriptions, including but not limited to: Illness, disease, handicap, race, financial need, eligibility for benefit offered by respondents, or other personal status of the solicitor, past, present, or future; or representing that earnings from subscription sales will benefit certain groups of persons such as students or the underprivileged, or will help charitable or civic groups, organizations or institutions.

20. Failing to answer and to answer promptly inquiries by or on behalf of subscribers regarding subscriptions placed with respondents.

21. Failing within 30 days from the date of sale of any subscription to enter each magazine subscription with publishers for magazines which respondents are authorized by the publisher or distributor thereof to sell: *Provided, however,* in those sales in which an additional payment is required, the subscription shall be entered within 14 days of the receipt of the final payment, but in no event shall any subscription be entered later than 60 days from the date of sale.

22. Failing within 30 days from the date of sale of any subscription to notify a subscriber of respondents' inability to place all or a part of a subscription and to deliver each of the magazines or other publications subscribed for; and to offer each such subscriber the option to receive a full refund of the money paid for such subscription or part thereof which respondents are unable to deliver or to substitute other publications in lieu thereof.

23. Failing within 14 days from the receipt of notification of a subscriber's election as provided in paragraph 22 hereof, to make the required refund or to enter the subscription with publishers, as elected by the subscriber.

24. Failing to refund to subscribers the money said subscribers have paid for

subscriptions to magazines or, at the election of the subscriber, to enter the subscription as originally ordered in instances where the respondents' representatives or solicitors have appropriated such money to their own use and have failed to enter the subscriptions as ordered by said subscribers, within 14 days of notice thereof.

25. Failing to give clear and conspicuous oral and written notice to each subscriber that upon written request said subscriber will be entitled to a refund of all monies paid if he does not receive the magazine or magazines subscribed for within 120 days of the date of the sale thereof.

26. Failing to refund all monies to subscribers who have not received magazines subscribed for through respondent within 120 days from the date of the sale thereof upon written request for such refund by such subscribers.

27. Failing to arrange for delivery of publications already paid for or promptly refunding money on a pro rata basis for all undelivered issues of publications for which payment has been made in advance.

28. Failing to furnish to each subscriber at the time of sale of any subscription a duplicate original of the contract, order, or receipt form showing the date signed by the customer and the name of the sales representative or solicitor together with the respondent corporation's name, address, and telephone number and showing on the same side of the page the exact number and name(s) of the publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

29. Failing to:

(a) Inform orally all subscribers and to provide in writing in all subscription contracts that the subscription may be canceled for any reason by notification to respondents in writing within 3 business days from the date of the sale of the subscription.

(b) Refund immediately all monies to (1) subscribers who have requested subscription cancellation in writing within 3 business days from the sale thereof, and (2) subscribers showing that respondents' solicitations or performance were attended by or involved violation of any of the provisions of this order.

30. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this order.

It is further ordered, That:

(a) Respondents herein deliver, by registered mail, a copy of this decision and order to each of their present and future crew managers, and other supervisory personnel engaged in the sale or supervision of persons engaged in the sale of respondents products or services;

(b) Respondents herein require each person so described in paragraph (a) above to clearly and fully explain the provisions of this decision and order to all sales agents, representatives and other persons engaged in the sale of respondents' products or services;

(c) Respondents provide each person so described in paragraphs (a) and (b) above with a form returnable to the respondents clearly stating his intention to be bound by and to conform his business practices to the requirements of this order;

(d) Respondents inform each of their present and future crew managers, sales agents, representatives, and other persons engaged in the sale of respondents' products or services that the respondents shall not use any third party, or the services of any third party if such third party will not agree to so file notice with the respondents and be bound by the provisions of the order.

(e) If such third party will not agree to so file notice with the respondents and be bound by the provisions of the order, the respondents shall not use such third party, or the services of such third party to solicit subscriptions;

(f) Respondents inform the persons described in paragraphs (a) and (b) above that the respondents are obligated by this order to discontinue dealing with those persons who continue on their own to deceptive acts or practices prohibited by this order;

(g) Respondents institute a program of continuing surveillance adequate to reveal whether the pusiness operations of each said person described in paragraphs (a) and (b) above conform to the requirements of this order;

(h) Respondents discontinue dealing with the persons so engaged, revealed by the aforesaid program of surveillance, who continue on their own the deceptive acts or practices prohibited by this order; and that

(i) Respondents upon receiving information or knowledge from any source concerning two or more bona fide complaints of acts or practices prohibited by this order against any one of their sales agents or representatives during any 1-month period will be responsible for either ending said acts or practices or securing the release or termination of the employment of the offending sales agent or representative.

It is further ordered, That respondents herein shall notify the Commission at least 30 days prior to any proposed change in the structure of any of the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respective corporations which may affect compliance obligations arising out of this order.

It is further ordered, That in the event Quinton Gibson, the individual respondent to this order, divests himself, or is divested, of all stock ownership in, and no longer holds a position as an officer or director of, Dixie Readers' Service, Inc., or of its successors and assigns, such that he ceases to have any legal or beneficial interest in, or control of, the activities or policies of said corporation, its successors and assigns; further, that he does not thereafter own, acquire, or retain a similar interest or position in any other magazine sales agency or other business activity which advertises, offers for sale, or distributes magazines, magazine subscriptions, or other products characterized as being similar to magazines or magazine subscriptions, which is unrelated to Dixie Readers' Service, Inc., its successors and assigns; and further that he does not function as a crew manager or solicitor of, or in any capacity with, a magazine sales agency; the provisions of this order shall have no application whatesoever to Quinton Gibson, individually, and he shall thereafter have no liability at law or in equity with respect to, or in connection with, this order, insofar as this order relates to the advertising, offering for sale, or distribution of magazines and magazine subscriptions. Further, in the event Quinton Gibson does thereafter own, acquire, or retain a similar interest or position in any other magazine sales agency which is unrelated to Dixie Readers' Service, Inc., its successors and assigns, having relinquished all his interest in and official capacity with Dixie Readers' Service, Inc., as hereinabove described, this order shall apply to him individually, and to his executive capacity with respect to the unrelated agency, but Quinton Gibson, individually shall bear no liability at law or in equity for the acts and practices of Dixie Readers' Service, Inc., its successors and assigns, or of any of the crew managers, agents, representatives, or solicitors of Dixie Readers' Service, Inc., its successors and assigns.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: February 14, 1972.

By the Commission.

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

[FR Doc.72-4766 Filed 3-28-72;8:49 am]

[Docket No. C-2155]

PART 13—PROHIBITED TRADE PRACTICES

Donald Furniture Company, Inc.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.-1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82

Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Donald Furniture Co., Inc., Memphis, Tenn., Docket No. C–2155, Feb. 18, 1972]

In the Matter of Donald Furniture Co., Inc., a Corporation

Consent order requiring a Memphis, Tenn., corporation selling furniture and electrical appliances to cease violating the Truth in Lending Act by failing to disclose in its retail installment contracts the terms and conditions of any security interest in the goods purchased, failing to itemize the amount of the total downpayment as cash downpayment or trade-in, and failing to disclose other terms as required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Donald Furniture Co., Inc., a corporation and respondent's agents, representatives, and employees, successor and assigns, directly or through any corporate or other device in connection with any extension, or arrangement for the extension, of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z of the Truth in Lending Act, do forthwith cease and desist from:

1. Failing to disclose the terms and provisions of any security interest in the property or goods purchased, or the type of security interest required, in any one of the following three ways, as required by §§ 226.8(a) and 226.801 of Regulation Z:

(a) Together on the contract evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature; or

(b) On one side of the separate statement which identifies the transaction; or

(c) On both sides of a single document containing on each side thereof the statement "Notice: See other side for important information," with the place for the customer's signature following the full content of the document.

2. Failing to itemize the amount of the "total downpayment" as "cash downpayment" or "trade-in," as applicable as required by § 226.8(c)(2) of Regulation Z.

3. Failing to disclose the amount of the "Unpaid Balance of Cash Price," and failure to use that term as required by § 226.8(c)(3) of Regulation Z.

4. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of the respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: February 18, 1972.

By the Commission.

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

[FR Doc.72–4770 Filed 3–28–72;8:50 am]

[Docket No. C–2147]

PART 13—PROHIBITED TRADE PRACTICES

ESB, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, ESB, Inc., et al., Philadelphia, Pa., Docket No. C–2147, Feb. 14, 1972]

In the Matter of ESB, Inc., a Corporation Formerly Known as The Electric Storage Battery Co., and Edward J. Dwyer, Individually and as an Officer of Said Corporation

Consent order requiring a Philadelphia, Pa., seller and distributor of battery powered lighting units to cease deceptively guaranteeing the performance of its lighting units.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents ESB Inc., a corporation, and its officers, and Edward J. Dwyer, individually, and as officer of said corporation and respondents' agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of battery-powered lighting units, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing by any means, directly or by implication that respondent's products, are guaranteed unless the nature, extent, and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such guarantee.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That each of the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 14, 1972.

By the Commission.

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

[FR Doc.72–4762 Filed 3–28–72;8:49 am]

[Docket No. C–2154]

PART 13—PROHIBITED TRADE PRACTICES

Empire Accounts Service, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Goods: § 13.1675 *Law or legal requirements.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Empire Accounts Service, Inc., et al., Docket No. C–2154, Chicago, Ill., Feb. 18, 1972]

In the Matter of Empire Accounts Service, Inc., a Corporation, John T. McCormick, and William H. Richter, Jr., Individually and as Officer of Said Corporation

Consent order requiring a Chicago, Ill., debt collection firm to cease misrepresenting that legal action will be instituted against delinquent debtors, misrepresenting the extent of information referred to credit reporting units, and using fictitious job titles and organizational descriptions of respondents' business.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Empire Accounts Service, Inc., a corporation and its officers, John T. McCormick and William H. Richter, Jr., individually and as officers of said corporation, and respondents' representatives, employees, officers, agents, assignees, and successors, directly or through any corporate or other device,

in connection with the collection of, or attempts to collect accounts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any way that legal action will be instituted against an alleged delinquent debtor.

2. Using forms, letters, or materials, printed or written, which represent directly or by implication that where payment is not received, the information of said delinquency is referred to all bona fide credit reporting agencies unless credit bureaus are notified as represented if the debtor fails to make payment or otherwise settle his account.

3. Misrepresenting in any way the manner and extent of respondents' referral of debt delinquency information to credit reporting agencies.

4. Using fictitious job titles or organizational designations or descriptions in connection with respondents' business or misrepresenting in any manner any departmentalization of respondents' business.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 18, 1972.

By the Commission.

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

[FR Doc.72-4769 Filed 3-28-72;8:50 am]

[Docket No. C-2153]

PART 13—PROHIBITED TRADE PRACTICES

Raymond C. Engel, Sr., and National 2d Car Outlet

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Raymond C. Engel, Sr., et al., Modesto, Calif., Docket No. C-2153, Feb. 16, 1972]

In the Matter of Raymond C. Engel, Sr., an Individual Trading as National 2d Car Outlet

Consent order requiring a Modesto, Calif., seller of used automobiles to cease violating the Truth in Lending Act by failing to use in his consumer credit contracts the terms cash price, finance charge, amount financed, annual percentage rate, deferred payment price, total of payments, and other terms as required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Raymond C. Engel, Sr., an individual trading as National 2d Car Outlet, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with any consumer credit extension as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to render the consumer credit cost disclosures required by § 226.8 of Regulation Z before consummation of the credit transactions, as required by § 226.8(a) of Regulation Z.

2. Failing to exclude the State of California Department of Motor Vehicles license, registration, and certificate of title transfer fees in computing the "cash price" as required by § 226.2(i) of Regulation Z.

3. Failing to disclose the term "finance charge" clearly, conspicuously, in meaningful sequence, as required by § 226.6(a) of Regulation Z.

4. Failing to include the amount of premiums for Vendor's Single Interest insurance, required by respondent to be purchased in connection with the credit sale, as part of the finance charge, as required by § 226.4(a)(7) of Regulation Z.

5. Failing to disclose the "finance charge" in credit transactions where finance charges are imposed as required by §§ 226.4, 226.6(a), and 226.8(c)(8)(i) of Regulation Z.

6. Failing to disclose the "amount financed" as required by § 226.8(c)(7) of Regulation Z.

7. Failing to disclose the "annual percentage rate" in credit transactions where finance charges are imposed, as required by §§ 226.5, 226.6(a), and 226.8(b)(2) of Regulation Z.

8. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of 1 percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

9. Failing to disclose the "deferred payment price," which is the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

10. Failing to disclose the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

11. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

12. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

13. Failing to obtain the customer's specific dated and separately signed affirmative written indication of the desire for insurance coverage as required by § 226.4(a)(5)(ii) of Regulation Z.

14. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent, and other persons engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: February 16, 1972.

By the Commission.

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

[FR Doc.72-4768 Filed 3-28-72;8:50 am]

[Docket No. C-2152]

PART 13—PROHIBITED TRADE PRACTICES

Gulf Coast Distributors & Acceptance Corp. and Maurice Charest

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-225 Personnel or staff; § 13.75 *Free goods or services;* § 13.110 *Endorsements, approval and testimonials;* § 13.155 *Prices:* 13.155-100 Usual as reduced, special, etc.; § 13.157 *Prize contests;* § 13.260 *Terms and conditions.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting

oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1665 *Endorsements;* § 13.1705 *Prize contests;* § 13.1760 *Terms and conditions:* 13.1760–50 Sales contract; Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905–50 Sales contract. Subpart—Securing orders by deception; § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gulf Coast Distributors & Acceptance Corp. et al., Kenner, La., Docket No. C–2152, Feb. 15, 1972]

In the Matter of Gulf Coast Distributors & Acceptance Corp., a corporation, and Maurice Charest, Individually and as an Officer of Said Corporation

Consent order requiring a Kenner, La., seller and distributor of various books, including two encyclopedias, to cease misrepresenting that it is distributing free merchandise, that it represents a school board or is taking a survey, that it is offering its books at reduced prices, failing to disclose that certain of its books are old editions, failing to notify customers that notes may be sold to a finance company, and using any sales contract which shall become binding prior to the third day after execution.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gulf Coast Distributors & Acceptance Corp., a corporation, and Maurice Charest, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of books or other products, or in the attempted collection of delinquent or other accounts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, directly or by implication that a drawing or contest is being conducted to determine a winner or winners of free merchandise or other prizes unless such contest or drawing is in fact designed to select a winner or winners of free merchandise or other prizes, and unless said prizes are actually awarded to such winners.

2. Representing, directly or by implication, that respondents are authorized representatives of one or another public bodies, including the State Board of Education, or the Municipal School Board, or that they have been sent to the prospective purchaser's house by a principal, teacher or any other educator or official, or that the purpose of the call or interview is other than to sell books or other products in connection therewith.

3. Representing, directly or by implication, that they are taking a survey for any organization, real or fictitious, when their purpose is to obtain sales leads or to gain entrance into the homes of prospective purchasers.

4. Misrepresenting, directly or by implication, that the New Standard Encyclopedia is "Commended by Parents Magazine."

5. Representing, directly or by implication, that the price at which books or other products are offered for sale is a special or reduced price, unless such price constitutes a substantial reduction from the price at which such books or other products were sold in substantial quantities for a reasonably substantial period of time by the respondents in the recent regular course of their business; or representing that any price is an introductory price.

6. Representing, directly or by implication, that any offer is not available to the public generally, or is limited to a specially selected group.

7. Failing to clearly reveal to prospective purchasers that certain books or other products being offered for sale or sold by respondents are old editions, or editions no longer in print, when said books are in fact old editions, or editions no longer in print, as the case may be.

8. Representing, directly or by implication, that certain books or other products offered for sale or sold by respondents are new, when in fact, said books are repossessed, exchanged, previously owned, out of print, or old editions, as the case may be.

9. Failing to clearly reveal to prospective purchasers that books or other products which have been repossessed, exchanged, previously owned, out of print, or old editions are in fact repossessed, exchanged, previously owned, out of print, or old editions, as the case may be.

10. Representing, directly or by implication, that any books or other products offered for sale bear the commendation, approval or sanction, of any publication or organization, unless said sanction, approval or commendation is in full force and effect at the time of said offer or sale.

11. Representing, directly or by implication, that delinquent accounts will be turned over to an attorney for collection, or that suit will be filed, unless such actions are in fact taken in the ordinary course of respondents' business.

12. Misrepresenting, directly or by implication, that savings are available to purchasers or prospective purchasers of books or other products; or misrepresenting, in any manner, the amount of savings to purchasers or prospective purchasers thereof.

13. Failing to disclose orally prior to the time it is signed by the purchaser, that an instrument of indebtedness executed by a purchaser may, at respondents' option and without notice to the purchaser be discounted, negotiated, or assigned to a finance company or other third party to which purchaser will thereafter be indebted and against which the purchaser's claim or defenses may not be available.

14. Failing to incorporate the following statement on the face of all contracts executed by respondents' customers with such conspicuousness and clarity as is likely to be observed, read and understood by the purchaser:

IMPORTANT NOTICE

If you are obtaining credit in connection with this contract you will be required to sign a promissory note. This note may be purchased by a bank, finance company or other third party. If it is purchased by another party, you will be required to make your payments to the purchaser of this note. You should be aware that if this happens you may have to pay the note in full to the new owner of the note even if this contract is not fulfilled.

15. Contracting for any sale, whether in the form of a trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

16. Furnishing to others any means or instrumentalities whereby they may mislead purchasers or prospective purchasers as to any of the matters or things prohibited by this order.

It is further ordered, That the respondents herein shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of merchandise, products, or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondents shall notify the Commission at least thirty (30) days prior to any proposed change in their business organization such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor corporation or partnership or any other change which may effect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 15, 1972.

By the Commission.[1]

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

[FR Doc.72–4767 Filed 3–28–72;8:49 am]

[Docket No. C–2160]

PART 13—PROHIBITED TRADE PRACTICES

Laureate Hosiery Mills, Inc., and Schulte and Dieckhoff (USA)

Subpart—Misbranding or mislabeling: §13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile

[1] Chairman Kirkpatrick not participating.

Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: §13.1530 *Producer status of dealer.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Laureate Hosiery Mills, Inc., et al., Bayonne, N.J., Docket No. C–2160 March 1, 1972]

In the Matter of Laureate Hosiery Mills, Inc., a Corporation, and Schulte & Dieckhoff (USA), Inc., a Corporation

Consent order requiring Bayonne, N.J., and Charlotte, N.C., importers, wholesalers and retailers of textile fiber products to cease misbranding their textile fiber products and misrepresenting themselves as manufacturers of such products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Laureate Hosiery Mills, Inc., a corporation, its successors and assigns, and its officers, and Schulte & Dieckhoff (USA), Inc., a corporation, its successors and assigns, and its officers, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondent Laureate Hosiery Mills, Inc., a corporation, its successors and assigns, and its offiers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hosiery or other textile products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly that respondent Laureate Hosiery Mills, Inc., is a manufacturer of hosiery or other products unless respondents own and operate, or directly and absolutely control a mill, factory, or manufacturing plant wherein said hosiery or other products are manufactured.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 1, 1972.

By the Commission.

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

[FR Doc.72–4775 Filed 3–28–72;8:50 am]

[Docket No. C–2148]

PART 13—PROHIBITED TRADE PRACTICES

Procter & Gamble Co.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–64 Nutritive; 13.170–74 Reducing, nonfattening, low-calorie, etc. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275–70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, the Procter & Gamble Co, Cincinnati, Ohio, Docket No. C–2148, Feb. 14, 1972]

In the Matter of the Procter & Gamble Co., a Corporation

Consent order requiring a Cincinnati, Ohio, corporation selling and distributing an edible oil designated "Crisco Oil" to cease misrepresenting in its advertising that foods fried in its product absorb less grease than foods fried in other oils, that its product is lower in calories, and using any expression which implies that respondent's oil is unique.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Part I. *It is ordered,* That respondent the Procter & Gamble Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Crisco Oil or any other edible salad oil sold for household consumption and having similar composition or possessing substantially similar properties do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication:

(a) That foods fried in any such product absorb less of the frying medium than foods fried in other edible oils.

(b) That any such product has unique properties that produce a less greasy food than other edible oils.

(c) That the oil remaining in the pan after frying chicken consists solely of any such product.

unless such representation is based on tests, studies, documentation, or other data in possession of respondent prior to the time such representation was made whch substantiates such representation and unless the results thereof are maintained in writing and available for inspection.

2. Disseminating, or causing the dissemination of any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in paragraph 1 hereof.

Part II. *It is further ordered,* That respondent the Procter & Gamble Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Crisco Oil, or any other food product sold for household consumption, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce which represents that respondent's product is lower in calories than, or has less adverse health effects in the diet than, any other product, unless such representation is based on tests, studies, documentation, or other data in possession of respondent prior to the time such representation was made which substantiates such representation and unless the results thereof are maintained in writing and available for inspection.

2. Dissemination, or causing the dissemination of any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of respondent's product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in paragraph 1 of part II of this order, unless the affirmative requirements of said paragraph have been complied with.

Part III. A statement as to the qualities or attributes of a product can amount to an implied uniqueness claim if it is made in a context which conveys

an impression of uniqueness for the product. However, statements as to the qualities or attributes of products covered by the order will not constitute a violation of this order for the sole reason that such statements could also be made with respect to similar products.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, creation or dissolution of subsidiaries or other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: February 14, 1972.

By the Commission.

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

[FR Doc.72-4763 Filed 3-28-72;8:49 am]

[Docket No. C-2149]

PART 13—PROHIBITED TRADE PRACTICES

Publix Circulation Service, Inc., and James H. Riley

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1638 *Bonded business;* § 13.1430 *Government endorsement, sanction or sponsorship;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings;* § 13.2165 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Publix Circulation Service, Inc., et al., Little Rock, Ark., Docket No. C-2149], Feb. 14, 1972.

In the Matter of Publix Circulation Service, Inc., a Corporation, and James H. Riley, Individually and as an Officer of Said Corporation

Consent order requiring a Little Rock, Ark., solicitor and seller of magazine subscriptions through sales agents to cease failing to reveal all aspects of the job when recruiting prospective solicitors, misrepresenting that such solicitors will be engaged in contests for college and other awards, misrepresenting the terms and conditions of soliciting subscriptions, deceptively guaranteeing the delivery of the magazines, fostering sympathy appeals by its solicitors, failing to refund moneys promptly, and failing to notify subscribers of their rights to cancel subscription contract, within 3 days. The respondent is also required to deliver a copy of the decision and order to its sales agents and representatives.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Publix Circulation Service, Inc., a corporation, and its officers and James H. Riley, individually and as an officer of said corporation, and respondents' agents, representatives and employees, successors and assigns directly or through any corporate or other device, in connection with the advertising, offering for sale, or distribution of magazines, magazine subscriptions or other products or the sale, solicitation or acceptance of subscriptions for magazines or other publications or moneys paid therefor, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, to prospective solicitors and solicitors that they will travel on a planned itinerary throughout the United States and to Hawaii and return; or misrepresenting in any manner, the travel opportunities available to their representatives or solicitors.

2. Representing, directly or by implication, to prospective solicitors and solicitors that they will be chaperoned while traveling for or on the behalf of respondents; or misrepresenting, in any manner, the supervision that respondents' solicitors will receive while traveling.

3. Representing, directly or by implication, to prospective solicitors or solicitors that respondents will pay the expenses of such solicitors unless such is the fact; or misrepresenting, in any manner, the terms or conditions of employment as a solicitor for respondents.

4. Representing, directly or by implication, to prospective solicitors and solicitors that they individually will be furnished new cars while traveling for or on the behalf of respondents, unless such is the fact.

5. Representing, directly or by implication, to prospective solicitors or solicitors that they will earn $500 per month, or any other stated or gross amount; or representing, in any manner, the past earnings of respondents' representatives or solicitors, unless in fact the past earnings represented have actually been received by a substantial number of respondents' representatives or solicitors and accurately reflect the average earnings of such representatives or solicitors.

6. Representing, directly or by implication, to prospective solicitors and solicitors that they will serve in any capacity other than as subscription solicitors selling magazines and other publications on a door-to-door basis; or misrepresenting, in any manner, the terms, conditions, or nature of such employment, or the manner or amount of payment for such employment.

7. Failing clearly and unqualifiedly, to reveal during the course of any contact or solicitation of any prospective employee, sales agent or representative, whether directly or indirectly, or by written or printed communications, or by newspaper or periodical advertising, or person-to-person, that such prospective employee, sales agent or representative will be employed to solicit the sale of magazine subscriptions.

8. Soliciting or accepting subscriptions for magazines or other publications which respondents have no authority to sell or which respondents cannot promptly deliver or cause to be delivered.

9. Representing, directly or by implication, to subscribers that respondents' representatives or solicitors are participants in a contest working for prize awards and are not solicitors working for money compensation; or misrepresenting, in any manner, the status of their sales agents or representatives or the manner or amount of compensation they receive.

10. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or for the benefit of any charitable or nonprofit organization; or misrepresenting in any manner, the identity of the solicitor or of his firm or of the business they are engaged in.

11. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or affiliated with programs sponsored by a government agency, the purpose of which is to provide assistance to underprivileged groups or persons.

12. Representing, directly or by implication, that respondents' representatives or solicitors are competing for college scholarship awards.

13. Representing, directly or by implication, that respondents' representatives or solicitors are college students working their way through school, unless the representative or solicitor is enrolled in college at the time of the representation.

14. Representing, directly or by implication, that respondents' sales agents or representatives have been or are bonded or making any references to bonding, unless such sales agents or representatives have been bonded by a recognized bonding agency, and any payments made pursuant to such bonding arrangement would accrue directly to the benefit of subscribers ordering subscriptions from respondents' representatives or solicitors; or misrepresenting, in any manner, the nature, terms or conditions of any such bond.

15. Representing, directly or by implication, that respondents have a legal arrangement with any independent third party which insures the placement and fulfillment of each and every magazine subscription order unless such is the fact; or misrepresenting, in any

manner, the nature, terms and conditions of any such arrangement.

16. Representing, directly or by implication, that respondents guarantee the delivery of magazines for which they sell subscriptions and accept payments, without clearly and conspicuously disclosing the terms and conditions of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

17. Representing, directly or by implication, that the money paid by a subscriber to the respondents' representative or solicitor at the time of the sale is the total cost of the subscription in instances where the subscriber will be required to remit an additional amount in order to receive the subscription as ordered.

18. Representing, directly or by implication, that magazines purchased by subscribers will be distributed to various schools and institutions as gifts or contributions.

19. Misrepresenting the number and name(s) of publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

20. Utilizing any sympathy appeal to induce the purchase of subscriptions, including but not limited to: illness, disease, handicap, race, financial need, eligibility for benefit offered by respondents, or other personal status of the solicitor, past, present or future; or representing that earnings from subscription sales will benefit certain groups of persons such as students or the underprivileged, or will help charitable or civic groups, organizations or institutions.

21. Failing to answer and to answer promptly inquiries by or on behalf of subscribers regarding subscriptions placed with respondents.

22. Failing within 30 days from the date of sale of any subscription to enter each magazine subscription with publishers for magazines which respondents are authorized by the publisher or distributor thereof to sell: *Provided; however,* In those sales in which an additional payment is required, the subscription shall be entered within 14 days of the receipt of the final payment, but in no event shall any subscription be entered later than 60 days from the date of sale.

23. Failing within 30 days from the date of sale of any subscription to notify a subscriber of respondents' inability to place all or a part of a subscription and to deliver each of the magazines or other publications subscribed for; and to offer each such subscriber the option to receive a full refund of the money paid for such subscription or part thereof which respondents are unable to deliver or to substitute other publications in lieu thereof.

24. Failing within 14 days from the receipt of notification of a subscriber's election as provided in paragraph 24 hereof, to make the required refund or to enter the subscription with publishers, as elected by the subscriber.

25. Failing to refund to subscribers the money said subscribers have paid for subscriptions to magazines or, at the election of the subscriber, to enter the subscription as originally ordered in instances where the respondents' representatives or solicitors have appropriated such money to their own use and have failed to enter the subscriptions as ordered by said subscribers, within 14 days of notice thereof.

26. Failing to give clear and conspicuous oral and written notice to each subscriber that upon written request said subscriber will be entitled to a refund of all moneys paid if he does not receive the magazine or magazines subscribed for within 120 days of the date of the sale thereof.

27. Failing to refund all monies to subscribers who have not received magazines subscribed for through respondent within 120 days from the date of the sale thereof upon written request for such refund by such subscribers.

28. Failing to arrange for the delivery of publications already paid for or promptly refunding money on a pro rata basis for all undelivered issues of publications for which payment has been made in advance.

29. Failing to furnish to each subscriber at the time of sale of any subscription a duplicate original of the contract, order or receipt form showing the date signed by the customer and the name of the sales representative or solicitor together with the respondent corporation's name, address and telephone number and showing on the same side of the page the exact number and name(s) of the publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

30. Failing to:

(a) Inform orally all subscribers and to provide in writing in all subscription contracts that the subscription may be cancelled for any reason by notification to respondents in writing within 3 business days from the date of the sale of the subscription.

(b) Refund immediately all monies to (1) subscribers who have requested subscription cancellation in writing within 3 business days from the sale thereof, and (2) subscribers showing that respondents' solicitations or performance were attended by or involved violation of any of the provisions of this order.

31. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this order.

It is further ordered, That:

(a) Respondents herein deliver, by registered mail, a copy of this decision and order to each of their present and future crew managers, and other supervisory personnel engaged in the sale or supervision of persons engaged in the sale of respondents products or services;

(b) Respondents herein require each person so described in paragraph (a) above to clearly and fully explain the provisions of this decision and order to all sales agents, representatives and other persons engaged in the sale of the respondents' products or services;

(c) Respondents provide each person so described in paragraphs (a) and (b) above with a form returnable to the respondents clearly stating his intention to be bound by and to conform his business practices to the requirements of this order;

(d) Respondents inform each of their present and future crew managers, sales agents, representatives and other persons engaged in the sale of respondents' products or services that the respondents shall not use any third party, or the services of any third party if such third party will not agree to so file notice with the respondents and be bound by the provisions of the order.

(e) If such third party will not agree to so file notice with the respondents and be bound by the provisions of the order, the respondents shall not use such third party, or the services of such third party to solicit subscriptions;

(f) Respondents inform the persons described in paragraphs (a) and (b) above that the respondents are obligated by this order to discontinue dealing with those persons who continue on their own the deceptive acts or practices prohibited by this order;

(g) Respondents institute a program of continuing surveillance adequate to reveal whether the business operations of each said person described in paragraphs (a) and (b) above conform to the requirements of this order;

(h) Respondents discontinue dealing with the persons so engaged, revealed by the aforesaid program of surveillance, who continue on their own the deceptive acts or practices prohibited by this order; and that

(i) Respondents upon receiving information or knowledge from any source concerning two or more bona fide complaints prohibited by this order against any of their sales agents or representatives during any 1-month period will be responsible for either ending said practices or securing the termination of of the employment of the offending sales agent or representative.

It is further ordered, That respondents herein shall notify the Commission at least 30 days prior to any proposed change in the structure of the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the respondent corporation shall forthwith

distribute a copy of this order to each of its operating divisions.

Issued: February 14, 1972.

By the Commission.

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

[FR Doc.72-4764 Filed 3-28-72;8:49 am]

[Docket No. C-2159]

PART 13—PROHIBITED TRADE PRACTICES

Ruffolo Bros., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Ruffolo Bros., Inc., et al., New York, N.Y., Docket No. C-2159, Mar. 1, 1972]

In the Matter of Ruffolo Bros., Inc., a Corporation, and Elmo Ruffolo and Aurora Ruffolo, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer and distributor of wearing apparel, including women's dresses, to cease importing or selling any fabric which violates the standards of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Ruffolo Bros., Inc., a corporation, its successors and assigns, and its officers, and Elmo Ruffolo and Aurora Ruffolo, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the dresses which gave rise to the complaint, of the flammable nature of said dresses and effect the recall of said dresses from such customers.

It is further ordered, That the respondents herein either process the dresses which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said dresses.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the dresses which gave rise to the complaint, (2) the number of said dresses in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said dresses and effect the recall of said dresses from customers, and of the results thereof, (4) any disposition of said dresses since April 2, 1971, and (5) any action taken or proposed to be taken to bring said dresses into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said dresses, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 1, 1972.

By the Commission.

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

[FR Doc.72-4774 Filed 3-28-72;8:50 am]

[Docket No. C-2150]

PART 13—PROHIBITED TRADE PRACTICES

Subscription Bureau Ltd. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1368 *Bonded business;* § 13.1430 *Government endorsement, sanction or sponsorship;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* Misrepresenting oneself and goods—Prices; § 13.1823 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings;* § 13.2165 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Subscription Bureau Ltd., et al., Fairfax, Va., Docket No. C-2150, Feb. 14, 1972]

In the Matter of Subscription Bureau Ltd., a Corporation, and John Sellman, and James Bright, Individually and as Officers of Said Corporation

Consent order requiring a Fairfax, Va., solicitor and seller of magazine subscriptions through sales agents to cease failing to reveal all aspects of the job when recruiting prosective solicitors, misrepresenting that such solicitors will be engaged in contests for college and other awards, misrepresenting the terms and conditions of soliciting subscriptions, deceptively guaranteeing the delivery of magazines, fostering sympathy appeals by its solicitors, failing to refund moneys promptly, and failing to notify subscribers of their rights to cancel subscription contract within 3 days. The respondent is also required to deliver a copy of the decision and order to its sales agents and representatives.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Subscription Bureau Ltd., a corporation, and its officer, and John Sellman, James Bright, individually and as officers of said corporation, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, or distribution of magazines, magazine subscriptions or other products or the sale, solicitation or acceptance of subscriptions for magazines or other publications or moneys paid therefor, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, to prospective solicitors and solicitors that they will travel on a planned itinerary to various large cities and resort areas throughout the United States; or misrepresenting in any manner, the travel opportunities available to their representatives or solicitors.

2. Representing, directly or by implication, to prospective solicitors or solicitors that respondents' will pay the expenses or furnish all transportation of such solicitors; or misrepresenting, in any manner, the terms or conditions of employment as a solicitor for respondents.

3. Representing, directly or by implication, to prospective solicitors or solicitors that they will earn $400 per month, or any other stated or gross amount; or representing, in any manner, the past earnings of respondents' representatives or solicitors, unless in fact the past earnings represented have actually been received by a substantial number of respondents' representatives or solicitors and accurately reflect the average earnings of such representatives or solicitors.

4. Representing, directly or by implication, to prospective solicitors and solicitors that they will be chaperoned while traveling for or on the behalf of respondents; or misrepresenting, in any manner, the supervision that respondents' solicitors will receive while traveling.

5. Representing, directly or by implication, to prospective solicitors and solicitors that they will be employed to work as "travel representatives"; or misrepresenting, in any manner, the identity or type of business conducted by respondents.

6. Representing, directly or by implication, to prospective solicitors and solicitors that they will serve in any capacity other than as magazine subscription solicitors selling magazines on a door-to-door basis; or misrepresenting, in any manner, the terms, conditions, or nature of such employment, or the manner or amount of payment for such employment.

7. Failing clearly and unqualifiedly, to reveal during the course of any contact or solicitation of any prospective employee, sales agent or representative, whether directly or indirectly, or by written or printed communications, or by newspaper or periodical advertising, or person-to-person, that such prospective employee, sales agent or representative will be employed to solicit the sale of magazine subscriptions.

8. Soliciting or accepting subscriptions for magazines or other publications which respondents have no authority to sell or which respondents cannot promptly deliver or cause to be delivered.

9. Representing, directly or by implication, that respondents' representatives or solicitors are participants in a contest working for prize awards and are not solicitors working for money compensation; or misrepresenting, in any manner, the status of their sales agents or representatives or the manner or amount of compensation they receive.

10. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or for the benefit of any charitable or nonprofit organization; or misrepresenting in any manner, the identity of the solicitor or of his firm or of the business they are engaged in.

11. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or affiliated with programs sponsored by a government agency the purpose of which is to provide assistance to underprivileged groups or persons.

12. Representing, directly or by implication, that respondents' representatives or solicitors are competing for college scholarship awards.

13. Representing, directly or by implication, that respondents' representatives or solicitors are college students working their way through school, unless such is the fact.

14. Representing, directly or by implication, that respondents' sales agents or representatives have been or are bonded or making any references to bonding, unless such sales agents or representatives have been bonded by a recognized bonding agency, and any payments made pursuant to such bonding arrangement would accrue directly to the benefit of subscribers ordering subscriptions from respondents' representatives or solicitors; or misrepresenting, in any manner, the nature, terms or conditions of any such bond.

15. Representing, directly or by implication, that respondents have a legal arrangement with any independent third party which insures the placement and fulfillment of each and every magazine subscription order; or misrepresenting, in any manner, the nature, terms and conditions of any such arrangement.

16. Representing, directly or by implication, that respondents guarantee the delivery of magazines for which they sell subscriptions and accept payments, without clearly and conspicuously disclosing the terms and conditions of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

17. Representing, directly or by implication, that the money paid by a subscriber to the respondents' representative or solicitor at the time of the sale is the total cost of the subscription in instances where the subscriber will be required to remit an additional amount in order to receive the subscription as ordered.

18. Representing, directly or by implication, that magazines purchased by subscribers will be distributed to various schools and institutions as gifts or contributions.

19. Misrepresenting the number and name(s) of publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

20. Utilizing any sympathy appeal to induce the purchase of subscriptions, including but not limited to: Illness, disease, handicap, race, financial need, eligibility for benefit offered by respondents, or other personal status of the solicitor, past, present or future; or representing that earnings from subscription sales will benefit certain groups of persons such as students or the underprivileged, or will help charitable or civic groups, organizations or institutions.

21. Failing to answer and to answer promptly inquiries by or on behalf of subscribers regarding subscriptions placed with respondents.

22. Failing within 30 days from the date of sale of any subscription to enter each magazine subscription with publishers for magazines which respondents are authorized by the publisher or distributor thereof to sell: *Provided, however,* In those sales in which an additional payment is required, the subscription shall be entered within 14 days of the receipt of the final payment, but in no event shall any subscription be entered later than 60 days from the date of sale.

23. Failing within 30 days from the date of sale of any subscription to notify a subscriber of respondents' inability to place all or a part of a subscription and to deliver each of the magazines or other publications subscribed for; and to offer each such subscriber the option to receive a full refund of the money paid for such subscription or part thereof which respondents are unable to deliver or to substitute other publications in lieu thereof.

24. Failing within 14 days from the receipt of notification of a subscriber's election as provided in paragraph 23 hereof, to make the required refund or to enter the subscription with publishers, as elected by the subscriber.

25. Failing to refund to subscribers the money said subscribers have paid for subscriptions to magazines or, at the election of the subscriber, to enter the subscription as originally ordered in instances where the respondents' representatives or solicitors have appropriated such money to their own use and have failed to enter the subscriptions as ordered by said subscribers, within 14 days of verified notice thereof.

26. Failing to give clear and conspicuous oral and written notice to each subscriber that upon written request said subscriber will be entitled to a refund of all monies paid if he does not receive the magazine or magazines subscribed for within 120 days of the date of the sale thereof.

27. Failing to refund all monies to subscribers who have not received magazines subscribed for through respondent within 120 days from the date of the sale thereof upon written request for such refund by such subscribers.

28. Failing to arrange for the delivery of publications already paid for or promptly refunding money on a pro rata basis for all undelivered issues of publications for which payment has been made in advance.

29. Failing to furnish to each subscriber at the time of sale of any subscription a duplicate original of the contract, order or receipt form showing the date signed by the customer and the name of the sales representative or solicitor together with the respondent corporation's name, address and telephone number and showing on the same side of the page the exact number and name(s) of the publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

30. Failing to:

(a) Inform orally all subscribers and to provide in writing in all subscription contracts that the subscription may be cancelled for any reason by notification to respondents in writing within 3 business days from the date of the sale of the subscription.

(b) Refund immediately all monies to (1) subscribers who have requested subscription cancellation in writing within 3 business days from the sale thereof, and (2) subscribers showing that respondents' solicitations or performance were attended by or involved violation of any of the provisions of this order.

31. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this order.

It is further ordered, That:

(a) Respondents herein deliver, by registered mail, a copy of this decision and order to each of their present and future crew managers, and other supervisory personnel engaged in the sale or supervision of persons engaged in the sale of respondents' products or services;

(b) Respondents herein require each person so described in paragraph (a) above to clearly and fully explain the provisions of this decision and order to all sales agents, representatives and other persons engaged in the sale of the respondents' products or services;

(c) Respondents provide each person so described in paragraphs (a) and (b) above with a form returnable to the respondents clearly stating his intention to be bound by and to conform his business practices to the requirements of this order;

(d) Respondents inform each of their present and future crew managers, sales agents, representatives and other persons engaged in the sale of respondents' products or services that the respondents shall not use any third party, or the services of any third party if such third party will not agree to so file notice with the respondents and be bound by the provisions of the order.

(e) If such third party will not agree to so file notice with the respondents and be bound by the provisions of the order, the respondents shall not use such third party, or the services of such third party to solicit subscriptions;

(f) Respondents inform the persons described in paragraph (a) and (b) above that the respondents are obligated by this order to discontinue dealing with those persons who continue on their own the deceptive acts or practices prohibited by this order;

(g) Respondents institute a program of continuing surveillance adequate to reveal whether the business operations of each said person described in paragraphs (a) and (b) above conform to the requirements of this order;

(h) Respondents discontinue dealing with the persons so engaged, revealed by the aforesaid program of surveillance, who continue on their own the deceptive acts or practices prohibited by the order; and that

(i) Respondents upon receiving information or knowledge from any source concerning two or more bona fide complaints prohibited by this order against any of their sales agents or representatives during any one-month period will be responsible for either ending said practices or securing the termination of the employment of the offending sales agent or representative.

It is further ordered, That respondents herein shall notify the Commission at least 30 days prior to any proposed change in the structure of the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: February 14, 1972.

By the Commission.

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

[FR Doc.72-4765 Filed 3-28-72;8:49 am]

[Docket No. C-2156]

PART 13—PROHIBITED TRADE PRACTICES

U.S. Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–100 Wool Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–70 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.-1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1185–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, U.S. Industries, Inc., et al., New York, N.Y., Docket No. C-2156, Feb. 25, 1972]

In the Matter of U.S. Industries, Inc., a Corporation, Trading as Valor Division and Albert Markson, Individually and as Chairman of the Aforesaid Division

Consent order requiring a New York City manufacturer and seller of wool products, including women's coats, to cease violating the Wool Products Labeling Act by misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents U.S. Industries, Inc., a corporation, trading as Valor Division, or any other name, and its officers, and Albert Markson, individually and as Chairman of Valor Division, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents U.S. Industries, Inc., a corporation, trading as Valor Division or any other name, and its officers, and Albert Markson, individually and as Chairman of Valor Division, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of coats, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from falsely and deceptively advertising or misrepresenting in any manner, or by any means the character or amount of constituent fibers contained in such products.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 25, 1972.

By the Commission.

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

[FR Doc.72-4771 Filed 3-28-72;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7171]

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

Sales and Exchanges of Bonds and Other Evidences of Indebtedness by Financial Institutions

Correction

In F.R. Doc. 72-4134 appearing at page 5619 of the issue of Friday, March 17, 1972, § 1.582-1(e)(3)(ii) should be corrected by the insertion of the following before the last line: "security which is held by a bank as a".

[T.D. 7166]

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

Special Rules for Section 1250 Property

Correction

In F.R. Doc. 72-3737, appearing at page 5238 in the issue of Saturday, March 11, 1972, the following changes should be made:

1. In § 1.167(j)-2(a), subparagraph (2) is corrected to read as follows:

(2) *Application of methods.* For principles governing the application of methods to item, group, classified, or composite accounts, see § 1.167(b)-0(c).

2. The period at the end of the sentence in § 1.167(j)-4(b)(2)(i)(*a*), should be a comma.

3. In § 1.167(j)-4(b), the 11th line of subparagraph (4), now reading "or, if the contractually limited the lia-", should read "or, if contractually limited, the lia-".

4. In § 1.381(c)(6)-1(a)(2)(ii), the reference in the last line to "§ 1.381-1(b)" should be "§ 1.381(b)-1(b)".

[T.D. 7166]

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

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Special Rules for Section 1250 Property; Correction

On March 11, 1972, T.D. 7166 was published in the FEDERAL REGISTER (37 F.R. 5238).

The following changes should be made:

The colon at the end of the last sentence of the preamble to the Treasury decision should be changed to a period, and a new sentence added at the end of the preamble to read as follows:

"Section 1.167(e)-1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 167(e)(3) of the Code, which were prescribed by T.D. 7032 approved March 9, 1970 (35 F.R. 4330)."

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.72-4815 Filed 3-28-72;8:53 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 720—RUBBER PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 622 (36 F.R. 19037), the Secretary of Labor appointed and convened Industry Committee No. 107-B for the Rubber Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 107-B are hereby published, amending subdivisions (i) of subparagraphs (3) and (4) of paragraph (a) of § 720.2 of Title 29, Code of Federal Regulations.

As amended, § 720.2 reads as follows:

§ 720.2 Wage rates.

* * * * *

(a) * * *

(3) *The rubber bucket classification.* (i) The minimum wage for this classification is $1.45 an hour.

* * * * *

(4) *The rubber footwear classification.* (i) The minimum wage for this classification is $1.45 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 21st day of March 1972.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.72-4776 Filed 3-28-72;8:50 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

Carbofuran

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of January 26, 1972 (37 F.R. 1176), proposing establishment of a tolerance for negligible residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl *N*-methylcarbamate) and its metabolite 2,3-dihydro-2,2 - dimethyl - 3 - hydroxy - 7 - benzofuranyl *N*-methylcarbamate in or on bananas at 0.1 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), 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), § 180.254 is amended by adding a new paragraph before the paragraph "0.1 part per million * * *", as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on bananas.

* * * * *

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 (3–29–72).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 23, 1972.

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

[FR Doc. 72–4752 Filed 3–28–72;8:48 am]

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

Pyrazon

A petition (PP 1F1076) was filed by BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, NJ 07054, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the herbicide pyrazon (5-amino-4-chloro-2-phenyl-3(2*H*)-pyridazinone) and its metabolites (calculated as pyrazon) in or on the raw agricultural commodities sugar beet tops at 1 part per million and the roots of beets and sugar beets at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by proposing establishment of additional tolerances for combined residues of pyrazon and its metabolites (calculated as pyrazon) in or on beet tops at 1 part per million and in milk at 0.01 part per million (negligible residue).

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 submited in the petition 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 usage is not reasonably expected to result in residues of the herbicide in eggs, meat, and poultry. The usage is classified in the category specified in § 180.6(a)(3) for these commodities.

3. There are reasonable expectations of negligible residues in milk, but the proposed tolerance is adequate to cover residues from the feed use of pyrazon-treated items. The uses are classified in the category specified in § 180.6(a)(2) for milk.

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

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

§ 180.316 Pyrazon; tolerances for residues.

Tolerances are established for combined residues of the herbicide pyrazon (5 - amino - 4 - chloro - 2 - phenyl - 3(2*H*)-pyridazinone) and its metabolites (calculated as pyrazon) in or on raw agricultural commodities as follows:

1 part per million in or on beet tops and sugar beet tops.

0.1 part per million (negligible residue) in or on beets and sugar beets.

0.01 part per million (negligible residue) in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, 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 (3–29–72).

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

Dated: March 23, 1972.

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

[FR Doc.72–4751 Filed 3–28–72;8:48 am]

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

Subpart D—Exemptions From Tolerances

α-(P - TERT - BUTYLPHENYL) OMEGA - HYDROXYPOLY(OXYETHYLENE) MIXTURE OF DI- AND MONOHYDROGEN PHOSPHATE ESTERS AND PHOSPHATE ESTER SALTS

A petition (PP 1F1113) was filed by the Retzloff Chemical Co., Post Office Box 45296, Houston, TX 77045, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of tolerances for residues of α-(*p-tert*-butylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; the poly(oxyethylene) content averages 4–12 moles when used as an adjuvant in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

Subsequently, the petitioner amended the petition by requesting an exemption from the requirement of tolerances for residues of the forenamed compounds when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to animals in addition to the previously proposed use.

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 the exemptions 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), § 180.1001 is amended by alphabetically inserting a new item in paragraphs (c) and (e) and by revising the item "calcium and sodium * * *" in paragraph (e), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
α-(*p-tert*-butylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; the poly(oxyethylene) content averages 4–12 moles.	.....	Do.
* * *	* * *	* * *

* * * * * *

(e) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
α-(*p-tert*-butylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; the poly(oxyethylene) content averages 4–12 moles.	.....	Surfactants, related adjuvants of surfactants.
Calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps); calcium salt molecular weight 700–1,020, sodium salt molecular weight 400–500.	.....	Do.

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 (3–29–72).

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

Dated: March 23, 1972.

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

[FR Doc.72–4753 Filed 3–28–72;8:48 am]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1005—INSPECTION AND COPYING OF RECORDS; RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Regional Rooms and Facilities

Section 1005.4 of Part 1005 is revised to read as follows:

§ 1005.4 Regional rooms and facilities.

The Office has regional offices in the following places:

Region I (Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island), E–400, J. F. Kennedy Federal Building, Boston, Mass. 02203.

Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands), 26 Federal Plaza, 32d Floor, New York, N.Y. 10007.

Region III (Pennsylvania, Delaware, Maryland, West Virginia, and Virginia), U.S. Customshouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

Region IV (North Carolina, Tennessee, Kentucky, South Carolina, Georgia, Alabama, Mississippi, and Florida), 730 Peachtree Street NE., Atlanta, GA 30308.

Region V (Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio), 300 South Wacker Drive, 24th Floor, Chicago, IL 60606.

Region VI (New Mexico, Oklahoma, Arkansas, Texas, and Louisiana), 1100 Commerce Street, Dallas, TX 75202.

Region VII (Nebraska, Iowa, Kansas, and Missouri), 911 Walnut Street, Kansas City, MO 64106.

Region VIII (Montana, North Dakota, South Dakota, Wyoming, Utah, and Colorado), Federal Building, 1961 Stout Street, Denver, CO 80202.

Region IX (California, Nevada, Arizona, Hawaii, Guam, and Pacific Trust Territories), 100 McAllister Street, San Francisco, CA 94102.

Region X (Alaska, Washington, Oregon, and Idaho), Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101.

Although it may not always be feasible in these offices to set aside records rooms for the exclusive or primary use of the public, every reasonable effort will be made to accommodate members of the public who wish to use regional office facilities for the purpose of inspecting and copying records. The Office will also endeavor to maintain and have readily available in its regional offices the materials described in § 1005.3(b) as available in its headquarters records room and will designate a records officer in each regional office to receive and handle requests submitted pursuant to this part.

WESLEY L. HJORNEVIK,
Deputy Director.

[FR Doc.72–4710 Filed 3–28–72;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72–277]

PART 73—RADIO BROADCAST SERVICES

Memorandum Opinion and Order Regarding Remote Control Television Broadcast Stations

In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations operating by remote control to specify a new date for the effectuation of the vertical interval test signal requirements of § 73.676(f).

1. Paragraph (f) of § 73.676 of the Commission's rules and regulations governing the operation of television broadcast stations by remote control requires that such stations utilize test signals of specified characteristics transmitted in the vertical interval. However, a note appended to this section reads as follows:

Paragraph (f) of § 73.676 shall not become effective until April 1, 1972, by which time the equipment necessary for the generation and vertical interval insertion of the required test signals should be generally available.

2. On March 7, 1972, the National Association of Broadcasters (NAB) filed a petition seeking a postponement of the date of effectuation of the requirements of paragraph (f) of § 73.676, until October 1, 1972.

3. In support of its request, NAB states that, to its knowledge, there is but one manufacturer ready and able to supply equipment which generates test signals having the characteristics specified in our rules. It is the position of the Association that each television station licensee should have as broad a choice as possible in the selection of such equipment.

4. NAB urges that at its annual convention in April 1972, other manufacturers interested in supplying test signal generating equipment in all probability will have prototype apparatus on display, in some cases perhaps representing advances over present designs. The subsequent production of this apparatus will be determined by industry demand. Accordingly, sufficient lead time should be afforded for this purpose.

5. In setting the effective date for the inception of test signal transmissions as April 1, 1972, we intended to allow a period of time sufficiently long for those manufacturers interested in producing suitable test equipment to do so. NAB contends that additional time is needed for this end to be achieved, and suggests that the effectuation of § 73.676(f) be delayed until October 1, 1972.

6. In the circumstances, we believe the NAB request is reasonable, and should be granted. Therefore, we are amending the Note appended to § 73.676 by substitution of the date October 1, 1972, for the date April 1, 1972, now specified therein.

7. The rule amendment hereby adopted affords broadcast station licensees relief from immediate compliance with certain of our rules, and imposes no new or additional burden. In view of the imminence of the present effective date of § 73.676(f), the amendment changing this date should be effected immediately. Thus, we find compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act to be unnecessary, to involve needless delay, and, therefore to be contrary to the public interest.

8. *Accordingly, it is ordered,* That, effective April 1, 1972, Part 73 of the Commission's rules and regulations is amended to read as indicated below.

9. Authority for the adoption of the rule amendment is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

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

Adopted: March 23, 1972.

Released: March 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.676, the appended Note is amended to read as follows:

§ 73.676 Remote control operation.

* * * * *

NOTE: Paragraph (f) of § 73.676 shall not become effective until October 1, 1972, by which time the equipment necessary for the generation and vertical interval insertion of the required test signals should be generally available.

[FR Doc.72–4756 Filed 3–28–72;8:48 am]

[1] Commissioners Robert E. Lee and Johnson absent.

Title 49—TRANSPORTATION

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

[Dockets Nos. 70–16, 70–17; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

Correction

In F.R. Doc. 72–2633 appearing at page 3905 in the issue for Thursday, February 24, 1972 (§ 571.121), in S5.4.1.1, line 15 should read "the brake chamber air pressure by 10".

Proposed Rule Making

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 6]

CLASSIFICATION OF GOODS AND SERVICES

International Schedule

The Patent Office proposes to establish the "International Classification of Goods and Services to Which Trademarks Are Applied" (the subject of the "Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks" of 1957 as revised at Stockholm, on July 14, 1967) as the primary classification of goods and services for registration of trademarks and service marks.

The Patent Office has studied the International Classification and, since March 5, 1968, has indicated the appropriate international class in all publications and on all issued registrations and renewals, as a subsidiary classification. Based on this experience, it is now believed that adoption of the international schedule as the primary classification is desirable. The international schedule is in use in more than 60 countries and is the subject of the aforementioned Nice Agreement to which the United States has recently become a party. The Nice Agreement provides for an International Committee of Experts whose task is to keep the classification current. The classification of specific goods and services is set forth in an alphabetical list entitled "International Classification of Goods and Services to Which Trademarks Are Applied" (published by the World Intellectual Property Organization). This listing is currently used by the office as a guideline for determining the degree of particularity of identification of goods. See "Identification of Goods and Services in Trademark Applications", 895 O.G. 390, TM 54.

Specifically it is proposed that all applications for registration of marks and renewals of registrations having a filing date later than September 30, 1972, be classified according to the International Classification for all administrative purposes set forth in the Trademark Act. Accordingly, the international classification would be the sole criteria for determining fees and classification of goods and services. Applications and renewals which are pending at the close of business on September 30, 1972, would continue to be processed under the present classification system. However, the Office would continue to mark all such published applications and registrations with the appropriate international class as a subsidiary classification as it has been doing for several years.

It is not proposed that the existing documents in the Trademark Search Room be reclassified. The U.S. classification system would continue to be used for purposes of searching registered and pending marks until such time as a complete conversion of the Trademark Search Room file to the international classification system is effected. Until such conversion is made, the U.S. class number would continue to be printed on all registrations in addition to the international class number so that searches can be made on the basis of the existing U.S. system. It should be noted that approximately 53 percent of these documents are indexed alphabetically, without regard to class. The remaining 47 percent of the files are organized under approximately 50 headings (e.g., common prefixes such as SAN, GOLD, etc. and numerals, letters, design features, etc.) and under each, the documents are filed by class. This portion of the search file would be maintained as at present, i.e. classified according to the present schedule of classes. Until such time as all documents in the search room include the international classification, the documents organized by class would continue to be filed according to the present U.S. classification.

For an interim period (i.e., until all marks pending as of September 30, 1972, have been disposed of) the trademark sections of the Official Gazette which are organized by class would include two parts, one part for applications published or marks issued on the basis of applications filed prior to October 1, 1972, organized by class according to the existing schedule of classes; the other for applications published or marks issued on the basis of applications filed after September 30, 1972, organized by class according to the new international schedule. All publications of applications will show both the U.S. and the international class number.

None of the above changes apply to certification marks and collective membership marks which would continue to be classified as set forth in §§ 6.2 and 6.3.

All persons are invited to present their views, objections, recommendations, or suggestions in connection with the proposed change to the Commissioner of Patents, Washington, D.C. 20231, on or before June 14, 1972, on which date a hearing will be held at 2 p.m. e.d.s.t., in Room 8C06, Building 2, 2011 Jefferson Davis Highway, Arlington, VA. All persons wishing to be heard at the hearing are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

Notice is hereby given, therefore, that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 792; 35 U.S.C. 6) and in section 30 of the Trademark Act of 1946, as amended (October 9, 1962, 76 Stat. 773; 16 U.S.C. 1112), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising § 6.1.

Dated: March 21, 1972.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved:

JAMES H. WAKELIN, Jr.,
Assistant Secretary
for Science and Technology.

§ 6.1 Schedule of classes of goods and services.

GOODS

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powers, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; coloring matters, dyestuff; mordants; natural resins; metals in foil and powder form for painters and decorators.

3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring, and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night lights and wicks.

5. Pharmaceutical, veterinary, and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.

6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (nonelectric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in nonprecious metal not included in other classes; ores.

7. Machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators.

8. Hand tools and instruments; cutlery, forks, and spoons; side arms.

9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments; coin or counterfreed apparatus; talking machines;

cash registers; calculating machines; fire extinguishing apparatus.

10. Surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes, and teeth).

11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

12. Vehicles; apparatus for locomotion by land, air, or water.

13. Firearms; ammunition and projectiles; explosive substances; fireworks.

14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks, and spoons); jewellery, precious stones, horological, and other chronometric instruments.

15. Musical instruments (other than talking machines and wireless apparatus).

16. Paper and paper articles, cardboard and cardboard articles; printed matter, newspaper and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and cliches (stereotype).

17. Gutta percha, indiarubber, balata, and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks, and rods, being for use in manufacture; materials for packing, stopping, or insulating; asbestos, mica and their products; hose pipes (nonmetallic).

18. Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and traveling bags; umbrellas, parasols, and walking sticks; whips, harness, and saddlery.

19. Building materials, natural and artificial stone, cement, lime, mortar, plaster, and gravel; pipes of earthenware or cement; roadmaking materials; asphalt, pitch, and bitumen; portable buildings; stone monuments; chimney pots.

20. Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.

21. Small domestic utensils and containers (not of precious metals, or coated therewith); combs and sponges; brushes (other than paint brushes); brushmaking materials; instruments and material for cleaning purposes, steel wool; unworked or semi-worked glass (excluding glass used in building); glassware, porcelain, and earthenware, not included in other classes.

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials.

23. Yarns, threads.

24. Tissues (piece goods); bed and table covers; textile articles not included in other classes.

25. Clothing, including boots, shoes, and slippers.

26. Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

27. Carpets, rugs, mats, and matting; linoleums and other materials for covering existing floors; wall hangings (nontextile).

28. Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29. Meat, fish, poultry, and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk, and other dairy products; edible oils and fats; preserves, pickles.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices; honey, treacle; yeast, baking power; salt, mustard, pepper, vinegar, sauces, spices; ice.

31. Agricultural, horticultural, and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

32. Beer, ale, and porter; mineral and aerated waters and other nonalcoholic drinks; syrups and other preparations for making beverages.

33. Wines, spirits, and liqueurs.

34. Tobacco, raw or manufactured; smokers' articles; matches.

SERVICES

35. Advertising and business.
36. Insurance and financial.
37. Construction and repair.
38. Communication.
39. Transportation and storage.
40. Material treatment.
41. Education and entertainment.
42. Miscellaneous.

[FR Doc.72-4744 Filed 3-28-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 26]

[CGD 71-114, P-2]

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

Supplemental Notice of Proposed Rule Making

On October 20, 1971, the Coast Guard published a notice of proposed rule making in the FEDERAL REGISTER at 36 F.R. 20306. That notice proposed amendments to Title 33 of the Code of Federal Regulations to implement the provisions of the "Vessel Bridge-to-Bridge Radiotelephone Act." The Marine Safety Council held a public hearing on November 15, 1971, in Washington, D.C., on the proposed regulations in accordance with the terms of the notice. Interested persons were given the opportunity to submit written comments regarding all the proposed regulations at the public hearing. At the public hearing the Council granted an extension of the date for written comments until December 10, 1971. At the conclusion of the extension, the Council, at executive sessions held on December 29, 1971 and January 5, 1972, duly considered all the proposed regulations and the comments submitted.

One of the main areas of concern, as expressed in the comments, was the operation of the bridge-to-bridge radiotelephone system. Many of those responding favored a multichannel system, which requires a continuous guard on a calling channel coupled with a shift to a working channel for exchanges of navigational information. It was pointed out that a single dedicated frequency, which had been proposed, throughout all the navigable waters, both for the listening watch and for transmitting navigational information, would prove inadequate because of the number of vessels potentially involved in bridge-to-bridge radiotelephone communications in some areas.

After consideration of the comments and internal Coast Guard study of the problem areas and consultation with members of the staff of the Federal Communications Commission, the Coast Guard has decided that the multichannel system is operationally superior to the single channel system and probably will strengthen the safety aspects of the bridge-to-bridge concept. The Coast Guard recognizes the advantages of the single channel "party line" system. Since some of our harbors may already have sufficient vessel traffic to overload a single channel bridge-to-bridge frequency, the Coast Guard believes that if it started the bridge-to-bridge concept now using the single channel system it would be forced, sooner or later, to change to a multichannel system. The Coast Guard has decided it is in the best interest of the United States and the maritime community to use the multichannel system, that allows calling and very brief exchanges of navigational information on 156.8 MHz (Channel 16) If more lengthy communications are required, the vessels involved may shift to 156.65 MHz (Channel 13) or to other appropriate working frequency, while also maintaining a continuous listening watch on Channel 16. This corresponds to the procedure which is used on international waters and is outlined in appendix 18 of the International Radio Regulations. This concept is not new to the United States since it has been used successfully on the Great Lakes. It would require that vessels be equipped with at least two receivers and one transmitter operable on the bridge.

While the use of portable equipment would be permitted, the Coast Guard believes that the multichannel system would encourage the use of installed VHF equipment resulting in superior antenna radiation patterns and system reliability, which would contribute to ship safety.

Interested persons are invited to submit written statements regarding the proposal to the U.S. Coast Guard (CMC/82), 400 Seventh Street SW., Washington, DC 20590. Statements should identify the public docket number, CGD 71-114 P-2 and the name and address of the person. Where appropriate, comments should be directed to specific sections of the proposal. Statements should include data, views, or arguments which support any recommended change or objection to the proposal.

The Coast Guard will hold a Public Hearing on Friday, April 28, 1972 at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Any person desiring to make an oral presentation at this hearing should notify the Executive Secretary, Marine Safety Council, Room 8234, U.S. Coast Guard (CMC), 400 Seventh Street SW., Washington, DC 20590 (Phone—202-426-1477).

This hearing will be an informal proceeding at which there will be no formal pleadings or adversary proceedings. The presiding officer at the hearing may (1) apportion the time of persons making presentations in an equitable manner, (2) question participants as to their statements, and (3) terminate or shorten the presentation of any party when, in the opinion of the presiding officer, such presentation is repetitive or is not relevant to the purpose of the hearing. Participants are encouraged to submit written statements.

All communications received on or before April 28, 1972, will be fully considered and evaluated before final action is taken on this proposal. Copies of written statements submitted by the public in response to this proposal, along with a tape recording of the public hearing, will be available for examination in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Copies of written statements will be furnished interested persons upon request to U.S. Coast Guard (CMC/82), Washington, D.C. 20590, in accordance with the payment provisions of 49 CFR 7.81.

This proposal may be changed in the light of comments received.

(85 Stat. 164; 33 Stat. 1201, et seq.; 49 CFR 1.46(o)(2))

Dated: March 23, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-4733 Filed 3-28-72;8:47 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NW-6]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 357 from Baker, Oreg., to Walla Walla, Wash.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to designate V-357 from Baker, Oreg., direct to Walla Walla, Wash.

This proposed airway would be utilized by air traffic operating between these points and will shorten the nonradar routing between these facilities.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 23, 1972.

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

[FR Doc.72-4727 Filed 3-28-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cambridge, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

A non-Federal NDB is being established and an instrument approach procedure has been developed to serve the Cambridge Municipal Airport, Cambridge, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Cambridge, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

CAMBRIDGE, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport, Ohio (latitude 39°58'33" N., longitude 81°34'37" W.); and within 3 miles each side of the 214° bearing from the Cambridge Municipal Airport extending from the 5-mile radius to 8 miles southwest.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), [49 U.S.C. 1655(c)].

Issued in Des Plaines, Ill., on March 8, 1972.

LYLE K. BROWN,
Director,
Great Lakes Region.

[FR Doc.72-4724 Filed 3-28-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-7]

FEDERAL AIRWAY SEGMENTS AND FEDERAL AIRWAY

Proposed Alteration and Rescission

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airways V-7, V-191, V-217, and would rescind V-479 in the Chicago, Ill./Green Bay, Wis., area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would:

a. Realign V-7 airway from Chicago Heights, Ill., to Green Bay, Wis., via INT Chicago Heights 358° and Green Bay 166° radials eliminating V-7E from Chicago Heights, Ill., to Milwaukee, Wis.

b. Realign V–191 airway from Northbrook, Ill., to Milwaukee, Wis., via INT Northbrook 332° and Milwaukee 182° radials.

c. Redesignate V–217 to read "From Northbrook, Ill., INT Northbrook, Ill., 332° and Milwaukee, Wis., 182° radials; Milwaukee, Wis.; Green Bay, Wis.; 32 miles, 39 miles, 31 MSL, Rhinelander, Wis.; 24 miles, 80 miles, 55 MSL, Duluth, Minn."

d. Delete all of V–479 airway from Northbrook, Ill., to Milwaukee, Wis.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C 1655(c)).

Issued in Washington, D.C., on March 22, 1972.

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

[FR Doc.72–4726 Filed 3–28–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72–GL–13]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area in the State of Ohio, and alter the transition areas at Akron, Ohio, Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Dayton, Ohio, Findlay, Ohio, Lima, Ohio, Mansfield, Ohio, Toledo, Ohio, Zanesville, Ohio, Richmond, Ind., and Fort Wayne, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

The State of Ohio is completely covered with controlled airspace extending upward from 1,200 feet above the surface with the exception of two very small areas of uncontrolled airspace. The designation of the transition area is described in many individual citations. In order to consolidate these designations and make charting of the areas easier, the Federal Aviation Administration proposes to designate 1,200 feet transition over the entire State of Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

OHIO

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Ohio.

In § 71.181 (37 F.R. 2143), the following transition areas are amended by deleting reference to that airspace extending upward from 1,200 feet above the surface:

Akron, Ohio.	Lima, Ohio.
Cincinnati, Ohio.	Mansfield, Ohio.
Cleveland, Ohio.	Toledo, Ohio.
Columbus, Ohio.	Zanesville, Ohio.
Dayton, Ohio.	Richmond, Ind.
Findlay, Ohio.	Fort Wayne, Ind.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Ill., on March 9, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72–4725 Filed 3–28–72;8:46 am]

[14 CFR Part 75]

[Airspace Docket No. 72–SO–10]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J–75 from Lakeland, Fla., to Columbia, S.C., via Taylor, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would realign Jet Route No. 75 in part from Lakeland, Fla., VORTAC via Taylor, Fla., VORTAC to Columbia, S.C., VORTAC. This realignment would simplify navigation procedures and would reduce the route distance between Lakeland and Columbia by approximately 4 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 23, 1972.

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

[FR Doc.72–4729 Filed 3–28–72;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 72–SW–13]

JET ROUTE SEGMENT

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate Jet Route No. 166 from Roswell, N. Mex., to Wichita Falls, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Forth Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed jet route would extend J–166 from Roswell, N. Mex., to Wichita Falls, Tex., providing an additional east-west route compatible with terminal procedures at Greater Southwest, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 22, 1972.

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

[FR Doc.72-4728 Filed 3-28-72;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket No. RM-50-2]

EFFLUENTS FROM LIGHT-WATER-COOLED NUCLEAR POWER REACTORS

Notice of Hearing

Notice is hereby given that in accordance with this Board's order of March 22, 1972, the hearing in the above captioned matter will be reconvened at 10 a.m., on April 5, 1972. The location of this hearing has been changed from Germantown, Md., to:

Woodmont Building, Room 500, 8120 Woodmont Avenue, Bethesda, MD 20014.

The sessions scheduled to commence on April 10, April 21, and May 1, 1972, respectively, will also be held at the Woodmont Building.

Dated this 23d day of March 1972 at Washington, D.C.

ALGIE A. WELLS,
Chairman.

[FR Doc.72-4740 Filed 3-28-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19314]

INCLUSION OF PROGRAM IDENTIFICATION PATTERNS IN VISUAL TRANSMISSIONS OF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 73, § 73.682(a)(22) of the Commission's rules and regulations concerning the inclusion of program identification patterns in the visual transmissions of television broadcast stations, Docket No. 19314, RM-1783.

1. As extended by previous orders, the present deadlines for filing comments and reply comments in the above-entitled proceeding are March 10, 1972, and April 10, 1972, respectively.

2. Simultaneously with the submission of its comments on March 10, International Digisonics Corp. (IDC) filed a petition requesting that the date for filing reply comments be postponed until May 10, 1972.

3. IDC makes this request, it appears, not, primarily, in its own behalf, but for other interested parties. It believes that these parties may require more than the presently allotted 30 days for the preparation and submission of reply comments because in its own comments a proposal has been put forth for the regulation of identification pattern transmissions which differs from the rule proposed in this proceeding. Responses based on a thorough study and evaluation of the new proposal, it states, will require more than the period of time now afforded for their preparation.

4. IDC also notes that a number of the comments filed include technical exhibits, some of which are quite detailed and lengthy. "All parties should have an opportunity not only to reassess their positions in light of the IDC comments, but also to relate their technical exhibits and those of other parties to the proposals contained in IDC's comments".

5. Since none of the parties in whose interest IDC avowedly has filed its request is before us seeking relief from the constraints imposed by the present reply deadline, we hold that insufficient support has been offered for the proposed extension. However, the comments which were filed in this proceeding are, indeed, substantial, and include, in a number of instances, detailed engineering presentations. Moreover, a decision in this matter may have far-reaching consequences, and, in its preparation, the Commission desires to receive the fullest advice and counsel of interested and knowledgeable persons. This result, we believe, can best be achieved if the parties concerned are not required to meet, in their filings, a timetable which may be considered as unduly strict. Under such circumstances, therefore, we find it in the public interest to extend, on our own motion, the presently specified reply deadline.

6. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding is extended to and including May 10, 1972.

7. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: March 16, 1972.

Released: March 17, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-4755 Filed 3-28-72;8:48 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 336]

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Ownership of Certain Mutual Funds

Pursuant to authority granted under Executive Order No. 11222 (May 8, 1965), notice is hereby given that the Federal Deposit Insurance Corporation proposes to amend § 336.735-13 of its rules and regulations (12 CFR 336.735-13) by adding thereto a new paragraph (c) to read as follows:

§ 336.735-13 Financial interests.

* * * * *

(c) Having concluded that an employee's indirect financial interest in insured bank or other corporate stock through ownership of shares in a widely held mutual fund which does not specialize in any particular industry is too remote and inconsequential to affect the integrity of such employee's services, general approval is hereby granted for employees to own shares in such mutual funds.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, within thirty (30) days after date of publication of this notice in the FEDERAL REGISTER. Copies of any written comments, suggestions, or objections submitted in response to this notice of proposed rule making will be made available for public inspection upon request to the Secretary during normal business hours.

By order of the Board of Directors, March 23, 1972.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY.

[FR Doc.72-4761 Filed 3-28-72;8:49 am]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 73 Rev.]

ASSISTANT DIRECTOR, SERVICE CENTER OPERATIONS

Delegation of Authority

There was published in the FEDERAL REGISTER of December 24, 1971 (36 F.R. 24945), a delegation of authority National Park Service Order No. 73 to the Associate Director, Service Center Operations. The title, Associate Director, Service Center Operations, has recently been changed to read Assistant Director, Service Center Operations. Order No. 73 is hereby revised as set forth below.

SECTION 1. *Delegation.* The Assistant Director, Service Center Operations may exercise all the authority now or hereafter vested in the Director, National Park Service in administering and operating the Denver Service Center and in serving the Regional Offices and Parks, except as to the following:

(1) Approval of changes in policies and establishment of new policies.

(2) Authority for final approval of Servicewide or Regionwide programs and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(8) Authority to execute and approve concessions contracts and permits, or to perform any of the concessions management functions of the Washington Office, as described in 145 DM.

(9) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(10) Authority to approve the payment of actual subsistence expenses for travel.

(11) Authority to approve attendance at meetings of societies and associations.

(12) Authority to approve acceptance of payment of travel, subsistence, and other expenses incident to attendance at meetings by an organization which is tax exempt.

(13) Authority to designate areas at which recreation fees will be charged, as specified by sections 1, 2, and 3 of Executive Order 11200.

(14) Authority to select from the fees established by 43 CFR Part 18 (35 F.R. 18376) the specific fees to be charged at the designated areas, in accordance with section 5(a) of Executive Order 11200.

(15) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(16) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(17) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(18) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(19) Authority to sell timber.

(20) Authority to accept an offer in settlement of a timber trespass.

(21) Authority to approve programs for the destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(22) Authority to approve payment of dues for library memberships in societies or associations.

(23) Authority to approve rates for quarters and related services.

(24) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

(25) Authority to approve master plans.

(26) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

(27) Authority to approve land acquisition priorities.

(28) Authority to execute the land acquisition program.

SEC. 2. *Redelegation.* The Assistant Director, Service Center Operations, may, in writing, redelegate to his officers and employees the authority delegated in this order, and may authorize written redelegations of such authority except that contract and procurement authority in excess of $50,000 may only be redelegated to the Director, Denver Service Center, and Chief, Contracting Office. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* Western Service Center Orders Nos. 1, 2, and 3 dated June 4, 1971, and published at 36 F.R. 13800; Eastern Service Center Order No. 1 dated May 10, 1971, and Orders Nos. 2 and 3 dated June 8, 1971, and pubished at 36 F.R. 13801; and National Park Service Order No. 69, dated July 6, 1971, and published at 36 F.R. 13803 are hereby revoked. National Park Service Order No. 73 dated December 17, 1971, and published at 36 F.R. 24945 is hereby revised.

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

Dated: March 22, 1972.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.72-4709 Filed 3-28-72;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

CIVIL AIR CARRIER PROGRAM

Termination of Priorities Support

A. By letter dated May 21, 1970, to the Assistant Secretary of Defense (Installation and Logistics), the Director, Office of Emergency Preparedness, terminated priorities and allocations support for civil aircraft programs, with effective date June 30, 1971.

B. The relevant paragraphs of the above-mentioned letter with respect to such termination are as follows:

1. Priorities and allocations support for the production of civil carrier aircraft will be terminated on June 30, 1971. No advance allotments of materials under the Defense Materials System will be made after the third quarter of calendar year 1970.

2. Priorities and allocations support for civil airline MRO (maintenance, repair, and operating supplies), domestic and foreign, will be terminated on June 30, 1971. Meanwhile this support will be limited to MRO as defined in DMS Reg. 1, Direction 1, for the programs A–1. A–7, B–9, and C–9. No advance allotments of materials under the Defense Materials System will be made after the third quarter of calendar year 1970. The Secretary of Commerce will continue his surveillance of this program so that the use of priorities support will be limited to the greatest extent possible.

3. No priorities support will be given for facilities expansion for the production of civil carrier aircraft.

4. No priorities support will be given for the production or maintenance (MRO) of any civil non-carrier-aircraft (private and business aircraft).

C. The Bureau of Domestic Commerce of the U.S. Department of Commerce is charged by law with administration of the Defense Materials System and the Defense Priorities System pursuant to which priorities and allocations in support of authorized programs are established and authorized.

D. It has come to the attention of the Director of the Bureau of Domestic Commerce that the termination of priorities and allocations support to the civil aircraft programs may not have been fully disseminated to the persons affected thereby, and that notwithstanding such termination and the wide publicity it received, certain persons have continued to use priorities and allocations in support of civil aircraft programs without legal authority.

E. The effect of such unauthorized use of the priorities and allocations authority has been and continues to be detrimental to the authorized defense programs of the United States and is contrary to the interest of the national defense.

F. The attention of all persons engaged in

(1) The production of civil carrier aircraft;

(2) The production or supply of civil aircraft MRO;

(3) Facilities expansion for the production of civil aircraft; and

(4) Production or maintenance of civil non-carrier-aircraft (private and business aircraft), is directed to the termination as of June 30, 1971, of authority to use priorities and allocations support for any of said activities.

G. All persons engaged or who may hereafter be engaged in any of the activities enumerated in the preceding paragraph are hereby directed to refrain and desist from using priorities or allocations support for any such activity.

H. All persons who have placed priority rated orders or authorized controlled materials orders to obtain products or materials to be used in any of the programs or activities enumerated in paragraph F of this directive are hereby directed to cancel and terminate forthwith the priority attaching to any such order to the extent that performance or delivery under any such order has not been completed.

I. This action is taken pursuant to the Defense Production Act of 1950, as amended, and is effective upon publication in the FEDERAL REGISTER (3-29-72).

BUREAU OF DOMESTIC COMMERCE,
JOHN A. RICHARDS,
Executive Secretary.

[FR Doc.72-4741 Filed 3-28-72;8:47 am]

Office of the Secretary

[Dept. Organization Order 20-5]

OFFICE OF FINANCIAL MANAGEMENT SERVICES

Functions and Organization

This order effective March 19, 1972, supersedes the material appearing at 36 F.R. 19270 of October 1, 1971.

SECTION 1. *Purpose.* This order prescribes the functions and organization of the Office of Financial Management Services.

SEC. 2. *Status and Line of Authority.* The Office of Financial Management Services, a Departmental office, shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration.

SEC. 3. *Functions.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the office shall provide accounting and related financial services to the Office of the Secretary, and, as may be designated by the Assistant Secretary for Administration, to particular operating units, and shall exercise staff responsibility for Department-wide policies and procedures on official travel.

.02 The Director shall also manage the Working Capital Fund of the Office of the Secretary, which responsibility shall consist of proposing financial policies on operating the Fund for the Assistant Secretary for Administration, prescribing rules and procedures on use of the Fund, giving financial management instructions to heads of departmental offices responsible for services being financed through the Fund, and taking other actions as may be required to maintain liquidity of the Fund.

SEC. 4. *Organization.* Under the direction and supervision of the Director, the functions of the Office of Financial Management Services shall be organized and carried out as provided below:

.01 The Budget Staff shall provide budgetary services for the Office of the Secretary, and for assigned operating units.

.02 The Central Accounting Division shall provide accounting, payrolling and related services for the Office of the Secretary, Regional Economic Development Commissions, and assigned operating units. The division shall also be responsible for the consolidated billings of the Department, for preparation of consolidated accounting statements required of Department, and for the office's staff responsibility on official travel.

Effective date: March 19, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-4745 Filed 3-28-72;8:48 am]

[Dept. Organization Order 25-2]

MARITIME ADMINISTRATION

Organization and Functions

This amendment effective February 10, 1972 further amends the material appearing at 36 F.R. 20123 of October 15, 1971 and 36 F.R. 23834 of December 15, 1971.

Department Organization Order 25-2, dated September 28, 1971, is hereby further amended as follows:

1. In section 11 *Office of the Assistant Administrator for Finance,* paragraph .02 is amended to read:

.02 The Office of Finance shall render financial advice and opinions; develop and maintain financial systems of the Administration; perform accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of external audits of contractors' accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintain control records of statutory and contractual reserve funds; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; and take necessary action to effect collection of amounts due.

2. In section 12 *Office of the Assistant Administrator for Research and Development,* delete paragraph .04 and add the following new paragraph .04:

.04 The Office of Maritime Research Centers shall plan, direct, coordinate, and control the activities of the National Maritime Research Centers, located at Kings Point, N.Y., and Galveston, Tex. These Centers shall formulate and recommend research and development projects; carry out assigned research programs and projects; serve as test and evaluation centers for appraising the effectiveness of proposed improvements for the Merchant Marine; and sponsor conferences and seminars on maritime research and related subjects.

3. In section 14 *Office of the Assistant Administrator for Maritime Aids,* a new paragraph .04 is added to read:

.04 The Office of Marine Insurance shall develop, coordinate, control, and administer the marine insurance and the marine war risk insurance activities and programs of the Maritime Administration; maintain contact with the commercial insurance markets, analyze events and trends, and take action to meet changing conditions and foster cooperation between the Federal Government and American marine insurance underwriters in helping to strengthen the domestic marine insurance market; gather, analyze, and disseminate information on marine insurance useful to ship operators and the marine insurance industry; and settle or recommend settlement of claims of a marine insurance and marine war risk insurance nature.

4. The organization chart of September 28, 1971, attached to Department Organization Order 25-2 as Exhibit 1, is superseded by the chart attached to this amendment. A copy of the organization chart is on file with the original document with the Office of the Federal Register.

Effective date: February 10, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-4748 Filed 3-28-72;8:48 am]

[Dept. Organization Order 25–5B]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

This order effective March 10, 1972 supersedes the material appearing at 36 F.R. 13936 of July 28, 1971; 36 F.R. 23079 of December 3, 1971 and 37 F.R. 5402 of March 15, 1972.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). This revision establishes a new Office of Program Integration (section 4.06) and an Assistant Administrator for Environmental Modification (sec. 7). It also eliminates the old Assistant Administrator for Policy and Plans and Associate Administrator for Science and Technology and assigns their functions to the new office and assistant administrator, as well as to the Associate Administrators for Marine Resources (sec. 5) and for Environmental Monitoring and Prediction (sec. 6).

SEC. 2. *Organization Structure.* The organization structure and line of authority of NOAA shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the Office of the Federal Register.

SEC. 3. *Office of the Administrator.* .01 The Administrator of NOAA formulates policies and programs for achieving the objective of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in managing NOAA.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies programs and in managing NOAA.

.04 The Associate Administrator for Interagency Relations shall act as the Naval Deputy to the Administrator, performing direct liaison and coordination between NOAA and the Department of the Navy on oceanographic matters. He shall also conduct high-level interagency negotiations on behalf of NOAA with other Federal agencies; resolve special problems in interagency coordination as identified by the Federal Coordinators; and act as a focus for initiating joint programs and projects with other agencies in scientific and technological areas as determined by the Administrator.

.05 The Executive Office shall perform such services as will facilitate the handling of matters and execution of actions by the Administrator and other officials within the Office of the Administrator.

SEC. 4. *Special staff offices.* .01 The Office of General Counsel shall provide legal services for all components of NOAA, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10–6.

.02 The Office of Congressional and Legislative Affairs shall coordinate contacts with Congress except for matters relating to appropriations; in consultation with NOAA's General Counsel, formulate recommendations for legislative programs, and review, coordinate, and advise on all legislative matters affecting NOAA's programs and activities. These activities shall, as applicable, be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Relations, and of the Departmental Office of the General Counsel.

.03 The Office of International Affairs shall recommend policies and plans for U.S. participation in international activities relating to NOAA's programs; coordinate NOAA's policies on treaties and international multilateral and bilateral agreements; prepare and coordinate positions for U.S. participation in international organizations and maintain liaison with those organizations providing protocol and secretariat functions, as required, for U.S. representatives; manage NOAA's international training program; coordinate and advise on special programs for bilateral cooperation with foreign countries including U.S. AID programs. The Office of International Affairs will work through the offices of the Associate Administrators and appropriate major line components on matters of substance.

.04 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct an information and education program to insure that the public, Congress, user groups, and employees are properly informed on matters relating to NOAA's activities and environmental safety and conservation; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Public Affairs.

.05 The Office of Ecology and Environmental Conservation shall act as a central point to which ecological and environmental conservation interests can communicate their views on NOAA activities; act as a focal point for the review of all NOAA activities which impinge upon ecological and environmental conservation matters; review NOAA activities to insure full compliance with the purposes and provisions of sections 102 and 103 of the National Environmental Policy Act of 1969; coordinate preparation, within NOAA, of environmental statements and comments required by section 102 of the Act; and represent NOAA within the interagency councils of the Government on matters that involve ecology or environmental quality within NOAA's assigned responsibilities.

.06 The Office of Program Integration shall act as the focal point for NOAA contacts with the Office of the Secretary and the Office of Management and Budget on NOAA program matters and shall guide the overall planning-programing functions of NOAA so as to assure the effective development, justification and presentation of NOAA programs and to assure that NOAA fully meets the needs and requirements of the Office of the Secretary and the Office of Management and Budget (OMB). The Office shall provide advice to the Office of the Administrator and other NOAA officials on program matters and discharge the following specific programing functions: plan and manage the annual review of NOAA programs; consolidate and integrate program guidance developed by the primary program policy officers (established by sections 5 through 7) into a single NOAA program and prepare special analyses; develop the annual NOAA program memorandum based on inputs from the primary program policy officers; provide guidance and assistance to the primary program policy officers on the development of issue studies and related supporting documentation requested by the Office of the Secretary and OMB in conjunction with the program-budget cycle; collaborate closely with the Assistant Administrator for Administration throughout the annual planning-programing-budgeting cycle; and consolidate program related reports which concern more than one primary program policy officer.

SEC. 5. *Associate Administrator for Marine Resources.* The Associate Administrator for Marine Resources shall maintain cognizance over and establish policy for NOAA's marine resources, mapping, charting, and geodetic programs and those closely related thereto except for real time marine environmental predictions (including observations related thereto) which are assigned to the Associate Administrator for Environmental Monitoring and Prediction. As the primary program policy officer for marine resources, mapping, charting, and geodetic programs, he shall:

(a) Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

(b) Assure development of plans and programs for adequate operational services and research and technology for meeting user requirements.

(c) Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

(d) Monitor and evaluate assigned programs in terms of planned accomplishments, quality and degree of responsiveness of user needs; recommend as necessary, program curtailments, redirections, expansion, and new program initiatives.

(e) Discharge Federal coordinating functions assigned to Commerce under OMB Circular A–16 (national geodetic control and related surveys), Federal coordination of marine mapping, charting, and geodesy and others as may be assigned by the Administrator.

(f) Provide management and coordination for the Man-in-the-Sea Program, Marine Ecosystems Analyses Program, and other special programs assigned by the Administrator.

(g) Act as NOAA's focal point for coordination of marine affairs with the President's Office of Science and Technology, develop and coordinate NOAA's

posture for deliberations by the Committees of the Federal Council for Science and Technology, and the National Academies of Science and Engineering; and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

SEC. 6. *Associate Administrator for Environmental Monitoring and Prediction.* The Associate Administrator for Environmental Monitoring and Prediction shall maintain cognizance over and establish policy for environmental satellite, meteorological, hydrologic, marine environmental services, climatological, upper atmospheric and space, geomagnetic, and seismological programs which entail monitoring and prediction of the environment. The marine environmental services program includes marine environmental observations necessary for the prediction of oceanic conditions and those required on a routine basis for the measurement of pollution and other ocean constituents. He shall also be the NOAA focal point for planning emergency readiness and preparedness against natural disasters. As the primary program policy officer for all activities indicated above, he shall:

(a) Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

(b) Assure the development of plans and programs for adequate research, technology, and operational services for meeting user requirements.

(c) Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

(d) Monitor and evaluate assigned programs in terms of planned accomplishments, quality and degree of responsiveness to user needs; and recommend as necessary, program curtailments, redirections, expansions, and new program initiatives.

(e) Provide management and coordination for the Global Atmospheric Research Program (GARP) of the World Weather Program, International Hydrologic Decade, the special foreign currency program, and other special programs assigned by the Administrator.

(f) Act as NOAA's focal point for coordination with the President's Office of Science and Technology; develop and coordinate NOAA's posture for deliberations by the Committees of the Federal Council for Science and Technology; and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

(g) Act as NOAA's focal point for coordination with Committees of the National Academy of Sciences and the National Academy of Engineering.

(h) Discharge Federal coordinating functions assigned to Commerce under OMB Circular A-62 (Federal meterological services), those assigned to NOAA for the World Weather Watch and the Global Atmospheric Research Program, and the Integrated Global Ocean Station System, and others as may be assigned by the Administrator.

SEC. 7. *Assistant Administrator for Environmental Modification.* The Assistant Administrator for Environmental Modification shall maintain cognizance over and establish policy for NOAA's activities in intentional and inadvertent environmental modification and with respect to NOAA's aircraft resources. As the primary program policy officer for the above missions, he shall:

(a) Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

(b) Monitor and evaluate assigned programs and recommend program curtailments, redirections, reductions, expansions, and new program initiatives.

(c) Act as NOAA's focal point for coordination of environmental modification affairs with the President's Office of Science and Technology; develop and coordinate NOAA's posture for deliberations by the Committees of the Federal Council for Science and Technology, and the National Academies of Science and Engineering; and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

(d) Development, in conjunction with NOAA's General Counsel, the legislative program necessary to the furtherance of the Nation's environmental modification programs.

(e) Carry out Department of Commerce responsibilities under the weather modification reporting act, Public Law 92-205.

(f) Conduct or monitor studies of the economic, social, and legal ramifications of environmental modification and conduct or monitor studies of unwanted side effects.

(g) Assure that NOAA develops and maintains an effective program for global base-line monitoring of atmospheric constituents to determine long-term trends and impact on weather and climate and to study effects that man is having on the stratosphere.

(h) Establish policy on the scheduling and utilization of Research Flight Facility aircraft in conjunction with the Director of the Environmental Research Laboratories; monitor the development of a plan for the modernization of the Research Flight Facility; and monitor the management and allocation of NOAA aircraft resources, including reviews of the adequacy of flying safety programs.

(i) Participate in or carry out the development, organization, and management of international, national, and NOAA projects as assigned by the Administrator.

SEC. 8. *Office of Sea Grant.* The Office of Sea Grant shall provide grant support, primarily to institutions, for research education and advisory services aimed at assisting man in the intelligent utilization of the seas and the Great Lakes of the United States.

SEC. 9. *Director of the NOAA Corps.* The Director of the NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

SEC. 10. *Assistant Administrator for Administration.* The Assistant Administrator for Administration shall provide administrative management and support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, exercise functional supervision over such decentralized services, and provide advice and guidance to the Administrator on the allocation of NOAA resources. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Administrative Operations Division shall perform the following functions: Property and supply management; directives management; records and files management; reports management; space and facilities management; travel and transportation services; mail, messenger, and related office services; graphic services; safety; security; and processing of tort claims.

.02 The Budget Division shall formulate and interpret budgetary policies and procedures; analyze and aggregate NOAA budgetary requirements; prepare and present formal budget documents and justifications to the Office of the Secretary; develop and recommend fiscal plans to assure optimum use of available funds; allocate and maintain budgetary control of funds; and review and report on execution of approved budgets and associated fiscal plans.

.03 The Management Systems Division shall conduct studies and provide other analytical assistance to develop or improve the organization structure and other management systems of NOAA and to improve the economy and effectiveness of NOAA activities; perform ADP systems analysis and programing required for administrative management functions; and operate a system for assembling and preparing analytic summaries of administrative and program performance information for NOAA's top management.

.04 The Personnel Division shall provide personnel management services by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civilian personnel.

.05 The Finance Division shall provide centralized financial accounting for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.06 The Computer Division shall operate an automatic data processing facility for all components of NOAA, except where separate ADP facilities are approved; provide programing assistance and advice; exercise overall management

of NOAA's ADP needs and facilities; and coordinate needs for and uses of NOAA telecommunications facilities.

.07 The Radio Frequency Management Division shall, as a Department-wide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of the Department of Commerce.

.08 The Northwest Administrative Service Office shall provide administrative services responsive to the requirements of the NMFS Northwest and Southwest Regions, the NOS Pacific Marine Center, and such other NOAA organizational units which can be accommodated within the NASO geographical limits. These services shall include personnel administration, budget and financial management, management analysis, procurement and contracting, property management, motor vehicle pool operation, and office services.

SEC. 11 *National Marine Fisheries Service.* The National Marine Fisheries Service (NMFS) shall conduct an integrated program of research and services related to the protection and rational use of living marine resources for their aesthetic, economic, and recreational value by the American people. The Service shall administer programs to determine the consequences of the naturally varying environment and man's activities on living marine resources; to provide knowledge and services to foster their efficient and judicious use; and to achieve domestic and international management, use and protection of living marine resources. The Service shall be organized as set forth below.

0.1 Office of the Director. The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy Director. The Director shall also be assisted by the Planning and Policy Development Staff, Executive Support Staff and International Activities Staff.

.02 The Office of Resource Research shall plan, develop, and manage research programs designed better to understand living marine resources and the environmental quality essential for their existence, and to describe options for their utilization consistent with national needs and goals. The Office's activities shall include biological surveys designed to monitor, assess and predict abundance and availability of living marine resources; collection and documentation of scientific data for protecting access of U.S. citizens to living marine resources; and development and interpretation of data for use by managers of resources. It shall also conduct research on the potential of mariculture, the assessment and characterization of the living resources, and the improvement of fish detection and harvesting systems.

.03 The Office of Resource Utilization shall plan, develop, manage, and evaluate programs of economic and market research; of fishery statistical and market news information; of financial assistance to the fishing industry in the form of loans, mortgage and loan insurance, and subsidies; of microbiological, chemical and technological research to enhance the quality and utilization of fishery resources; of voluntary inspection and certification of fishery products; and to improve marketing practices and alleviate extraordinary short term supply-demand imbalances. The Office shall conduct a national research program in fishery products technology.

.04 The Office of Resource Management shall plan, develop, and evaluate programs to improve the management of fishery resources so as to achieve the appropriate allocation of these resources and their environment among competing users. It shall develop national guidelines for managing fisheries for biological, economic and social purposes; shall provide a mechanism through legislation, coordination, and cooperation for the States and the Federal Government jointly to manage resources within these guidelines; and shall administer a grant-in-aid program to improve the capability of the States to conduct coordinated fisheries research, development and management programs. The Office also shall manage programs concerning enforcement of regulations prescribed by international agreements applicable to U.S. Nationals; surveillance of foreign fishing operations; the Pribilof Islands; water resources management and Columbia River development; and fishery extension services.

.05 a. The field structure shall consist of the following organizational elements:

(1) Five Regional Offices as shown in Exhibit 2. Regional Offices shall act as representatives of the Director with State conservation agencies, recreational interests, the fishing industry, universities, and the general public. Regional Offices shall also plan, organize, and manage regionalized fishery resource research, conservation, management, and utilization programs within the geographical area of responsibility. A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.

(2) Fisheries Centers and Laboratories, and Fishery Products Technology Centers and Laboratories which shall report to program components at the Headquarters of NMFS or Regional Offices, as appropriate.

b. The Southeast, Northeast, and Alaska Regionals shall provide their own administrative support and, where feasible and practical, extend this support to other NOAA field units. The Northwest and Southwest Regions shall obtain administrative support from the Northwest Administrative Service Office at Seattle, Wash. The Fishery Research Center and Laboratories and Fishery Products Technology Centers and Laboratories shall obtain administrative support from the nearest NMFS Regional Office or the Northwest Administrative Service Office.

SEC. 12 *National Ocean Survey.* The National Ocean Survey (NOS) shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; and provide basic data for engineering, scientific, commercial, industrial and defense needs, support the quest for more knowledge of our environment and undertake a program of marine technology development to observe, measure and chart oceanic phenomena and resources. In performance of these functions, it shall conduct surveys, investigations, analyses and research and technology development; and shall disseminate data in the fields of geodesy, gravity, astronomy, aeronautical charting, hydrography, oceanography, and marine technology. The NOS shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy Director. The Director shall also be assisted by the Executive and Technical Services Staff which shall provide policy and management advice to the Director; lead and coordinate program planning, budgeting, and financial management activities; and provide executive and technical services in support of programs throughout the NOS.

.02 The Office of Natural Geodetic Survey shall fulfill national requirements for a system of geodetic control for precise gravimetric and global configuration and mensuration data. It shall establish and maintain a geodetic control network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement and boundary surveys; make observations for variation of latitude and longitude; disseminate geodetic data; and conduct related research.

.03 The Office of Fleet Operations shall manage the NOAA fleet and the NOAA ship facilities in support of the NOAA marine program. It shall direct and monitor ship operating schedules and activities related to ship operations, repairs and maintenance of vessels, vessel complements, and special equipment and instrumentation unique to NOAA ships. The Office shall be responsive to overall NOAA fleet service requirements.

.04 The Office of Marine Surveys and Maps shall contribute to the safety of marine navigation through nautical charting and related publications, and seek added knowledge about the states and processes of the ocean. It shall plan and direct marine geophysical mapping and services, hydrographic and oceanographic surveys; analyze physical phenomena pertaining to the sea, including tide and current phenomena, the dynamic and physical properties of sea water and shoreline and bottom configuration as they affect sea wave and current propagation and attenuation; operate a network of tide stations; compile survey data, including the compilation of nautical charts and marine geophysical maps; and conduct research. It shall also make studies and conduct photogrammetric surveys for coastal mapping, seaward boundaries, and coastal evacuation maps.

.05 The Office of Aeronautical Charting and Cartography shall contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. It shall collect and evaluate air navigation information and compile aeronautical chart manuscripts;

print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. The Office also shall print and distribute weather charts and related documents.

.06 The Office of Marine Technology shall act as the focus of the national effort for technology related to testing, evaluation and calibration of sensing systems for ocean use, and to enhance the quality of such systems by the dissemination of operational results and technical information to the national oceanographic community. It shall serve NOAA with marine systems technology, ocean engineering, sensor systems, buoy systems, data automation systems, and other technology functions as may be assigned, and shall assist with the design, development, and procurement in these technical areas.

.07 a. The Field Structure shall consist of the following organizational elements:

(1) The Atlantic and Pacific Marine Centers shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units.

(2) The Lake Survey Center shall conduct surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canal, the Minnesota-Ontario Border Lakes, and compile and publish charts and related publications. It shall plan and collect data relating to the Great Lakes including hydrology, flood and storm protection, power generation, beach erosion, shore structures, and ice and snow as they apply to navigation, and conduct related research.

(3) The National Data Buoy Center, National Oceanographic Instrumentation Center, and the National Geodetic Survey Operation Center shall report to the appropriate components at the Headquarters of NOS.

b. The Atlantic Marine Center and the Lake Survey Center shall provide their own administrative support, including that required by vessels under their respective jurisdictions, and, where feasible and practical, extend this support to other NOAA field units. The Pacific Marine Center shall obtain administrative support, including that required by vessels under its jurisdiction, from the Northwest Administrative Service Office at Seattle. The National Data Buoy Center and the National Oceanographic Data Center shall receive administrative support from NOAA Headquarters. The National Geodetic Survey Operations Center shall obtain administrative support, as feasible, from the National Weather Service Regional Office as Kansas City.

SEC. 13. *National Weather Service.* The National Weather Service (NWS) shall observe and report the weather, river, and ocean conditions of the United States and its possessions, issue forecasts and warnings of weather, flood and ocean conditions that affect the Nation's safety, welfare, and economy; develop the National Meteorological, Hydrologic, and Oceanic Service Systems; participate in international meteorological, hydrologic, oceanic, and climatological activities, including exchange of data and forecasts; and provide forecasts for domestic and international aviation and for shipping on the high seas. The Service shall be organized as set forth below.

.01 Office of the Director:

a. The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy, an Executive Affairs Staff, a Resources Management Staff, and a Manpower Utilization Staff.

b. The Engineering Division shall be responsible for engineering aspects of procurement specifications, contract monitoring, coordination of training, test and inspection, equipment reconditioning, installation and maintenance standards and procedures, and field modification of all facilities, equipment, and instruments of NWS and other NOAA organizational units on a designated organizational basis.

.02 The Office of Meteorological Operations shall have cognizance over and establish policies and procedures to observe, prepare, and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; develop the plans and procedures for operation of meteorological and climatological field services; and serve as the primary channel for coordination NWS field services operations and for technical aspects of meteorological programs.

.03 The Office of Hydrology shall have cognizance over and establish policies and procedures to provide river and flood forecasts and warnings, and water supply forecasts; conduct research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for use in water resource planning and operational problems.

.04 The Systems Development Office shall manage, plan, design, and develop a system to meet all meteorological, hydrological, and oceanographic service requirements of the NWS; develop, test, and evaluate techniques and equipment; and translate research results into operational practices.

.05 The National Meteorological Center shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The Office of Oceanography shall establish policies and develop plans and procedures for observing, collecting, and processing data for forecasts and warnings of the oceanic environment and their dissemination to users. The Office shall serve as the primary channel for coordinating all aspects of the NWS oceanographic service programs and procedures.

.07 The Field Structure shall consist of six regions as shown in Exhibit 3. A region shall consist of a Regional Office managed by a Regional Director, and field offices reporting to the Regional Director. A copy of Exhibit 3 is on file with the original of this document with the Office of the Federal Register.

a. Each region shall provide weather, river, and oceanic services within its prescribed geographical area by issuing forecasts and warnings of weather, flood, and oceanic conditions, and shall conduct operational and scientific meteorological, hydrological, oceanographic, and climatological service programs as are assigned to it.

b. Regional Offices shall provide administrative and technical support for all NWS components in their respective regions and shall provide such services to other components of NOAA as determined to be practicable and advantageous to NOAA.

SEC. 14. *Environmental Data Service.* The Environmental Data Service (EDS) shall acquire, process, archive, analyze, and disseminate worldwide environmental (solid earth, marine, atmospheric, solar, and aeronomy) information, data, and products for use by commerce, industry, the scientific and engineering community, the general public, and for Federal, State, and local governments; guide applied research pertinent to the improvement of such services; provide relevant World Data Center facilities; coordinate international exchange activities in oceanic, climatological, geophysical, solar, and aeronomy data; and shall provide editorial, publishing, library and related information services. The Service shall be organized as set forth below.

.01 Office of the Director:

a. The Director shall formulate and execute basic policies and shall manage the Service. He shall be immediately assisted by Associates for Climatology, Marine Sciences, and Geophysics. The Director shall be further assisted by a Senior Research Fellow; an Executive Office; and offices for Special Projects, System Design, Publication and Media, and Resources Management.

b. The Laboratory for Environmental Data Research shall analyze, process, interpret geophysical, oceanographic, aeronomic, and climatological data and anticipate applications of these data for design and risk assessment and stimulate the required research.

.02 The Environmental Science Information Center shall develop policies for and provide editorial and publishing services to NOAA components; manage central library system; provide functional guidance to NOAA libraries; and develop and implement automated scientific information systems for NOAA and external use.

.03 The National Climatic Center shall acquire, process, archive, and disseminate climatological data and develop analytical and descriptive products to

meet user requirements, and shall provide facilities for the World Data Center—A (Meteorology and Nuclear Radiation).

.04 The National Oceanographic Data Center shall acquire, process, archive, and disseminate oceanographic data and develop analytical and descriptive products to meet user requirements and provide facilities for the World Data Center—A (Oceanography).

.05 The National Geophysical Data Center shall acquire, process, archive, and disseminate geophysical data and develop analytical and descriptive products to meet user requirements, and provide facilities for the World Data Center—A (Geomagnetism, Gravity, and Seismology).

.06 The Aeronomy and Space Data Center shall acquire, process, archive, evaluate and disseminate data, and product analytical and climatological products pertaining to the ionospheric, solar and other space environment activities and provide facilities for the World Data Center—A (Upper Atmosphere Geophysics).

SEC. 15. *National Environmental Satellite Service.* The National Environmental Satellite Service (NESS) shall provide observations of the environment by operating the National Environmental Satellite System; increase the utilization of satellite data in environmental services; and manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite activities with NASA and DOD. The Service shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy, a Chief Space Scientist, a Planning and Coordination Group and a Support Service Group.

.02 The Office of Operations shall provide data from environmental satellites and increase the value and the use of these data by operating the NOAA environmental satellite systems, including collecting, processing and analyzing data from operational and specified research and development satellites, and developing new and improved applications of satellite data.

.03 The Office of System Engineering shall provide the planning, design, and engineering necessary to fulfill NOAA's requirements for environmental satellite systems; conduct systems design and analysis; explore possible multipurpose uses of environmental satellite systems; and perform the engineering required to implement new or modified satellite systems.

.04 The Office of Research shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications.

SEC. 16. *Environmental research laboratories.* The Environmental Research Laboratories (ERL) shall conduct an integrated program of research, fundamental technology development, and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth so as to increase understanding of man's geophysical environment and thus provide the scientific basis for improved services. The ERL shall be organized as set forth below.

.01 Office of the Director:

a. The Director shall formulate and execute basic policies and manage ERL. He shall be immediately assisted by a Deputy Director.

b. The Office of Programs shall provide policy and management advice to the Director; lead and coordinate program planning activities, including PPBS requirements; coordinate ERL's activities with national and international scientific programs; review and evaluate current programs; develop a management information system; and provide related staff assistance to the Director.

c. The Office of Research Support Services shall provide administrative and technical services to all ERL components at Boulder, Colo., and at other locations except as otherwise specified.

d. The Program Manager for Weather Modification shall have technical cognizance over laboratory work in experimental weather modification; and in particular, shall have line management authority over the Experimental Meteorology Laboratory and the Research Flight Facility.

e. The Center for Experiment Design and Data Analysis shall plan data collection, processing and computational phases of major environmental field projects. During major experiments it shall conduct quality and calibration tests to assure project results.

.02 The Earth Sciences Laboratories shall conduct research in geomagnetism, seismology, geodesy and related earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate figure of the earth, and the distribution of its mass. In its environmental services program, the Laboratories shall investigate and measure seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfill national requirements for standardized seismic and geomagnetic data. Towards doing that it shall collect, analyze, and compile and disseminate data on a national and worldwide basis; and maintain liaison with geophysicists throughout the world. It shall also operate seismic sea wave warning systems.

.03 Oceanographic Laboratories:

a. The Atlantic Oceanographic and Meteorological Laboratories shall conduct research toward a fuller understanding of the ocean basins and borders, of oceanic processes, ocean-atmosphere interactions, and the origin, structure, and motion of hurricanes and other tropical phenomena.

b. The Pacific Oceanographic Laboratories shall conduct oceanographic research toward fuller understanding of the ocean basins and borders, or oceanic processes, sea-air and land-sea interactions as required to improve the marine scientific services and operations of NOAA.

.04 The Marine Minerals Technology Center shall conduct marine minerals research to improve the fundamental technology that will make it possible for industry to develop undersea minerals commercially in a manner that is safe to the environment as well as compatible with other uses of the sea; develop, test, and evaluate tools and techniques for delineating the important characteristics of marine mineral deposits; and develop, test, and evaluate marine mining systems that are compatible with the principle of multiple-use of the marine environment.

.05 Space and Aeronomy Laboratories:

a. The Space Environment Laboratory shall conduct research in the field of solar-terrestrail physics; develop techniques necessary for forecasting of solar disturbances and their subsequent effects on the earth environment; and provide environment monitoring of forecasts.

b. The Aeronomy Laboratory shall study the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. Theoretical, laboratory, ground-based, rocket, and satellite studies are included.

c. The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis shall be given to the propagation of sound waves and electromagnetic waves at millimeter, infrared and optical frequencies.

.06 Atmospheric laboratories:

a. The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nuclearing substance in the lower atmosphere. The Laboratory is NOAA's major focus for design and conduct of laboratory and field experiments towards developing feasible methods of practical, beneficial weather modification.

b. The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

c. The Geophysical Fluid Dynamics Laboratory shall conduct investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modeling and computer simulation, for the behavior and properties of the atmosphere and the ocean.

d. The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms, and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting, and providing advance warning of their occurrence and severity.

Effective date: March 10, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-4749 Filed 3-28-72;8:48 am]

[Dept. Organization Order 20–7]

OFFICE OF ORGANIZATION AND MANAGEMENT SYSTEMS

Functions and Organization

This order effective March 19, 1972, supersedes the material appearing at 32 F.R. 10385 of July 14, 1967; and rescinds the material appearing at 34 F.R. 12459 of July 30, 1969.

SEC. 1. *Purpose.* This order prescribes the functions and organization of the Office of Organization and Management Systems.

SEC. 2. *Reorganization and Transfers.* .01 The Office of Management and Organization is hereby redesignated the Office of Organization and Management Systems, and the functions, personnel, funds, property, and records of the Financial Systems Staff and of the Data Processing Division of the Office of Financial and Computer Services are hereby transferred to it.

.02 In accord with the above, the Financial Systems Staff is abolished and the Office of Financial and Computer Services is redesignated the Office of Financial Management Services.

SEC. 3. *Status and Line of Authority.* The Office of Organization and Management Systems, a departmental office, shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 4. *Functions.* Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10–5, and subject to such policies and directives as the Assistant Secretary may prescribe, the Office shall:

a. Perform, on a Department-wide basis, management consulting, management improvement, automatic data processing, directives management, financial systems management, and related management service functions, as specified in section 5.

b. Exercise such authorities of the Assistant Secretary for Administration as are implicit in and essential to carrying out the functions herein assigned.

SEC. 5. *Organization.* Under the direction and supervision of the Director, assisted by the Deputy Director as determined by the Director, the functions of the Office shall be organized and carried out as provided below:

.01 The Management Analysis Division shall plan, conduct, or collaborate in management studies and surveys as requested or approved; conduct activities to promote management improvement efforts by organizations of the Department and to stimulate the use and extension of effective management tools and techniques; as requested, develop and institute new or revised policies, requirements, standards, and procedures on Department-wide management and administrative matters; analyze proposed changes to the Department's primary organization structure and manage the system for promulgating the Department's primary organization structure; review proposed legislation and proposals within the executive branch involving organizational matters affecting the Department; and serve as principal staff component of the Department on directives, files, records disposition, records equipment and supplies, correspondence, reports, and committee management functions.

.02 The ADP Management Division shall develop and monitor policies and standards on the utilization of computer technology within the Department; in collaboration with operating units, study requirements for computer facilities with the objective of planning consolidated facilities where significant advantages will be realized; review proposed acquisitions of major computer hardware, software, and services by units of the Department; conduct performance evaluations of ADP operations throughout the Department; provide advice and consultation to units of the Department on computer hardware and software management; and stimulate the interchange of information within the Department on ADP developments, experiences and ideas.

.03 The ADP Operations Division shall operate a central computer facility for the Office of the Secretary and for designated operating units or selected ADP applications of operating units. The Division's services shall include detailed design and programing of specific ADP applications as assigned.

.04 The ADP Administrative Systems Division shall engage in feasibility and general system studies to determine the merits of and basis for standardizing, consolidating, or centralizing selected administrative ADP systems; perform general systems design for new Department-wide ADP applications; develop "packaged" ADP systems for use within the Department, as determined to be useful; and serve as the principal staff component of the Department on financial accounting systems.

Effective date: March 19, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-4746 Filed 3-28-72;8:48 am]

[Dept. Organization Order 20-10]

SPECIAL ASSISTANT FOR CIVIL RIGHTS

Functions

This order effective March 10, 1972, supersedes the material appearing at 32 F.R. 10386 of July 14, 1967.

SEC. 1. *Purpose.* This order prescribes the functions of the Special Assistant for Civil Rights in the Office of the Assistant Secretary for Administration.

SEC. 2. *Status and line of authority.* The Special Assistant for Civil Rights shall report and be responsible to the Assistant Secretary for Administration. Except for functions relating to employment in the Department, he is the Assistant Secretary's principal staff assistant with respect to that official's responsibilities for fulfilling the objectives, and effecting compliance throughout the Department with the requirements of title VI of the Civil Rights Act of 1964, Executive Order 11246, Executive Order 11247, and any other statutes, Executive orders, or regulatory provisions relating to civil rights.

SEC. 3. *Functions.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10–5, and subject to such policies and directives as the Assistant Secretary may prescribe, the Special Assistant for Civil Rights shall:

a. Provide advice and assistance to operating units in establishing and maintaining their equal opportunity programs;

b. Review and appraise policies and practices throughout the Department relating to equal opportunity and, on the basis of such study, develop and recommend the adoption of new or revised programs and policies to ensure that the Department's activities in this area are consistent with the spirit and requirements of law and Executive order;

c. Develop orders, policy statements, regulations, and other directives designed to amplify and stress the policy of equal opportunity throughout the Department and follow up with Secretarial Officers and heads of primary operating units to assure their proper implementation;

d. Provide staff assistance to the Assistant Secretary for Administration in his role as the Department's Contracts Compliance Officer;

e. Gather and synthesize materials for reports, review legislation and make recommendations for its implementation in the Department, and undertake other major assignments to carry out his assigned responsibilities;

f. Maintain technical surveillance over, and provide guidance to the operating units in the implementation of the Department's equal opportunity responsibilities, policies, and regulations, including, but not limited to, the conduct of compliance reviews, complaint investigations, and other matters related to negotiation, conciliation, and enforcement;

g. Review and make recommendations with respect to regulations, rules, directives, interpretations, and other materials having general applicability prior to their issuance by the secretarial officers and heads of primary operating units. This review shall be undertaken in conjunction with the Office of the General Counsel;

h. Serve as Deputy Contracts Compliance Officer for the Office of the Secretary;

i. Represent, as designated, the Department in meetings and conferences with other governmental agencies, and private groups with respect to the equal opportunity policies and programs of the Department and its primary operating units; and

j. Perform such other functions as the Assistant Secretary for Administration may prescribe.

.02 The Special Assistant for Civil Rights shall, as requested, furnish technical staff assistance to the Assistant Secretary for Administration with respect to the program of equal employment opportunity for positions in the Department of Commerce, with particular reference to the investigation, adjustment, and adjudication of complaints and the preparation of reports on the status of complaints.

Effective date: March 19, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-4747 Filed 3-28-72;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-163]

DIRECTOR, ET AL., CERTAIN AREA OFFICES

Redelegation of Authority

SECTION A. *Redelegations of authority.* Each Director, Deputy Director, and Assistant to the Director, Operations Division, in the San Francisco, Los Angeles, and Atlanta Area Offices is hereby authorized to:

1. Approve and issue feasibility letters on multifamily housing.

2. Approve and issue commitments for mortgage insurance on multifamily housing.

3. Insure mortgages pursuant to mortgage insurance commitments on multifamily housing.

The authority herein delegated shall be in addition to authority otherwise delegated to the positions named herein.

SEC. B. *Exercise of redelegated authority.* Redelegations of final authority in section A of this redelegation shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator or Area Director to whom a delegate herein is responsible, and these supervisors shall, in addition to any other authority delegated to them, have the same final authority redelegated to their subordinates. (Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Secretary's delegation of authority to the Assistant Secretary for Housing Production and Mortgage Credit (36 F.R. 5006, March 16, 1971))

Effective date. This redelegation is effective July 26, 1971 with respect to the San Francisco Area Office, and January 31, 1972 with respect to the other offices named herein.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.72-7434 Filed 3-28-72;8:47 am]

[Docket No. N-72-110]

LOS ANGELES AREA OFFICE

Notice of Experimental Reduction of Required Fees

Notice is hereby given that the reduction of fee made effective in the San Francisco Area Office August 9, 1971 (36 F.R. 15678, August 17, 1971), shall also be applicable to applications for feasibility/conditional commitment within the insuring jurisdiction of the Los Angeles Area Office effective March 1, 1972.

Advance notice of this procedure and postponement of the effective date have been determined to be impracticable.

Issued at Washington, D.C., February 17, 1972.

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

[FR Doc.72-4736 Filed 3-28-72;8:47 am]

[Docket No. N-72-109]

SAN FRANCISCO AND ATLANTA AREA OFFICES AND PHOENIX AND MEMPHIS INSURING OFFICES

Notice of Extension of Experimental Change in Procedures for Application for Approval of Projects for Mortgage Insurance and Reduction of Required Fees

Notice is hereby given that the experimental change in procedures and reduction of fee made effective in the San Francisco Area Office August 9, 1971 (36 F.R. 15678, Aug. 17, 1971) shall also be applicable to letters of feasibility/conditional commitments issued by the directors of the area office in Atlanta, Ga., and the insuring offices in Phoenix, Ariz., and Memphis, Tenn.

Such procedures and fee shall be effective in Phoenix, Ariz., February 14; in Atlanta, Ga., March 6; and in Memphis, Tenn., March 13; and shall continue in effect in such offices and in the San Francisco, Calif., area office through October 31, 1972, unless sooner terminated. Advance notice of this procedure has been determined to be impracticable.

Issued at Washington, D.C., January 31, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.72-4735 Filed 3-28-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS & ELECTRIC CO.

Notice of Issuance of Facility Operating License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Facility Operating License No. DPR-29 dated October 1, 1971. The license presently authorizes the Commonwealth Edison Co. (acting for itself and as agent for Iowa-Illinois Gas & Electric Co.) to load fuel in the reactor for Quad-Cities Unit No. 1, located in Rock Island County, Ill., to operate that Unit for testing purposes up to 25 MWt (1 percent of rated power), and to receive, possess, and use in connection with that authorized operation of Unit 1 seven sealed sources each containing 1,530 curies of antimony 124. The subject amendment revises the license (paragraph 2C) to authorize the receipt, possession and use of 28 sealed sources each containing 1,530 curies of antimony 124 in connection with the authorized operation of the facility.

The Commission has found that the application for the amendment dated January 27, 1972, complies with the provisions 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 issuance of the amendment will not result in any significant adverse impact on the quality of the environment nor change safety considerations previously evaluated since the actual total source strength of the sealed antimony sources (14 sources of 1,530 curies each) has not changed from that originally evaluated and approved for installation in the reactor. The original seven source holders each contained two pieces of antimony 124 with each piece having a strength of 1,530 curies. This material was inadvertently licensed as seven sealed sources rather than 14. Consequently, the amendment is to appropriately license the 14 sources now in the reactor and to permit the licensee to receive 14 additional sources needed for replacement of the original 14 which are now partially depleted.

The Commission also has found that prior public notice of proposed issuance of this license amendment is not required since the operation of the facility in accordance with the terms of the license, as amended, 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, Commonwealth Edison Co. or Iowa-Illinois Gas & Electric Co. may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated

January 27, 1972, and (2) the amendment, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item 2 above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of March 1972.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc. 72-4739 Filed 3-28-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT STANDARDS AIR CARRIER DISTRICT OFFICE, AURORA, COLO.

Notice of Transfer of Responsibility

Notice is hereby given that on March 19, 1972, the responsibility of the Flight Standards Air Carrier District Office located at Aurora, Colo., has been transferred from the jurisdiction of the Western Region to the jurisdiction of the Rocky Mountain Region. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Denver, Colo., on March 17, 1972.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

MERVYN M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72-4730 Filed 3-28-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24339; Order 72-3-82]

EASTERN AIR LINES, INC., AND NORTHWEST AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of March 1972.

Nonacceptance of metallic mercury provisions proposed or in effect by Eastern Air Lines, Inc. and Northwest Airlines, Inc.

By tariff revisions filed February 25 and marked to become effective March 26, 1972, Eastern Air Lines, Inc. (Eastern) proposes to add a provision to the effect that shipments of metallic mercury would not be accepted for transportation. A provision identical to that proposed by Eastern is currently in effect for Northwest Airlines, Inc. (Northwest).

In support of its proposal Eastern asserts that the proposed provision is necessary in order to prevent future incidents of mercury spillage in its aircraft such as the one it recently experienced. No complaints have been filed against Eastern's proposal.

Upon consideration of all relevant factors, the Board finds that the provisions proposed by Eastern and in effect for Northwest may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and that the provision proposed by Eastern shall be suspended and both the proposed provision, as well as that in effect for Northwest, shall be set for investigation.

We do not believe that refusal by an air carrier to transport certain types of shipments should be permitted without extensive justification showing that no other solution to the problems involved can be found. As noted above, Eastern does not set forth any facts concerning the events leading up to or the reasons for the spillage of mercury it recently experienced. Yet this one instance of spillage, which may have resulted from improper packaging, improper handling, or one of many other possible causes, is essentially the only basis presented by the carrier for its proposal.

Furthermore, it does not appear from Eastern's statements that it has made any attempt to find an alternative solution to the complications presented by the transportation of metallic mercury. Such a solution might be restrictions as to the type of packaging, type of containers, size of shipments, etc.

In view of the foregoing, the Board will suspend Eastern's proposal and set it for investigation. The Board will also set for investigation the provision prohibiting the acceptance of mercury currently in effect for Northwest.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the exceptions on Mercury, metallic, on behalf of "EA" and "NW" on 9th and 10th Revised Pages 58 and 1st Revised Page 160-A of Airline Tariff Publishers, Inc., Agent's CAB No. 82, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provision reading "EA-2" on the 9th and 10th Revised Pages 58 and 1st Revised Page 160-A of Tariff CAB No. 82 issued by Airline Tariff Publishers, Inc., Agent, is suspended and its use deferred to and including June 23, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated Docket 24339, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Eastern Air Lines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-4801 Filed 3-28-72;8:52 am]

COMMISSION ON HIGHWAY BEAUTIFICATION

HIGHWAYS AND THEIR RELATIONSHIP TO THE ENVIRONMENT

Notice of Public Hearings

MARCH 24, 1972.

Notice is hereby given that the Commission on Highway Beautification will have public hearings in Meriden, Conn., on April 17, 1972, and Syracuse, N.Y., on April 18, 1972.

These cities were chosen as hearing sites in order to give interested parties in the northeast an opportunity to present their views to the members of the Commission on the important issue of highways and their relationship to the environment.

The Commission was established by the Federal-Aid Highway Act of 1970 (Public Law 91-605). It has 11 members—four from the Senate, four from the House of Representatives, and three appointed by the President. Congressman Jim Wright (D), Texas, is the Chairman. The four Commissioners from the Senate are Birch Bayh (D), Indiana; Mike Gravel (D), Alaska; James Buckley (R), New York; and Robert Stafford (R), Vermont. The House Members are Chairman Wright; Ed Edmondson (D), Oklahoma; Don Clausen (R), California; and Fred Schwengel (R), Iowa. The public members are Alfred Bloomingdale, Chairman of the Board, A.B. Enterprises, Los Angeles, Calif.; Mrs. Marion Fuller Brown, member of the Maine Legislature, York, Maine; and Michael Rapuano, landscape architect, Newton, Pa., and New York City.

The Act directed the Commission to:

(1) Study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system;

(2) Review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards;

(3) Compile data necessary to understand and determine the requirements

for such control which may now exist or are likely to exist within the foreseeable future;

(4) Study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public;

(5) Study methods of financing and possible sources of Federal funds, including use of Highway Trust Fund, to carry out a highway beautification program; and

(6) Recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

A report of the Commission's findings will be submitted to the President and the Congress no later than August of this year.

The Commission's previous hearings were in Atlanta, Los Angeles, and St. Louis. Following the Meriden and Syracuse hearings, the only additional hearing is now scheduled for Washington, D.C., on May 22 and 23, 1972.

The Connecticut hearing is scheduled for 9:30 a.m. at the Holiday Inn, 900 East Main Street, Meriden. The New York hearing will be held at 9:30 a.m. at the Hotel Syracuse, Hotel Syracuse Square, Syracuse.

These are open hearings and the public is invited to attend and to participate. Each of the hearings in Meriden and Syracuse will be no more than 1 day in length. Those interested in testifying are requested to contact the Commission at 1121 Vermont Avenue NW., Washington, DC 20005, by April 10, and if possible to submit a copy or a brief summary of their testimony by that date.

L. A. BYRNES,
Staff Director and Counsel.

[FR Doc.72-4781 Filed 3-28-72;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

[PR Notice 72-5]

CERTAIN PRODUCTS CONTAINING MERCURY

Cancellation of Registration

MARCH 22, 1972.

Notice to manufacturers, formulators, distributors, and registrants of economic poisons. ATTENTION: Person responsible for Federal Registration of economic poisons.

While mercury is an element and occurs naturally in the environment, its location and form are of grave concern from the standpoint of public health and safety. There is strong evidence that manmade mercury compounds and uses of mercury by man alter its natural distribution and form in a way to create a hazard over and above that posed by natural mercury.

This concern caused the Agency to review all pesticidal uses of mercury and two studies have now been completed. We have also had the benefit of a report by a Scientific Advisory Committee convened to consider mercury algicide uses in the aquatic environment. Based on the information in those and other reports, I am persuaded that all pesticide uses of mercury should be ended, and certain uses halted immediately since they create an imminent hazard in the environment.

Suspension. Mercury in pesticides occurs in the alkyl, aryl and salt states. The most toxic form is the alkyl which can be readily absorbed by the human brain and stored by man and lower forms of animal life.

On March 9, 1970, the U.S. Department of Agriculture, then in charge of pesticide registrations, issued orders of suspension of alkyl mercury seed treatments. Alkyl mercury is, however, still registered for use as a treatment on cotton, farm and greenhouse equipment, ornamentals, turf, surface fungistat, wood preservative, anthranacose on trees and shrubs, leaf spots and blights.

This Agency has also recognized the severity of the hazard from use of other forms of mercury that, of necessity, involve direct and present contact with the marine environment. This hazard arises from the ready convertibility of other forms of mercury to the alkyl form in the marine environment. Thus, uses of mercury algicides in swimming pools and cooling towers and uses for treating laundry were canceled by the Department of Agriculture in 1970. Subsequently, on October 7, 1971, this Agency affirmed the cancellation and suspended the pool and cooling tower use after a report by a Scientific Advisory Committee requested by a registrant of these products.[1] Other uses which present a possibility of immediate aquatic contact include marine paints and treatment of rice seeds for use in flooded growing.

Because of the toxicity to man of alkyl mercury and its tendency to build up in the environment and food chain, it is imperative to delay and, if possible, prevent additional accumulation. Any additional use of alkyls, as such, or nonalkyls that have a direct and immediate contact with the aquatic environment in the foreseeable future create an "imminent hazard" to the environment.

The standard of suspension has most recently been reiterated in our order suspending registrations for predator control uses of strychnine, 1080, cyanide, and thallium sulfate. We there talked about conditions that are "irremediable and uncorrectable by subsequent actions." We have previously stated in our DDT statement of March 18, 1971, that what we look to is not an imminent disaster, but rather a "point in the chain of events which may ultimately result in harm to the public." To allow a course of conduct today that may create an uncorrectable and highly dangerous situation tomorrow is to engage in environmental brinksmanship.

These tests are met where we are concerned by the use of a highly toxic, persistent substance, which can be stored by man and his food chain and to which, in the normal course of events, substantial numbers of individuals may be exposed. While levels of alkyl mercury may not now be at the critical threshold, it is important to control this buildup now before it reaches an acute level in the future.

While these circumstances might not be decisive of the issue of suspension, there are no compelling benefits from the uses in question that would justify continued registration pending further administrative review. Neither disease control nor maintenance of a diet staple is here involved.

In accordance with this notice and attached findings and order, the registration of all alkyl mercury products and the registration of other mercury products for rice treatment, laundry uses and marine paints are suspended.

Cancellation. There remains the further problem of what action should be taken on other mercury registrations involving its use in aryl or salt forms in a manner that does not promise immediate contact with the aquatic environment. Such uses are numerous.

Our statutory obligation is to cancel a registration wherever its use presents a "substantial question of safety." See DDT Statement, March 18, 1971, "EDF v. Ruckelshaus," 439 F. 2d 584.

While available evidence suggests that only the uses of mercury heretofore or today suspended create an imminent hazard, all pesticidal uses of mercury pose a substantial question of safety. Given the basic chemical properties of mercury and its pattern of activity in the environment, it cannot be said that any use is not a potential contaminant to water and the food chain. Whether it be soil carrying mercury eroded from treated farm areas, or chips of mercury-treated paint, or mercury vaporized into the air and returned to earth by rain, once mercury reaches an aquatic environment it is converted to the highly toxic alkyl mercury by microorganisms in the bottom sediment. There is no effective way to control and monitor the environmental activity and circulation of man-placed mercury.

In view of the long-range risks involved, we believe that it is appropriate to commence formal administrative proceedings to review them.

I. *Findings.* 1. Mercury, in many forms and degrees of volatility, can circulate in the environment: Water, soil, and the atmosphere.

2. Aryl mercury and mercury salts in river and lake bottoms can be converted into highly toxic methyl or alkyl mercury.

3. Mercury levels accumulate in the aquatic biota with the result that potentially dangerous residue levels are reached in aquatic foods consumed by man and animals.

[1] The Agency's order of Oct. 7, 1971, which is in part incorporated herein (see Finding 13, infra), appears at 36 F.R. 20259.

4. There are no clearances, as required by the Federal Food, Drug, and Cosmetic Act, for any level of mercury residues that may accumulate in food or feed.

5. Once entered into the environment, no feasible means of reducing mercurial levels exist. Therefore, contamination is virtually irreversible.

6. Alkylmercury has a particularly high degree of toxicity and it has a propensity for accumulation in the brain.

7. Alkylmercury may be stored in the body and build up to critical levels leading to symptoms associated with damage to the central nervous system. It may be stored in fish.

8. Since alkylmercury is readily transported, it poses a threat to the entire public.

9. There is no effective way to monitor all sources of direct contact man may have to mercury.

10. Mercury when used for treatment of rice seeds, laundry, and in marine-anti-fouling paint is likely to come quickly into contact with the aquatic environment.

11. All manmade uses of mercury alter its natural distribution in the environment.

12. Such uses may cause additional deposits of mercury into water over and above those occurring naturally or hasten such deposits thereby building up aquatic concentrations.

13. In addition to the above findings, the general findings contained in our mercury order of October 7, 1971, IFR Nos. 15 and 53 are adopted herein.

II. *Conclusions and order.* In accordance with sections 2(z)(2)(c), 2(z)(2)(d), and 2(z)(2)(g) and section 4(c) of the Federal Insecticide, Fungicide and Rodenticide Act, all present registrations for mercury products create a "substantial question of safety" as to whether or not their use, even in accordance with label directions, is not injurious to man and other living animals. All uses are hereby canceled. In addition, registrations for alkyl compounds and nonalkyl uses on rice seed, in laundry, and marine antifouling paint create an imminent hazard and these registrations are hereby suspended.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-4902 Filed 3-28-72;9:36 am]

TRICYCLOHEXYLTIN HYDROXIDE

Notice of Extension and Establishment of Temporary Tolerances

The Dow Chemical Co., Midland, Mich. 48640, was granted temporary tolerances for residues of the insecticide tricyclohexyltin hydroxide in or on apples and pears at 2.5 parts per million on February 22, 1971 (notice was published in the FEDERAL REGISTER of February 26, 1971 (36 F.R. 3543)).

The firm has requested a 1-year extension of the tolerances to obtain additional experimental data and establishment of new temporary tolerances for residues of the insecticide in the meat, fat, and meat byproducts of cattle at 0.2 part per million and in milk fat at 0.05 part per million reflecting negligible residues in milk.

It has been determined that such extension and establishment of tolerances will protect the public health. The new tolerances are therefore established and the present tolerances extended on condition that the insecticide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under The Dow Chemical Co. name.

These temporary tolerances expire February 22, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: March 23, 1972.

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

[FR Doc.72-4750 Filed 3-28-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19465-19467; FCC 72-232]

MICHAEL D. HAAS, ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Michael D. Haas, Bay St. Louis, Miss., Requests: 1140 kc., 250 w., DA, day, Docket No. 19465, File No. BP-18154; Robert Barber, Jr., George Sliman, and F. M. Smith, doing business as Gulf Broadcasting Co., Gulfport, Miss., Requests: 1130 kc., 500 w., day, Docket No. 19466, File No. BP-18462; H W H Corp., McComb, Miss., Requests: 1140 kc., 500 w., day, Docket No. 19467, File No. BP-18478; for construction permits.

1. The Commission has before it for consideration (i) the above-captioned mutually exclusive applications; (ii) a petition to deny the Michael D. Haas application filed by Bay Broadcasting Corp., an applicant in another proceeding (File No. BP-17244, Docket No. 18413); and (iii) petitions in opposition and reply thereto.

2. A petition to deny the Haas application was filed by Bay Broadcasting Corp., an applicant also for a new standard broadcast facility for Bay St. Louis, Miss., that is currently in hearing in Docket No. 18413.[1] A petition to deny the Bay Broadcasting application had been filed by a mutually exclusive applicant in that proceeding, and Haas was one of 14 affiants who stated that, contrary to the representations made by Bay Broadcasting, he had not been contacted by Bay Broadcasting in its survey of community needs. Subsequently, when Bay Broadcasting was designated for hearing a misrepresentation issue was specified against it. Bay Broadcasting claims that Haas's statement is incorrect and that the existence of this clear contradiction between Haas and itself makes it a party in interest to Haas's application contending that a grant of the Haas proposal would imply Commission support of Haas's character vis-a-vis its own.[2]

3. In opposition to the petition, Haas states that Bay Broadcasting has failed to establish standing because there is no electrical interference between the two proposals for Bay St. Louis and it is clear that a mere applicant does not have standing to file a petition to deny on economic grounds. In addition, Haas claims that the petitioner's failure to submit factual allegations to substantiate its charges and to submit an affidavit of a person having knowledge of the facts warrants dismissal of the petition.

4. The Commission finds that Bay Broadcasting Corp. is not a party in interest within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission rules. The fact that Mr. Haas was one of 14 persons who contradicted statements made by Bay Broadcasting in its community survey is not sufficient to confer standing on the petitioner. Of course, the hearing in which the character issue regarding Bay Broadcasting is being litigated is a matter of record before the Commission, and any evidence taken in that hearing which adversely reflects on the qualifications of Haas to be a licensee of the Commission can be taken into account. Since there is no engineering or technical conflict between the Bay Broadcasting and Haas proposals, they are not mutually exclusive. Moreover, it is well settled that in these circumstances mere applicants cannot claim standing based on potential economic injury. "Mansfield Journal Co. v. Federal Communications Commission", 84 U.S. App. D.C. 341, 4 RR 2123 (1949). Accordingly, the petition will be dismissed.

5. Michael D. Haas proposes to operate a daytime facility for 70 hours during a typical week with 12.8 percent of his time on the air devoted to news and public affairs and 5.7 percent of his time to all other programs, exclusive of entertainment and sports. He proposes a staff of three employees and has stated that he will direct the overall operation of the station and will hire a full-time general manger. He has not indicated the responsibilities assigned to the third employee or furnished detailed information

[1] By memorandum opinion and order, adopted Dec. 18, 1968, Bay Broadcasting Corp. was designated for hearing together with Faulkner Radio, Inc. The Hearing Examiner, by memorandum opinion and order, adopted Mar. 17, 1969, granted the petition of Faulkner Radio, Inc., to dismiss its application, and Bay Broadcasting Corp. remains in hearing.

[2] Petitioner also claims standing on the basis that a prior grant of Haas's application would influence the 307(b) issue in its hearing with Faulkner Radio, Inc. The dismissal, however, of the application of Faulkner Radio, Inc., in that proceeding renders this argument moot.

specifying the manner in which a staff of three employees could perform the various duties and functions of the station. In light of the above, a serious question arises as to whether the applicant can effectuate his proposed program plans and an appropriate issue will be added. "Dearborn County Broadcasters," 15 FCC 2d 247, 14 RR 2d 747 (1968).

6. F. M. Smith and George J. Sliman, partners in Gulf Broadcasting Co., have interests (33.3 percent each) in Southland of Alabama, Inc., licensee of stations WLAU, Laurel, Miss., and WLIQ, Mobile, Ala. In March of 1971, Southland of Alabama, Inc., filed an application (File No. BPH-7405) with the Commission for a new broadcast facility in Laurel, Miss. As required by section 1.65 of the rules, an applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application and is obligated to advise the Commission of substantial and significant changes. "Gross Broadcasting Company," 15 FCC 2d 76, 14 RR 2d 742 (1968). Since Gulf Broadcasting Co. failed to amend its application to reflect the interests of its partners in the Laurel application until February 23, 1972, an issue will be included to determine whether the applicant has violated section 1.65 of the rules.

7. Examination of the proposals for Bay St. Louis and Gulfport appear to indicate that each of the proposals would serve a substantial area in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue also will be specified.

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

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

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

2. To determine whether the staff proposed by Michael D. Haas is adequate to effectuate his proposal.

3. To determine whether Gulf Broadcasting Co. has complied with the provisions of § 1.65 of the Commission rules by keeping the Commission advised of substantial and significant changes as required by § 1.65, and, if not, the effect of such noncompliance on its basic or comparative qualifications to be a Commission licensee.

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

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

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

10. *It is further ordered,* That the petition to deny the application of Michael D. Haas filed by Bay Broadcasting Corp. is dismissed.

11. *It is further ordered,* That in the event of a grant of the application of Michael D. Haas, the construction permit shall contain the following condition:

In the event of a grant of the application of Bay Broadcasting Corp. for a new station at Bay St. Louis, Miss., File No. BP-17244, Docket No. 18413, permittee shall share the responsibility of eliminating any problems of cross-modulation, reradiation, or spurious emissions which may occur.

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

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

Adopted: March 15, 1972.

Released: March 23, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-4757 Filed 3-28-72;8:49 am]

[Dockets Nos. 18906, 18907; FCC 72R-73]

SOUTHERN BROADCASTING CO. AND FURNITURE CITY TELEVISION CO., INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Southern Broadcasting Co. (WGHP-TV), High Point, N.C., for renewal of broadcast license, Docket No. 18906, File No. BRCT-574; Furniture City Television Co., Inc., High Point, N.C., for construction permit for new television broadcast station, Docket No. 18907, File No. BPCT-4302.

1. This proceeding involves the mutually exclusive applications of Southern Broadcasting Co. (WGHP-TV) (Southern) and Furniture City Television Co., Inc. (Furniture City) for renewal of broadcast license and construction permit, respectively, for a television broadcast station in High Point, N.C. Presently before the Review Board is a petition to enlarge issues, filed January 4, 1972, by Southern,[1] wherein the petitioner seeks the addition of issues to determine whether Furniture City has (1) violated § 1.65 and (2) made misrepresentations to or concealed facts from the Commission (hereinafter referred to as concealment), and, if so, whether Furniture City possesses the basic qualifications to be a broadcast licensee.

2. Southern bases its request[2] upon the allegation that Furniture City has not amended its application to inform the Commission of a suit against Perley A. Thomas Car Works, Inc. (Thomas Car Works) and John W. Thomas, Jr., wherein the State of Georgia alleges that the defendants have violated section 1 of the Sherman Anti-Trust Act (15 U.S.C. section 1).[3] John W. Thomas, Jr., a vice president, director and 15 percent stockholder of the corporate defendant,[4] is a principal of Furniture City.[5] In support of its petition, Southern cites the Commission's "Report on Uniform Policy as to Violation by Applicants of Laws of the United States" (Vol. 1, Part III RR 91:495 (1951)), and cases[6] which

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[1] Also before the Board for consideration are: (a) Opposition, filed Jan. 14, 1972, by Furniture City; (b) comments, filed Jan. 17, 1972, by the Broadcast Bureau; and (c) reply to (a), filed Jan. 24, 1972, by Southern.

[2] Southern's allegations result from a complaint filed on Nov. 12, 1971, by the State of Georgia. Sufficient good cause has been shown and the Board will consider the petition on its merits. See Rule 1.229(b) and The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1965).

[3] Suit (Civil Action No. 15861) was brought on Nov. 12, 1971, under the provisions of the Clayton Anti-Trust Act (14 U.S.C. section 15 and 15 U.S.C. section 26) in the U.S. District Court for the Northern District of Georgia (Atlanta Division). The complaint, attached to the petition, alleges the existence of a conspiracy and combination involving the sale of school bus bodies. It asserts the alleged acts and agreements were done by officers, agents and employees of each defendant, and seeks treble damages against the corporate defendants and injunctions against the defendants and their respective officers, directors, agents and employees.

[4] Southern alleges in its petition that Thomas Car Works is family owned. Southern further alleges in its reply that John W. Thomas, Jr., is also sales manager of that corporation. No support has been presented for these statements, and the Board will not consider them. Rule 1.229(c).

[5] John W. Thomas, Jr., is a 3.3 percent stockholder of Furniture City. He is neither an officer nor director of that corporation.

[6] Southern cites N.B.C. v. United States, 319 U.S. 190 (1943); Westinghouse Broadcasting Co., Inc., 22 RR 1023 (1962); General Electric Company, 2 RR 2d 1038 (1964); Fostoria Broadcasting Co., 3 RR 2014A (1948); Mansfield Journal Co. v. FCC, 180 F.2d 28 (1950); and Lorain Journal Co., 9 RR 406 (1953).

[3] Commissioner Johnson concurring in the result.

it asserts demonstrate the Commission's concern with the conduct of applicants and licensees, particularly with anti-competitive conduct and including conduct in fields other than broadcasting. Southern asserts that the Commission has evinced greatest concern with the type of conduct that is alleged in the complaint in question, where the anti-competitive agreements and acts alleged are neither an isolated incident nor remote in the past, but began at least as early as 1959 and have continued to the present.[7] Southern states that the application of Furniture City indicates (Question 10, section II) that there is not pending before any court any action against any party to the Furniture City application charging unlawful combinations, contracts or agreements in restraint of trade; that an amendment had not been filed to reflect the pending suit by December 13, 1971, 30 days after the complaint was filed; and argues that, in light of the Commission's well-demonstrated concern with these matters, a § 1.65 basic qualifications issue is clearly warranted.[8] Southern also submits that because the Commission must rely heavily on written representations by applicants, especially in the case of initial applications, the alleged failure to amend also warrants the requested concealment issue. Finally, Southern maintains that the facts alleged in the instant case rest "four-square" with the facts in "Syracuse Television, Inc.," 5 RR 2d 577 (1965), in which the Board added, inter alia, a § 1.65 issue against an applicant where a principal was also officer of a plumbing company charged by the State of New York with violations of state antitrust laws and the applicant did not notify the Commission of the pending action.

3. In opposition to the petition, Furniture City asserts that its principal, John W. Thomas, Jr., is not a named defendant in the complaint and, in fact, is not even mentioned therein. Asserting that "Southern's position is that as a result of Mr. Thomas' personal antitrust acts, Furniture City is not qualified to be a broadcast licensee," respondent contends that because Thomas is not a defendant, "Southern lacks any grounds for impugning the qualifications of Furniture City." In response to the request for a § 1.65 issue, Furniture City contends that "only a complaint has been lodged" against Thomas Car Works and until the defendant files an answer joining issues, "this complaint is not pending." Thus, maintains Furniture City, the 30-day filing period has yet to commence. Upon filing of the answer by Thomas Car Works, respondent states, Furniture City's application will be amended in accordance with § 1.65. Once the § 1.65 issue fails, asserts Furniture City, so must the concealment issue. Furniture City argues that since no complaint had been filed at the time it filed its application, it could not have known of the alleged violations of law and thus could not be expected to include that information in its application. Therefore, concludes Furniture City, no concealment issue is warranted. Furniture City further argues against the requested concealment issue by asserting that the Commission's "Report on Uniform Policy, supra," refers to conduct by applicants and "neither Furniture City as the applicant, nor any of its officers and directors, have been found guilty of any Federal violation." Respondent emphasizes that, in fact, no party has been found guilty of any Federal violation. Furthermore, contends Furniture City, "the degree of association between Furniture City and Perley (Thomas) Car Works is so remote that there is no justification for charging misrepresentation on the part of Furniture City and questioning its qualifications to operate a broadcast station in the public interest." This remote connection between Furniture City and the defendant named in the antitrust suit also, argues Furniture City, distinguishes the instant case from those cited by Southern. In those cases, the applicant itself, or those who controlled the applicant, engaged in the misconduct which concerned the Commission; in the instant case, submits respondent, the defendant is only related to the applicant in that a director of the former is a minority stockholder of the latter. Furniture City contends that "General Electric", supra, "strengthens Furniture City's position that the alleged acts of Perley (Thomas) Car Works cannot be imputed to Furniture City" since in that case an applicant convicted of antitrust activities was granted a license and, here, the applicant has not even been accused of such activities and it is clear that "the alleged acts by (the defendant corporation) will have no effect on the operation of a broadcast station by Furniture City." Furniture City also attempts to distinguish "Syracuse", supra, arguing that the president and vice president of the applicant in that case owned the company cited in the antitrust complaint while, in the instant case, John W. Thomas, Jr., is merely a minority stockholder and "does not occupy a position of decision making in Furniture City." Maintaining that Mr. Thomas is the only link between the Georgia defendant and the applicant, Furniture City states that it will amend its application under § 1.65 when the action does become pending, that such amendment is not to be considered an admission of involvement in the alleged misconduct, and that "to attempt to draw an association between Furniture City and Perley (Thomas) Car Works is stretching the administrative right of inquiry into an applicant's business interests, beyond that which was envisioned the Commission rules which stress the disclosure of any improper conduct engaged in by an applicant."

4. The Broadcast Bureau, in its comments, agrees with Southern that the Commission's holding in Syracuse, supra, requires the addition of a § 1.65 issue against Furniture City, although it does note that principals of the defendant corporation in that case, unlike Mr. Thomas, were officers of the applicant. The Bureau also notes that, contrary to petitioner's allegation, Mr. Thomas has not been named as a party defendant in the antitrust suit, but that, in any event, Syracuse supports the proposition that, in these circumstances, principals of an applicant need not be named in the suit. The Bureau does not support the request for a concealment issue, noting that no such issue was added by the Commission in the "almost analogous factual situation" of Syracuse, supra.

5. In its reply, Southern reasserts that John W. Thomas, Jr., was a named defendant in the anti-trust suit and refers the Board to allegations in the complaint that the anticompetitive activities were conducted by officers of the defendant corporation and to the request that those officers be enjoined. Southern then comments that most of Furniture City's opposition pleading goes to the question of whether as a result of Mr. Thomas' actions Furniture City should be disqualified, a completely different question than that which Southern in fact raised in its petition, i.e., whether as a result of Furniture City's failure to notify the Commission of the pending suit Furniture City should be disqualified. Petitioner disputes respondent's claim that an action is not pending until an answer is filed, arguing further that such a claim "serves only to exacerbate its conduct in attempting to conceal the pending suit from the Commission." Southern also defends its citation of cases, arguing that Furniture City's attempt to distinguish those cases is not convincing since the cases evidence the Commission's great concern that antitrust conduct is not carried over into the broadcast industry. Answering respondent's arguments that no party has been convicted and that the applicant is not a defendant in the suit, Southern cites Question 10e, section II of FCC Form 301, which asks if any suits are "pending" against any "party" and reasserts that an action is pending against John W. Thomas, Jr. Southern further argues that Mr. Thomas does, in fact, occupy a decision-making position in the applicant by virtue of his being a voting stockholder. The fact that there may have been stockholders, officers or directors that did not know of the antitrust charges filed against the defendant or were innocent of any such activities does not, petitioner states, immunize the applicant from the duties imposed by the Commission. Finally, responding to the Broadcast Bureau, Southern submits that no concealment issue was requested in Syracuse, supra, and thus the case does not preclude the granting of such an issue in the instant case.

6. The Board will grant the request for the addition of a § 1.65 issue against

[7] Paragraph 25 of the complaint.

[8] Rule 1.65 reads in pertinent part: "Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend * * * his application so as to furnish such additional or corrected information as may be appropriate."

Furniture City. The Commission has consistently recognized the importance of an applicant's association with anticompetitive conduct in its determination of an applicant's qualifications to hold a broadcast license in the public interest. The reasons are well documented in the Commission's 1951 Report on Uniform Policy and need not be restated here. Also see NBC v. United States, 319 U.S. 190 (1943); and Patroon Broadcasting Co., Inc., 2 FCC 2d 431, 6 RR 2d 939 (1966). Such is the significance of this matter that the Commission specifically requires a prospective licensee to reveal any such activities in its application. See FCC Form 301, section II, Question 10. Such a character examination is not limited to the field of broadcasting, but includes consideration of all improper conduct, such as anticompetitive activities, which relates to those matters entrusted to the Commission. See the "Report on Uniform Policy, supra; Rockland Broadcasting Co.", 62R–152, 24 RR 741 (1962); "Patroon Broadcasting Co., Inc.", supra; and "Syracuse Television, Inc., supra." Form 301 does not limit the information requested to matters involving broadcasting. Furthermore, it is clear that a lawsuit is pending at the time a complaint is filed and the suit instituted. See the Board's statement of the § 1.65 issue and footnote 4 in "Syracuse." Moreover, contrary to respondent's assertion that the "Report on Uniform Policy" relates only to "applicants" (emphasis respondent's) and that investigation of an applicant's business interests is "stretching the administrative right of inquiry * * * beyond that which was envisioned by the Commission Rules," the Commission has explicitly stated that it "* * * is entitled to look beyond the corporate name, and notice the character of the individual." "Mansfield Journal Co. v. FCC," 86 U.S. App. D.C. 102, 180 F.2d 28, 5 RR 2074(e) (1950). "It is important," states the Commission, "that only those persons should be licensed who can be relied upon to operate in the public interest, and not engage in monopolistic practices * * * The Commission must be concerned as to whether such "persons" would also engage in monopolistic practices in radio if they were given a license." (emphasis added.) "Report on Uniform Policy," supra. See also "Lamar Life Broadcasting Co.", 30 FCC 2d 657, 22 RR 2d 377 (1971), and Form 301, which requests information about parties to the application as well as applicants. Also, the principal whose activities are alleged to have led to the alleged misconduct need not be a named defendant in a suit resulting from that misconduct.[9] The Commission, concerned with individuals comprising the applicant, will look beyond the formal corporate entity to the individuals responsible for the corporate liability. Such investigation is particularly relevant in situations where it is quite possible that, as officer, director and stockholder, the individual participated in the decision that violated the law and the complainant alleges acts by officers and seeks an injunction against those officers. In "Syracuse," the Board added a § 1.65 issue when the principals of the applicant were not named defendants in the complaint against the corporation in which they held positions of responsibility. In this case, a corporation, of which a principal of an applicant is an officer, has been accused of anticompetitive conduct in a nonbroadcast field. In light of the foregoing, such a fact is significant, the pending application is no longer substantially accurate and complete, and it appears that amendment of the application was required pursuant to § 1.65. In the absence of such an amendment, a § 1.65 issue is warranted.

7. Furniture City has argued against the requested issues by pointing to the indirect relationship between the applicant and the defendant corporation as well as the minority interest of Mr. Thomas in the applicant. The Board believes that respondent has failed to distinguish the § 1.65 requirement to present information to the Commission with the Commission's subsequent response to that information. The Commission is to be informed of all facts, requested in Form 301 or not, that may be of decisional significance so that the Commission can make a realistic decision based on all relevant factors. See "Reporting of Changed Circumstances Affecting Applications," FCC 64–1037, 3 RR 2d 1622. Upon receipt of this information, the Commission will determine whether an appropriate issue is warranted and, if so, upon further investigation, what, if any, should be the effect of those facts. The ultimate resolution of those questions, however, is irrelevant to the applicant's duty under § 1.65. The Commission has not requested that an applicant "predict the exact basis of a Commission decision or the weight to be accorded any particular factor by the Commission"; only that it recognize "the kinds of matters which may be decisionally significant." "Reporting of Changed Circumstances, supra." When a matter is clearly encompassed by the application form, this burden is even less. See also "Syracuse Television, Inc., supra; and Chapman Radio and Television Co.," 26 FCC 2d 432, 20 RR 2d 552 (1970), where § 1.65 and the effect of the related conduct are clearly distinguished issues. Finally, since failure to amend may include elements of concealment and the question of intent, together with other surrounding circumstances, may be explored under the § 1.65 issue, a separate concealment issue need not be added.

8. *Accordingly, it is ordered,* That the motion to enlarge issues, filed January 4, 1972, by Southern Broadcasting Co. (WGHP–TV), is granted to the extent indicated below, and is denied in all other respects; and

9. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Furniture City Television Co., Inc., has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in its application and, if not, the effect of such noncompliance on the basic or comparative qualifications of the applicant to be a broadcast licensee;

and

10. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Southern Broadcasting Co., and the burden of proof shall be on Furniture City Television Co., Inc.

Adopted: March 20, 1972.

Released: March 22, 1972.

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

[FR Doc.72–4759 Filed 3–28–72;8:49 am]

[Dockets Nos. 18856, 18858; FCC 72R–70]

GEORGE E. WORSTELL AND CIRCLEVILLE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of George E. Worstell, Circleville, Ohio, Docket No. 18856, File No. BP–17648; Circleville Broadcasting Co., Circleville, Ohio, Docket No. 18858, File No. BP–17868; for construction permits.

1. This proceeding involves the mutually exclusive applications of George E. Worstell (Worstell) and Circleville Broadcasting Co. (Circleville), for authority to construct a new standard broadcast facility on 1540 kHz at Circleville, Ohio. The Commission designated the applications for hearing by Memorandum Opinion and Order, FCC 70–501, released May 22, 1970. Presently before the Review Board is a motion to enlarge issues, filed January 12, 1972, by Worstell, seeking to add an issue to this proceeding to determine whether the 0.5 mv/m daytime groundwave contour of the proposed operation of Circleville will overlap the 0.5 mv/m contour of station WDLR, Delaware, Ohio,[1] and a motion to strike, filed February 18, 1972, by Circleville.

2. Worstell requests the Board to enlarge the issues in this proceeding to include the following issue:

To determine whether the 0.5 mv/m daytime groundwave contour of the operations proposed by Circleville Broadcasting Company will overlap the 0.5 mv/m daytime groundwave contour of WDLR, Delaware, Ohio, in contravention of § 73.37 of the Commission rules.

In support of his request, Worstell submits measurement data[2] taken on the

[9] It appears that John W. Thomas, Jr., is not a named defendant in the Georgia antitrust suit.

[1] Other related pleadings before the Board for consideration are: (a) opposition, filed January 24, 1972, by Circleville; (b) comments, filed January 26, 1972, by the Broadcast Bureau, and (c) reply, filed February 10, 1972, by Worstell.

[2] Worstell's engineer measured along two radials, 175 and 195 degrees. The measurements were taken, Worstell contends, to gather evidence for the issue added by the Board on October 21, 1971, requiring a determination as to whether his proposal would involve overlap with WDLR.

operation of Station WDLR, Delaware, Ohio; and, based thereon, Worstell's engineer prepared an exhibit which depicts the Circleville proposed 0.5 mv/m contour overlapping the WDLR 0.5 mv/m contour.[3]

3. Circleville, in its opposition, contends that the Worstell motion is untimely filed pursuant to the provisions of § 1.229(b) of the rules.[4] Circleville argues that its application has been on file since August 17, 1967, without Worstell, until now, raising a question of possible overlap between WDLR and the Circleville proposal. Since Worstell has made no effort to show good cause for the late filing, Circleville asserts, the motion should be denied. Circleville also asserts that on the merits, addition of the requested issue is not warranted. In an engineering statement attached to its opposition, Circleville includes another radial of measured data taken at 185 degrees from the WDLR operation. Based on the Worstell 175 and 195 degree radials and the new 185 degree radial, Circleville shows no overlap between its proposed operation and WDLR.[5]

4. The Broadcast Bureau, in its comments, takes the position that good cause is shown by the discovery of new data (as a result of the measurements); that a sufficient question of overlap is raised, though additional data would be required to make a definite determination; and that the motion to enlarge should be granted. The Bureau states, however, that the Worstell engineering data should be under affidavit (§ 1.229(c)).[6]

5. Worstell, in his reply, contends that: (a) The extent of the WDLR 0.5 mv/m contour at 175 degrees is 31.6 miles, not 30.3 miles as depicted by Circleville; (b) a better analysis of the 185-degree data would place the WDLR 0.5 mv/m contour out 33 miles, not 31.5 miles as found by Circleville; (c) drawing the arc between the 185- and the 195-degree 0.5 mv/m points depicts overlap with the Circleville proposed 0.5 mv/m contour; and (d) Worstell's 175- and the 195-degree data contains 39 and 37 measured points, respectively, while the Circleville data only contains 18 points for the 185 degree data. Worstell alleges that the critical azimuth is 190 degrees, which has not been measured. Worstell states that good cause exists for late filing of its motion because it resulted from the measurements made necessary by the overlap issue raised by Circleville.

6. Circleville, in a motion to strike, attacks the reply of Worstell, contending that the reply, filed by legal counsel, contains engineering conclusions which require, under § 1.229(c), the expertise and affidavit of an engineer, not an attorney. Circleville, therefore, requests the Board to strike the engineering contentions in the reply on the grounds that they are "speculative conclusions."

7. Although the Review Board is of the view that petitioner has not established good cause for the late filing of its petition, we believe that the substantial question raised by petitioner warrants consideration on the merits. See "The Edgefield-Saluda Radio Co.," 5 FCC 2d 148, 8 RR 2d 611 (1968). Based on an evaluation of the measurements submitted by both Worstell and Circleville, the Board agrees with the Broadcast Bureau that a sufficient question exists as to whether the Circleville proposed 0.5 mv/m contour would overlap the WDLR 0.5 mv/m contour to warrant the addition of an issue which will allow resolution of the question in an evidentiary hearing. "George E. Worstell," 32 FCC 2d 280 (1971); "TV Cable of Waynesboro, Inc.," 18 FCC 2d 1055 (1969); and "Lawrence County Broadcasting Corp.," 8 FCC 2d 597 (1967). Although we will grant Circleville's motion to strike, this action does not affect the bases for our determination, supra, that the question of overlap raised by Worstell's petition should be determined on the evidentiary record.

8. *Accordingly, it is ordered,* That the motion to enlarge issues, filed on January 12, 1972, by George E. Worstell is granted; and

9. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the 0.5 mv/m daytime groundwave contour of the proposed operation of Circleville Broadcasting Co. will overlap the 0.5 mv/m contour of standard broadcast station WDLR, Delaware, Ohio, in contravention of § 73.37 of the Commission's rules.

10. *It is further ordered,* That the motion to strike, filed on February 18, 1972, by Circleville Broadcasting Co. is granted; and paragraph 1 of the reply pleading, filed on February 10, 1972, by George E. Worstell is stricken; and

11. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Circleville Broadcasting Co.

Adopted: March 16, 1972.

Released: March 21, 1972.

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

[FR Doc.72-4758 Filed 3-28-72;8:49 am]

[3] No area and population data were submitted for the area of overlap. Worstell's map shows the overlap area to be about 5 miles wide and 2.5 miles deep, with the area somewhat oval in shape. The overlap occurs, as shown by Worstell, not on the measured radials, but in between 175 and 195 degrees.

[4] Rule 1.229(b) requires such motions to be filed no later than 15 days after the hearing issues have been published in the FEDERAL REGISTER, and motions filed thereafter must be supported by a showing of "good cause" for the late filing. According to Circleville, Worstell's motion is at least 20 months late.

[5] The Circleville map shows the contours to be separated at the nearest point by about ¾ mile.

[6] In his reply, Worstell points out that the engineering statement was accompanied by the oath of the engineer making the report which, according to Worstell, is an affidavit.

TOP 50 MARKETS FOR PRIME TIME ACCESS RULE

MARCH 16, 1972.

For the purpose of the prime time access rule (§ 73.658(k)), the top 50 markets are determined on the basis of the most recent rankings by the American Research Bureau in effect on September 1 of each year. The American Research Bureau issued its "1971 Television Market Analysis" on November 30, 1971 and advises us that no new rankings will be published until after September 1, 1972. The following are the top 50 markets in alphabetical order:

Albany-Schenectady-Troy.
Atlanta.
Baltimore.
Birmingham.
Boston.
Buffalo.
Charleston-Huntington.
Charlotte, N.C.
Chicago.
Cincinnati.
Cleveland.
Columbus, Ohio.
Dallas-Fort Worth.
Dayton.
Denver.
Detroit.
Grand Rapids-Kalamazoo.
Greenville-Spartanburg-Asheville.
Hartford-New Haven.
Houston.
Indianapolis.
Kansas City.
Los Angeles.
Louisville.
Memphis.
Miami.
Milwaukee.
Minneapolis-St. Paul.
Nashville.
New Orleans.
New York.
Norfolk-Portsmouth-Newport News-Hampton.
Oklahoma City.
Orlando-Daytona Beach.
Philadelphia.
Phoenix.
Pittsburgh.
Portland, Oregon.
Providence.
Sacramento-Stockton.
Salt Lake City.
San Antonio.
San Diego.
San Francisco.
Seattle-Tacoma.
St. Louis.
Syracuse.
Tampa-St. Petersburg.
Toledo.
Washington, D.C.

The Wichita-Hutchinson market which is ranked 47th by ARB has been omitted because its prime time audience, excluding that of satellites of Wichita-Hutchinson stations would rank it below 50.

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

[FR Doc.72-4760 Filed 3-28-72;8:49 am]

FEDERAL MARITIME COMMISSION

CANADIAN PACIFIC RAILWAY CO.

Order of Revocation of Certificates of Responsibility

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-39 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,011.

Whereas, Canadian Pacific Railway Co., Windsor Station, Montreal, Quebec, Canada, has ceased to operate the passenger vessel "Empress of England":

It is ordered, That certificate (performance) No. P-39 and certificate (casualty) No. C-1,011, covering the "Empress of England," be and are hereby revoked effective March 22, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on Canadian Pacific Railway Co.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-4804 Filed 3-28-72;8:52 am]

[Docket No. 72-12]

SEA-LAND SERVICE, INC., AND SEATRAIN LINES, INC.

Order of Investigation and Suspension Regarding Exceptions to General Rate Increases Granted by Price Commission

Sea-Land Service, Inc., and Seatrain Lines, Inc., have filed with the Federal Maritime Commission various supplements (see appendix A)[1] to their tariffs to become effective March 26, 1972, and expiring with April 1, 1972. These supplements propose to provide reduced rates on certain selected commodity items applying between U.S. Atlantic and gulf ports and ports in Puerto Rico.

Upon consideration of the supplements and the protest filed thereto, the Commission is of the opinion that the above-designated tariff matter may be prejudicial and preferential or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under sections 16, first, and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said tariff matter with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the supplements as shown in appendix A hereto are suspended and the use thereof deferred to and including July 25, 1972, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., and Seatrain Lines, Inc., consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state the aforesaid matter is suspended and may not be used until July 26, 1972, unless otherwise authorized by the Commission; and the tariff matter heretofore in effect, and which was to be changed by the suspended matter, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provisions of Rule 12(h) which require leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within ten days of commencement of the proceeding, are similarly waived;

It is further ordered, That Sea-Land Service, Inc., and Seatrain Lines, Inc., be named as respondents in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondents herein, the petitioner, Transamerican Trailer Transport, Inc., and published in the FEDERAL REGISTER; and (II) the said respondents and petitioners be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-4805 Filed 3-28-72;8:53 am]

[1] Appendix A filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. E-7206]

DETROIT EDISON CO. AND CONSUMERS POWER CO.

Notice of Application

MARCH 21, 1972.

Take notice that The Detroit Edison Co. (Edison) and Consumers Power Co. (Consumers) by application filed on February 24, 1972, jointly seek, pursuant to section 202(e) of the Federal Power Act, a supplemental order in Docket No. E-7206 authorizing an increase in the amount and rate of transmission of electric energy which Edison and Consumers (applicants) may transmit from the United States to Canada. Edison is incorporated under the laws of the States of Michigan and New York, with its principal place of business at Detroit, Mich. Consumers is incorporated under the laws of the State of Michigan, with its principal place of business at Jackson, Mich.

By Commission order issued March 1, 1966, in Docket No. E-7206 (35 FPC 292), applicants were authorized to transmit electric energy from the United States to Canada in the maximum amount of 1 billion kw.-hr. annually at the maximum transmission rate of 750,000 kv.-a. over certain 115 kv., 120 kv., and 345 kv. facilities of Edison located at the international border between the United States and Canada in the vicinity of Marysville, Detroit, and St. Clair, Mich., and covered by Edison's permits signed by the Chairman of the Federal Power Commission on October 12, 1953 (Docket No. E-6516) and by the Acting Chairman of the Commission on March 1, 1966 (Docket No. E-7207) for delivery to The Hydro-Electric Power Commission of Ontario (Ontario Hydro) in accordance with certain contractual interconnection and coordination arrangements among Edison, Consumers, and Ontario Hydro.

Applicants now seek authorization to transmit electric energy to Ontario Hydro in an amount not in excess of four billion kw.-hr. annually at a rate of transmission not to exceed 2.2 million kv.-a. over Edison's above-mentioned facilities as modified by proposed increases in the operating voltages of certain facilities. Antario Hydro will purchase all energy so transmitted under the provisions of the Interconnection Agreement, dated May 23, 1969, among Consumers, Edison and Ontario Hydro, and will resell such energy to its (Ontario Hydro's) customers in the Province of Ontario, Canada. The Interconnection Agreement,

which is currently on file with the Federal Power Commission as Edison's Export Rate Schedule FPC No. 13, also provides for energy to be transmitted by Ontario Hydro to applicants for sale and distribution within the United States.

Edison, by the application filed on February 24, 1972, also seeks, pursuant to Executive Order No. 10485, dated September 3, 1953, an amendment to its Permit signed by the Chairman of the Federal Power Commission on October 12, 1953, in Docket No. E-6516, referred to above, for the purpose of securing permission for the above-mentioned voltage increases in the facilities covered by that permit.

Applicants represent that the proposed increase in the amount and transmission rate of electric energy to be exported to Canada will not impair the sufficiency of electric supply within the United States and that the "customers of Edison and Consumers in Michigan will continue * * * to have priority in the use of all energy produced" by applicants.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1972 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4790 Filed 3-28-72;8:51 am]

[Docket No. CP69-251]

MICHIGAN WISCONSIN PIPE LINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Joint Petition to Amend

MARCH 22, 1972.

Take notice that on March 13, 1972, Michigan Wisconsin Pipe Line Co. (Michigan), 1 Woodward Avenue, Detroit, MI 48226, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP69-251 a joint petition to amend the orders of the Commission issued in said docket pursuant to section 7(c) of the Natural Gas Act on May 20, 1969 (41 FPC 655), as amended on April 21, 1972 (43 FPC 556) and August 20, 1971, by authorizing an increase in the volume of natural gas exchanged between the two companies, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners request authorization to modify an existing exchange of gas between them so as to increase the basic average annual exchange volume from the September 1, 1972, authorized volume of 100,000 Mcf per day to 125,000 Mcf per day in the following manner:

1. From April through October, Natural will deliver 125,000 Mcf of natural gas per day to Michigan at the existing Wheeler County or Hansford County, Tex., exchange points, or both;

2. From November through March, Natural will deliver 125,000 Mcf of natural gas per day to Michigan at the existing Wheeler County, Tex., exchange points;

3. From April through October, Michigan will deliver 125,000 Mcf of natural gas per day to Northern at the existing Cameron Parish, La., exchange point; and

4. From November through March, Michigan will deliver to Northern 50,000 Mcf of natural gas per day at the existing Hansford County, Tex., exchange point and 75,000 Mcf of natural gas per day at the existing Cameron Parish, La., exchange point.

Petitioners state that the proposed modifications will be beneficial to them by aiding Natural in offsetting its Gulf Coast transmission line supply deficiency by allowing Natural to move more gas out of the Buffalo Wallow-Washita Creek area, by minimizing the facilities required by Natural to move the maximum amount of gas from its Sayre Storage Field, and by allowing Michigan to meet purchase obligations on its Louisiana system.

Petitioners propose no new facilities and state that the existing facilities are sufficient to effectuate the modifications proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 11, 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.72-4791 Filed 3-28-72;8:51 am]

[Docket No. CI72-578]

MOBIL OIL CORP.

Notice of Application

MARCH 22, 1972.

Take notice that on March 14, 1972, Mobil Oil Corp. (applicant), Post Office Box 1774, Houston, TX 77001, filed in Docket No. CI72-578 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale to and exchange with Texas Eastern Transmission Corp. (Texas Eastern) of natural gas in interstate commerce from the East Cameron Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Eastern for a long term one half of its production from Blocks 257, 270, 286, and 287 in the East Cameron Area at the initial rate of 26 cents per Mcf at 15.025 p.s.i.a. and to deliver the other half of its production to Texas Eastern for exchange and transportation onshore, less those volumes which applicant proposes in Docket No. CI72-530 to sell for a short term to Texas Eastern.[1] Texas Eastern has applied in Docket No. CP72-211 for a certificate of public convenience and necessity authorizing the exchange and transportation of said volumes.[2]

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 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). 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.72-4792 Filed 3-28-72;8:51 am]

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[1] See notice of application issued Mar. 8, 1972, and published in the FEDERAL REGISTER on Mar. 14, 1972 (37 F.R. 5328).

[2] See notice of application issued Mar. 8, 1972, and published in the FEDERAL REGISTER on Mar. 14, 1972 (37 F.R. 5329).

[Docket No. CP72-224]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 22, 1972.

Take notice that on March 14, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-224 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to sell and deliver natural gas to Southern Union Gas Co. (Southern Union) and to construct in the future certain delivery facilities in Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its Peoples Natural Gas Division has entered into an agreement with Southern Union whereby Peoples will sell and transfer to Southern Union all of its distribution system properties and services in Beaver, Ellis, Harper, Texas, and Woodward Counties, Okla. Applicant states that this present system is used to sell and deliver natural gas to its right-of-way grantors and other rural customers for irrigation pump engine fuel and other domestic uses. Applicant seeks authorization to sell and deliver up to 600,000 Mcf of natural gas annually to Southern Union at a rate of 27 cents per Mcf. Applicant further states that by terms of a January 20, 1972, service agreement Southern Union has agreed to provide service to any and all of applicant's right-of-way grantors not presently receiving service and located in the aforesaid counties. Applicant also requests authorization to install those delivery station facilities that may be required in the future to sell and deliver volumes of natural gas to Southern Union, under the terms of the January 20, 1972, service agreement for resale service to right-of-way grantors who have executed right-of-way agreements with applicant.

Applicant states that no new facilities are proposed for immediate construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 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 other wise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4795 Filed 3-28-72;8:52 am]

[Docket No. CP72-225]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 22, 1972.

Take notice that on March 14, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-225 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas facilities in Union County, N. Mex., by sale and transfer to Southern Union Gas Co. (Southern Union) and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transportation and sales facilities in order to sell natural gas to Southern Union for resale in Union County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to abandon by sale and transfer to Southern Union 96 miles of small diameter pipeline and appurtenant facilities which are utilized to transport and deliver natural gas to rural consumers for irrigation-pump engine fuel and other domestic uses in Union County, N. Mex. Applicant states that Southern Union has agreed to pay a total purchase price for the facilities of: (a) The net original cost of the facilities as of July 31, 1972 ($375,682), less any customer contributions, deposits, or advances; and (b) an amount equal to net property additions to the facilities from July 31, 1972, to the date of closing. Applicant further states that upon completion of the transfer, Southern Union will continue to utilize said facilities to render the service applicant presently provides.

Applicant also proposes to sell and deliver natural gas to Southern Union under the provisions of a service agreement between the parties dated January 20, 1972, and under Applicant's Rate Schedule I-1, of its FPC Gas Tariff, Original Volume No. 4, on file with the Commission; to establish two new sales measuring stations at points on the Texas-New Mexico border in order to measure the volumes of gas to be sold to Southern Union; and to lease and operate a 300 horsepower compressor unit in Dallam County, Tex., during the peak periods of each year, in order to provide for the delivery of gas volumes to meet the requirements of irrigation customers during the irrigation season.

Applicant estimates the total cost of the proposed facilities at $11,550, which it plans to finance from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 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 Comission'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 Comission 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 Commissions' 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4796 Filed 3-28-72;8:52 am]

[Docket No. CI72-569]

M. O. RIFE, JR.

Notice of Application

MARCH 23, 1972.

On March 10, 1972, M. O. Rife, Jr. (applicant), Post Office Box 9437, Fort Worth, TX 76107, filed in Docket No. CI72-569 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Progress Petroleum, Inc. (Progress), in the North Halsell Field,

Clay County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that in August 1967 applicant and Strawn Drilling Co. began deliveries to Progress of casinghead gas in the North Halsell Field and that Progress processed said gas and sold the residue to Lone Star Gas Co. Applicant states that he owned a three-fourths interest in said producing property and believes that there was never any agreement to sell and purchase said gas but that it was simply sold and purchased on a day-to-day basis. The application indicates further that on July 1, 1970, Rife et al., successor to the interest which was owned in full by applicant in the North Halsell Field producing property, assigned their interest to applicant, and, at the time of said assignment, Progress was still purchasing gas from said property. Applicant alleges that prior to to July 1, 1970, he had not abandoned, terminated, or discontinued the sale of gas to Progress, and that since such date has not been the operator of the subject leases nor the owner of any interest therein or thereunder.

The application indicates that applicant and Progress are presently litigating their respective rights and obligations with respect to the gas from the North Halsell Field and that until recently, applicant was unaware of the interstate nature of his sales to Progress. Accordingly, applicant states that he is filing the subject application in order to comply with the Natural Gas Act and the Commission's regulations thereunder.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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). 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.72-4793 Filed 3-28-72;8:52 am]

[Docket No. CI72-570]

M. O. RIFE, JR.

Notice of Application

MARCH 22, 1972.

On March 10, 1972, M. O. Rife, Jr. (applicant), Post Office Box 9437, Fort Worth, TX 76107, filed in Docket No. CI70-570 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Progress Petroleum, Inc. (Progress), in the West Halsell Field, Clay County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that in August 1966, pursuant to a contract dated January 13, 1966, applicant and Strawn Drilling Co. began deliveries to Progress of casinghead gas in the West Halsell Field and that Progress processed said gas and sold the residue to Lone Star Gas Co. Applicant states that he owned a three-fourths interest in said producing property. Applicant states that on July 1, 1970, he assigned his interest to North Central Oil Corp. and that at the time of said assignment Progress was purchasing casinghead gas under said contract.

The application indicates that applicant and Progress are presently litigating their respective rights and obligations with respect to the gas from the West Halsell Field and that until recently, applicant was unaware of the interstate nature of his sales to Progress. Accordingly, applicant states that he is filing the subject application in order to comply with the Natural Gas Act and the Commission's regulations thereunder.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 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). 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.72-4794 Filed 3-28-72;8:52 am]

[Docket No. CP72-219]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

MARCH 22, 1972.

Take notice that on March 7, 1972, Valley Gas Transmission, Inc. (applicant) Post Office Box 1188, Houston, TX 77001, filed in Docket No. CP72-219 an application for a certificate of public convenience and necessity authorizing the transportation of natural gas by applicant for Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Trunkline Gas Co. (Trunkline), United Gas Pipe Line Co. (United), and any independent producer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has excess capacity on its pipeline system in Texas and Louisiana due to declining deliverability from presently connected sources. Applicant proposes to use this excess capacity to render transportation service to Tennessee, United, Trunkline, and any independent producer between points on its existing pipeline system only when it is not required to install any new facilities except minor metering and appurtenant facilities at the point or points of receipt. Applicant proposes to render such service at a rate of 3 cents per Mcf, with a minimum charge of $150 per month for each meter installed and maintained by it at points of receipt.

Applicant proposes to construct the necessary minor metering facilities and appurtenant facilities pursuant to its budget-type authorization in Docket No. CP72-271.

Applicant states that the purpose of such transportation service is to encourage its customers to negotiate directly with producers, which will in turn encourage the drilling of new wells and the attachment of new gas supplies to applicant's pipeline system and to the interstate pipelines now receiving gas from applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11,

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.72-4797 Filed 3-28-72;8:52 am]

[Project 2336—Georgia]

GEORGIA POWER CO.

Availability of Environmental Statement for Inspection

MARCH 24, 1972.

Notice is hereby given that on March 24, 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 approval of Exhibit R filed pursuant to Article 28 of the license for the Lloyd Shoals Project No. 2336.

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 includes a 4,750-acre reservoir bordered by Jasper, Butts, and Newton Counties in Georgia. Georgia Power Co. proposes to set aside four tracts of land on the reservoir for future recreational development by State and local agencies: (1) A 50-acre site adjacent to the dam and a 400-acre site at the Newton Factory Bridge Road, each of which could be developed for camping, swimming, picnicking, and other outdoor activities; and (2) a 6-acre tract at Conley Ditch Road Bridge and a 1.5-acre tract at the crossing of Tussahaw Creek by Georgia Highway 36 for boat launching ramps.

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 statements 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 March 24, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4786 Filed 3-28-72;8:51 am]

[Project 1888—Pennsylvania (York Haven)]

YORK HAVEN POWER CO.

Availability of Environmental Statement for Inspection

MARCH 22, 1972.

Notice is hereby given that on August 27, 1970, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for a new license filed pursuant to the Federal Power Act for the constructed York Haven Project No. 1888, located on the Susquehanna River, Pa.

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 consists of a main dam across the main channel of the river, a secondary dam across the east channel, a headrace wall, a reservoir extending 3½ miles upstream having a surface area of 1,828 acres, a powerhouse having an installed capacity of 19,620 kw., and recreation facilities.

This statement discusses the environmental impact of the project with respect to any adverse or beneficial effects its continued operation and maintenance may have on the environment.

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 March 22, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4798 Filed 3-28-72;8:52 am]

FEDERAL RESERVE SYSTEM

PAWNEE CORP.

Notice of Request for Determination and Order Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)), by Pawnee Corp., Pipestone, Minn., for a determination that, with respect to a sale by Pawnee Corp. of its direct interest in C.A.S. Corp., Huron, S. Dak., and indirect interest in shares of Smith Trust and Savings Bank, Morrison, Ill., to Mr. Burke Peterson, President of Smith Trust and Savings Bank, Pawnee Corp. is not, in fact, capable of controlling the transferee who is indebted to Pawnee Corp., the transferor.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or by any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor, or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

It is ordered, That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than thirty (30) days after the publication of this notice and order in

the FEDERAL REGISTER. If a request for hearing is filed, such request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons who have requested a hearing. In the absence of a request for hearing, the Board will proceed with consideration of the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, March 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4778 Filed 3-28-72;8:51 am]

REDWOOD BANCORP

Formation of One-Bank Holding Company

Redwood Bancorp, San Rafael, Calif., 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 substantially all of the voting shares of the Redwood Bank, San Rafael, Calif. 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 San Francisco. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than April 17, 1972.

Board of Governors of the Federal Reserve System, March 22, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-4779 Filed 3-28-72;8:51 am]

LIBRARY OF CONGRESS

STATEMENT OF ORGANIZATION

SECTION 1. *The Librarian of Congress.* The Librarian of Congress is the principal administrative officer of the Library with authority and responsibility for making rules and regulations for the government of the Library (see 2 U.S.C. 136). The Librarian's immediate staff consists of the Deputy Librarian of Congress, the Assistant Librarian of Congress, and six department heads: The Director of the Administrative Department, the Director of the Congressional Research Service, the Register of Copyrights, the Law Librarian, the Director of the Processing Department, and the Director of the Reference Department.

SEC. 2. *Office of the Librarian.* In addition to the offices of the Deputy Librarian of Congress and the Assistant Librarian of Congress, the offices which are an integral part of the Office of the Librarian are the following: The General Counsel, the Chief Internal Auditor, the Exhibits Office, the Information Office, the Publications Office, the American Revolution Bicentennial Office, and the Office of the Permanent Committee for the Oliver Wendell Holmes Devise.

SEC. 3. *The Administrative Department.* Under the general administration of a Director, the Administrative Department is responsible for the planning, implementation, direction, and coordination of all financial management, personnel management, and administrative management services and programs of the Library. Organized under the Office of the Director are the Information Systems Office, the Building Planning Office, and the Photoduplication Service. The other activities of the Department are organized into three major areas with responsibility for each assigned to the Office of an Assistant Director serving under the general policy direction of the Director. The Offices of the Assistant Directors for Personnel and for Preservation are responsible for offices engaged in directing and coordinating the Library's personnel management program and the activities relating to the preservation, protection, maintenance, and restoration of library materials, respectively. The Office of the Assistant Director for Management Services coordinates the activities of the several divisions engaged in managing financial and material resources and in providing services required to support the substantive operations of the Library (Buildings Management Office, Central Services Division, Financial Management Office, and Procurement and Supply Division).

SEC. 4. *The Congressional Research Service.* Administered by a Director, the Congressional Research Service is a separate department of the Library, specifically authorized by the Legislative Reorganization Act of 1970. (Prior to this it was named the Legislative Reference Service.) The Service gathers, analyzes, and makes available to the Congress or to Committees or individual members thereof, data for or bearing on legislation. Congressional requests are assigned through the Office of the Director to: the American Law Division, the Congressional Reference Division, the Economics Division, the Education and Public Welfare Division, the Environmental Policy Division, the Foreign Affairs Division, the Government and General Research Division, the Library Services Division, the Science Policy Research Division, or the Senior Specialists Division. The Congressional Research Service does not provide assistance or reference service directly to the public.

SEC. 5. *The Copyright Office.* Under the administrative direction of the Register of Copyrights, the Copyright Office is responsible for the administration of the copyright law (title 17 of the United States Code). The Office examines claims to copyright in a wide variety of works, registers those claims that meet the requirements of the law, and catalogs all registrations. It conducts legal research on copyright matters and is involved in current programs for general revision of the copyright law. In addition to the Office of the Register of Copyrights, which includes legal, administrative, and library staffs, the Copyright Office has a Cataloging Division, Examining Division, Reference Division, and Service Division.

SEC. 6. *The Law Library.* The Law Library is charged with responsibility for the development and service of the law collections of the Library of Congress. Administrative responsibility rests in the Law Librarian. The Law Library is comprised of the Office of the Law Librarian, the American-British Law Division, the European Law Division, the Far Eastern Law Division, the Hispanic Law Division, and the Near Eastern and African Law Division.

SEC. 7. *The Processing Department.* Under the administration of a Director, the Processing Department is responsible for (a) acquiring for the collections books and other library materials through purchase, gift, copyright deposit, exchange arrangements, transfer from Government agencies, and provisions of State and Federal law; (b) for administering the Library's responsibilities under Public Law 83-480 (the Agricultural Trade Development and Assistance Act of 1954, as amended) to purchase for the Library of Congress and other American libraries, with U.S.-owned foreign currencies, publications issued abroad; (c) for administering the National Program for Acquisitions and Cataloging to acquire all current materials of value to scholarship and distribute bibliographic information regarding them to other libraries; (d) for cataloging, classifying, assigning subject headings, and otherwise preparing the publications acquired for use by the Congress, Federal agencies, other libraries, and the general public; (e) for maintaining and developing the Library of Congress and Dewey Decimal classification schemes; (f) for operating the Card Distribution Service which sells millions of printed catalog cards a year to subscribers; (g) for supplementing and maintaining the Library's card catalogs containing approximately 50 million cards; (h) for preparing for publication the hundreds of volumes of book catalogs which comprise the American national bibliography; and (i) for preparing a national bibliographic data base in machine-readable form. Organized under the Office of the Director are the Technical Processes Research Office, the MARC Development Office, and the National Union Catalog Publication Project. The other activities of the Department are organized into three major areas: Acquisitions and overseas operations (Exchange and Gift, Order, Overseas Operations Divisions and the Selection Office); cataloging (Office of Cataloging Instruction, Decimal Classification, Descriptive, Shared and Subject Cataloging Divisions

and the MARC Editorial Office); and processing services (Card, Catalog Management, Catalog Publication and Serial Record Divisions). Responsibility for each of these areas is assigned to an Assistant Director serving under the general policy direction of the Director.

SEC. 8. *The Reference Department.* Administered by a Director, the Reference Department is responsible for (a) recommending materials to be acquired for the Library's collections, (b) custody of all materials (exclusive of legal materials in the custody of the Law Library and special collections assigned to the Copyright Office and the Photoduplication Service), (c) circulating materials to readers in the general and special reading rooms (except for the Congressional Reading Room and the Law Library) and in study rooms, and for lending certain materials for Government use or for interlibrary loan, (d) reference service in person, by telephone, and through correspondence on materials in its custody (see 44 CFR 501.7), (e) preparing and publishing bibliographic guides and providing special abstracting and bibliographic services, (f) organizing and preparing controls over certain nonbook materials in its custody, and (g) planning and administering special projects and activities for or in cooperation with other Government agencies. Organized under the Office of the Director are the following divisions whose chiefs are responsible to the Director: The Division for the Blind and Physically Handicapped, the Federal Research Division, the General Reference and Bibliography Division, the Geography and Map Division, the Hispanic Foundation, the Loan Division, the Manuscript Division, the Music Division, the Orientalia Division, the Prints and Photographs Division, the Rare Book Division, the Science and Technology Division, the Serial Division, the Slavic and Central European Division, and the Stack and Reader Division.

SEC. 9. *Honorary consultants.* The Library has the services of a group of specialists ("consultants" and "honorary consultants"), whose association with the Library is either voluntary or is made possible by gifts from nongovernmental sources and who are without administrative responsibility. The specialists assist the Library in the systematic development of the collections, furnish expert counsel in specialized fields of knowledge, and serve as liaison between the Library and investigators pursuing intensive research.

SEC. 10. *Use of the Library for reference.* For the purposes of reference, the use of the Library is free to adults. Credentials are required for the use of certain materials. Although some reference work is carried on by correspondence, priority must be given to service to the Congress and the other branches of the Federal Government. The Library is therefore compelled to decline many correspondents' requests and to suggest that libraries within the correspondents' reach can provide satisfactory assistance. The Library gives priority to inquiries pertaining to its holdings of special materials or to subjects in which its resources are unique.

SEC. 11. *Extension of service.* The Library extends its service through (a) an interlibrary loan system (see 44 CFR 501.9); (b) the photoduplication, at reasonable cost (and subject to conditions of law, copyright, and deposit) of books, manuscripts, maps, newspapers, and prints in its collections, and the sale of sound recordings, which are released by its Recording Laboratory (see 44 CFR 501.12, 501.19); (c) the exchange of duplicates with other institutions; (d) the sale of printed catalog cards and the publication in book form of cumulative catalogs, which make available the results of the expert bibliographical and cataloging work of its technical personnel (see 44 CFR 501.27); (e) a centralized cataloging program whereby the Library of Congress acquires material published all over the world, catalogs it promptly, and distributes cataloging information by printed cards and other means to the Nation's libraries (see 44 CFR 501.28); (f) the development of a scientific scheme of classification and cataloging embracing the entire field of recorded knowledge; (g) the preparation of bibliographical lists responsive to the needs of Government and research; (h) the maintenance of a National Union Catalog and the publication of "The National Union Catalog," a record of books acquired by American libraries; (i) the publication of catalogs, bibliographical guides, and lists, and of texts of original manuscripts and rare books in the Library of Congress (see 44 CFR 501.28); and (j) the provision of books in raised type, on "talking book" records, and on magnetic tape, for the blind and physically handicapped (see 44 CFR 501.10).

Approved:

[SEAL] L. QUINCY MUMFORD,
Librarian of Congress.

[FR Doc.72-4777 Filed 3-28-72;8:50 am]

PRICE COMMISSION

FOOD PRICES

Notice of Public Hearing

Notice is hereby given that the Price Commission will hold a public hearing on April 12, 1972, in Washington, D.C.

The purpose of the hearing is to hear suggestions for controlling food prices. Representatives of consumers, business, labor, agriculture, and every other sector of the public are invited to participate. The hearing will begin at 9 a.m., April 12, 1972, in the auditorium on the second floor at 2000 M Street NW., Washington, DC.

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 April 5, 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 April 7, 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 April 7, 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 23, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-4800 Filed 3-28-72;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[31-725]

CLEVELAND-CLIFFS IRON CO. AND CLIFFS ELECTRIC SERVICE CO.

Notice of Application for Exemption and Proposed Purchase and Sale of Securities and Utility Assets

MARCH 23, 1972.

Notice is hereby given that Cleveland-Cliffs Iron Co. (Cleveland-Cliffs) an Ohio corporation, 1460 Union Commerce Building, Cleveland, Ohio 44115, and Cliffs Electric Service Co. (Service Company), a Michigan corporation, 504 Spruce Street, Ishpeming, MI 49849, have filed an application with this Commission pursuant to sections 3(a)(3)(A), 3(a)(1), 9(a)(2), and 10 of the Public Utility Holding Company Act of 1935 (Act), regarding a proposed transfer by Cleveland-Cliffs of its electric utility assets and securities of an electric utility company to Service Company in exchange for the common stock of Service Company and a request for exemption for Cleveland-Cliffs and Service Company from the provisions of the Act. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Cleveland-Cliffs is primarily engaged in the mining, transportation, and sale of iron ore, and the management of similar operations for other companies. Cleveland-Cliffs also engages in other activities related to or resulting from its iron ore business, including the operation of a fleet of ships which transport iron ore, as well as the purchase and sale of timber products harvested from lands acquired for iron ore development. In addition to the above operations, it also owns and operates electric generation facilities to provide generation capacity for its mining operations, which utility assets Cleveland-Cliffs proposes to sell to Service Company. Cleveland-Cliffs also owns 50 percent of the common stock and 100 percent of the Class A nonvoting stock of Upper Peninsula Generating Co. (Generating Company), an electric utility company incorporated in Michigan and engaged exclusively in the generation and sale of electric power at wholesale in the Upper Peninsula of Michigan, from which Cleveland-Cliffs is allocated, through the Peninsula Power pool, approximately two-thirds of the output, with the remaining one-third of capacity being allocated to Peninsula Power Co., an independent public utility company. To the extent that Cleveland-Cliffs has need of additional energy beyond that which is generated from its own facilities and from its allocation of the power produced by Generating Company, Cleveland-Cliffs pays a charge to Peninsula Power Co. for the additional power so used.

Cleveland-Cliffs also proposes to sell its securities of Generating Company to Service Company and Service Company proposes to issue and sell all its common stock, 10,000 shares, to Cleveland-Cliffs in exchange for the stock of Generating Company and the electric utility properties, noted above.

In support of its exemption under section 3(a)(1) of the Act, Service Company states that all of its assets, and those of its subsidiary company, Generating Company, and all sales of electric energy will be confined to the State of Michigan.

In support of its requested exemption under section 3(a)(3)(A) of the Act, Cleveland-Cliffs states that of its 1971 consolidated gross revenues (exclusive of Generating Company revenues) of $94,543,000, $11,098,000 (11.7 percent) were derived from electric generation operations, and that for the years 1970 and 1969, they were 9.6 percent and 8 percent of gross revenues, respectively. During these 3 years, net income after taxes from the electric operations represented respectively, 2.7 percent, 2.9 percent, and 3.1 percent of consolidated net income. It is stated that all revenues attributed to the electric generating facilities represent the cost of power consumed in the iron ore mining operations plus an amount which yields a reasonable return on Cleveland-Cliffs' equity investment in these facilities. The revenues of Generating Company, which are not included in the revenues outlined above, were 3.4 percent, 2.6 percent, and 2.3 percent respectively, of Cleveland-Cliffs' gross revenues for the years ended December 31, 1971, 1970, and 1969 respectively.

It is stated that the proposed transactions constitute only a realignment of assets, and that following their completion, Cleveland-Cliffs will continue to receive all of the energy generated by its facilities, and two-thirds of the capacity of Generating Company.

It is stated that the legal fees to be incurred in connection with the incorporation of Service Company, the proposed transfer of assets, and the preparation of the instant application will not exceed $20,000, and that no accounting or printing fees or other commissions and expenses will be incurred. It is stated that the consent of the Federal Power Commission may be required for the assignments of the aforementioned hydroelectric licenses, but that no State commission, and no other Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 13, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-4782 Filed 3-28-72;8:51 am]

[70-5172]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 23, 1972.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa. 19605, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $26 million principal amount of First Mortgage Bonds, ____ percent Series due 2002. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price to be paid to Met-Ed (which will not be less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of November 1, 1944, between Met-Ed and Guaranty Trust Co. of New York (now Morgan Guaranty Trust Co. of New York), Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated May 1, 1972. The bonds may not be redeemed prior to May 1, 1977, with funds borrowed at a lower interest cost.

The filing states that the proceeds (other than premium, if any, and accrued interest) from the sale of the bonds will be used to pay a portion of Met-Ed's short-term bank loans. The proceeds of such bank loans were or will be used to finance, in part, the company's construction program and are expected to amount to approximately $50 million at the time of the sale of the 2002 Series Bonds. Cash representing premium, if any, resulting from the sale of the bonds will be used for financing the business of Met-Ed, including the payment of the expenses of financing. The cost of Met-Ed's 1972 construction program is estimated at approximately $138,500,000.

It is stated that the fees and expenses incident to the proposed transactions are estimated at $100,000, including counsel fees of $32,500 and accounting fees of $6,800. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the issue and sale of the bonds is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 13, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which

he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.72-4783 Filed 3-28-72;8:51 am]

[812-3088]

RUMFORD INSURANCE CO.

Notice of Filing of Application for Order for Exemption From Provisions

MARCH 23, 1972.

Notice is hereby given that Rumford Insurance Co. (Applicant), 10 Dorrance Street, Providence, RI 02903, a closed-end, diversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of sections 17(f), 18(h), 18(i), 23(c), and rules 17f-2, 23c-1, and 23c-2 thereunder.

Applicant is a Rhode Island insurance corporation which seeks to engage in the sale of certain securities (Securities) in the form of policies of insurance, insuring the owner of shares (the "Investor") of certain investment companies ("mutual funds") designated by Applicant against the risk of loss of value of his shares from the insuring date to the 10th anniversary date thereafter, and against loss from the liquidation, failure, or other termination of the Investor's mutual fund. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Securities which Applicant proposes to issue will provide for payment to the Investor of an amount equal to any decrease between the value of his mutual fund shares (fund shares) on the date the Securities are issued to him and the value of such fund shares on the 10th anniversary thereafter. The application states that the value of the fund shares on the coverage date is the asked price (which includes sales load, if any); while their value on the 10th anniversary date is the bid price, less the total of all premiums paid by the Investor for the Securities. Applicants state that the effect is to guarantee to the Investor the amount he has invested in the covered fund shares, the sales commission paid by him for such fund shares and the amount paid to Applicant as premiums for the Securities. The Securities will also guarantee to the Investor any loss in the value of his fund shares arising from the liquidation, failure or other termination of the covered mutual fund, as more fully explained in the application. The application states that the Securities cannot be terminated by the company except for nonpayment of premium and that the Securities will have a priority in liquidation equal to the amount of the last annual premium paid for such Securities.

SECTION 17(f)

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f-2 requires, in pertinent part, that all securities and similar investments be deposited in the safekeeping of, or in a vault or other depository maintained by, a bank or other company whose functions and physical facilities are supervised by Federal or State authority, and that access to the securities and similar investments be limited to certain specified persons. Applicant requests an exemption from the provisions of section 17(f) and Rule 17f-2 to the extent necessary to permit duly authorized representatives of the Insurance Commissioner or the Department of Insurance of any State in which Applicant may do business, and the zonal examination committee of the National Association of Insurance Commissioners, to have access to the assets of Applicant. Applicant represents that it is subject to the insurance laws of the State of Rhode Island, including requirements as to the form of policy, the conditions of insurance, the premium rates, and the amount of Applicant's reserves. The Insurance Commissioner also possesses broad supervisory powers over the granting and revocation of licenses of companies and agents, the transactions of business, the custody of investments and the requirements of financial statements. Applicant will also be subject to laws of other jurisdictions in which it does business, including the regulations of the Insurance Commissioners of those jurisdictions. The portfolio of securities of Applicant will be held by a bank under arrangements otherwise complying with section 17(f) and Rule 17f-2 thereunder.

SECTION 18(h)

Section 18(h) provides, in pertinent part, for definitions of asset coverage based upon the valuation of the total assets of such issuer less all "liabilities and indebtedness" * * * Applicant requests an exemption from section 18(h), in the computation of asset coverage, to permit the exclusion of liabilities and indebtedness constituting reserves established for other than known claims or debts, i.e., general insurance reserves. Applicant states that it will maintain a general reserve against losses in the amount of fifty-two percent (52%) of premiums received under effective policies. It is this reserve which, because it consists of assets fully available to meet claims of the Investors, which Applicant requests to be excluded from the definition of "liabilities and indebtedness" in the computation of asset coverage under section 18(h) of the Act.

Applicant represents that it will not issue or sell the Securities at anytime when it does not have an asset coverage immediately after such issuance or sale, of at least three hundred per centum (300%) of the total amount of liquidation priority of the Securities, nor declare any dividend or distribution in violation of section 18(a)(1)(B) of the Act. Applicant submits that the modification for unallocated premium reserves specified above would not be inconsistent with the purposes of section 18(h) and would be in the interests of Investors.

SECTION 18(i)

Section 18(i) provides, in pertinent part, that every share of stock issued by a registered management company shall be a voting stock and have equal voting rights with every other outstanding voting stock. Applicant requests an exemption from section 18(i) to the extent necessary to permit two classes of voting securities to vote separately, each as a class, under any provisions of the Act where a vote of a majority of outstanding voting securities may be required.

Applicant represents that the Securities will constitute one class for voting purposes and the common stock of Applicant will constitute a second voting class. The Securities will be entitled to one vote for each full one thousand dollars ($1,000) of the value of fund shares insured. A majority vote, as defined in section 2(a)(42) of the Act, of each class shall be required under any provisions of the Act where votes of a majority of its outstanding voting securities may be required.

SECTION 23(c)

Section 23(c) provides, in pertinent part, that no registered closed-end company shall purchase any securities of any class of which it is the issuer except on a securities exchange or open market, or pursuant to tenders or under other circumstances permitted by the Commission by rules and regulations or orders. Applicant requests an exemption from section 23(c) and Rules 23c-1 and 23c-2 thereunder to the extent necessary to

permit payment by Applicant on any loss according to the terms and provisions of the Securities to the holder thereof, should such payment be considered a purchase of those securities.

Applicant consents to the requested exemptions being made subject to the conditions that:

(a) The Securities will constitute one class for voting purposes and the common stock of Applicant will constitute a second voting class. The Securities will be entitled to one vote for each full one thousand dollars ($1,000) of value of fund shares insured. A majority vote, as defined in section 2(a)(42) of the Act, of each class shall be required under any provisions of the Act where votes of a majority of outstanding voting securities may be required.

(b) The Securities will have a priority in liquidation equal to the amount of the last annual premium paid.

(c) The Securities will be entitled to participate in and receive income on the annual premium as follows: The annual premium is one percent (1%) of the value of the Investor's fund shares on the coverage date of the Securities, with a minimum premium of twenty dollars ($20). The annual premium paid will be allocated fifty-two percent (52%) to a reserve against losses. The investments represented by this reserve will be segregated and the income there from separately accounted for. In order to accomplish proper accounting for purposes of participation in income, and for this purpose only, Applicant proposes to make such segregation on a monthly basis, with each premium being deemed to have been received on the last day of the month in which it is actually received by Applicant. At the end of the 12th month commencing after the annual premium has been received, the Investor will be entitled to a pro rata payment of the income earned during that 12-month period on the reserve portion of his annual premium so segregated. This income will ordinarily be credited to and applied against the next premium due from the Investor. If, however, the Investor makes specific request, or if the Investor does not renew the Securities by payment of the next annual premium, and in any event for the premium paid for the 10th anniversary year, Applicant will make such payment to the Investor except for amounts less than one dollar ($1).

(d) Applicant will suspend sales at any time asset coverage is not 300 percent, as computed in accordance with the exemption from section 18(h) requested herein.

(e) Applicant will make investments only of a kind which life insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia as heretofore or hereafter amended, and such other investments as the Commission shall by rule, regulation, or order authorize as qualified investment.

(f) Applicant will notify the Commission forthwith in the event of any proceeding in bankruptcy or insolvency, transfer or deposit of assets for the benefit of creditors or security holders, or similar event.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 13, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a ment as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[FR Doc.72-4784 Filed 3-28-72;8:51 am]

SMALL BUSINESS ADMINISTRATION

[License 04/05-0101]

ASSOCIATED BUSINESS INVESTMENT CORP.

Notice of Issuance of Small Business Investment Company License

On February 24, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 3930) stating that Associated Business Investment Corp., Suite 735, Bank for Savings Building, Birmingham, Ala. 35203, had filed an application with the Small Business Administration (SBA) pursuant to the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) for a license to operate as a small business investment company.

Interested parties were given to the close of business March 6, 1972, to submit written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 04/05-0101 to Associated Business Investment Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: March 22, 1972.

A. H. SINGER, *Associate Administrator for Investment.*

[FR Doc.72-4711 Filed 3-28-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order 39, Amdt. 7]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 39 (The Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 39 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.72-4808 Filed 3-28-72;8:53 am]

[Rev. S.O. 994; ICC Order 47, Amdt. 7]

CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 47 (The Chicago, Rock Island, and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 47 be, and it is hereby, amended by substituting the following

paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-4809 Filed 3-28-72;8:53 am]

[Notice 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 24, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4 (d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-4963 (Deviation No. 36), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, PA 19475, filed March 16, 1972. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Harrisonburg, Va., over U.S. Highway 11 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 30, at Chambersburg, Pa., thence over U.S. Highway 30 to junction U.S. Highway 15 at Gettysburg, Pa., thence over U.S. Highway 15 to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Roanoke, Va., over U.S. Highway 11 via New Market, Va., to junction U.S. Highway 211, thence over U.S. Highway 211 to Washington, D.C., thence over U.S. Highway 1 to Baltimore, Md., and (2) from Baltimore, Md., over Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pa., and return over the same routes.

No. MC-103435 (Deviation No. 21), UNITED-BUCKINGHAM FREIGHT LINES, INC., Post Office Box 192, Littleton, CO 80120, filed March 14, 1972. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (1) Between Omaha, Nebr., and Sioux City, Iowa, over Interstate Highway 29, and (2) between Sioux City, Iowa, and Sioux Falls, S. Dak., over Interstate Highway 29, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Omaha, Nebr., over U.S. Highway 73 to junction U.S. Highway 73E, thence over U.S. Highway 73E to junction U.S. Highway 77, thence over U.S. Highway 77 to Sioux City, Iowa; also from Omaha over U.S. Highway 38 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 77, thence over U.S. Highway 77 to Sioux City, Iowa, and (2) from Sioux City, Iowa, over U.S. Highway 77 to junction U.S. Highway 18, thence over U.S. Highway 18 to Canton, S. Dak., thence over unnumbered highways via Norway Center, Alcester and Nora, S. Dak., to junction U.S. Highway 77, thence over U.S. Highway 77 to Sioux Falls, S. Dak., and return over the same routes.

No. MC-113528 (Deviation No. 6), MERCURY FREIGHT LINES, INC., Post Office Box 1247, Mobile, Ala. 36601, filed March 16, 1972. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 85 (U.S. Highway 29 where portions of Interstate Highway 85 have not been completed) to Montgomery, Ala., thence over U.S. Highway 80 to Selma, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 11 to junction Alabama Highway 5, thence over Alabama Highway 5 to junction Alabama Highway 14, thence over Alabama Highway 14 to Selma, Ala., and (2) from Atlanta, Ga., over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 31 to junction Alabama Highway 191, thence over Alabama Highway 191 to junction Alabama Highway 22, thence over Alabama Highway 22 to Selma, Ala., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4811 Filed 3-28-72;8:53 am]

[Notice 23]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 24, 1972.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the appliaction as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 41257 (Sub-No. 13) (Republication), filed June 11, 1971, published in the FEDERAL REGISTER issue of July 15, 1971, and republished this issue. Applicant: NORTH STAR LINE, INC., 341 Ellsworth SW., Grand Rapids, MI 49502. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48201. An order of the Commission, Operating Rights Board, dated March 15, 1972, and served March 16, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, in the same vehicle with passengers, in special operations, beginning and ending at points in Allegan, Antrim, Barry, Brand, Calhoun (except Battle Creek), Charlevoix, Cheboygan, Chippewa, Clare, Clinton, Eaton, Grand Traverse, Gratiot, Ingham (except Lansing), Ionia, Kalamazoo, Kalkaska, Kent, Lake, Ackinac, Mecosta, Montcalm, Muskegon, Newaygo, Osceola, Ottawa, Sabella, and Wexford Counties, Mich., and extending to points in the United States (excluding Hawaii but including Alaska); That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper

party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 61979 (Sub-No. 13) (Republication), filed June 18, 1972, published in the FEDERAL REGISTER issue of July 15, 1972, and republished this issue. Applicant: Y. & T. TRUCKING, INC., 48 Pollock Avenue, Jersey City, NJ 07305. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. A report and order of the Commission, Review Board No. 5, decided January 19, 1972, and served February 2, 1972, as amended by a notice to the parties, served March 2, 1972, finds; that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of chemicals, in bulk, from the plantsite of Philadelphia Quartz Co., at Butler, N.J., 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, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Philadelphia Quartz Co., of Philadelphia, Pa., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135798 (Republication), filed July 2, 1971, published in the FEDERAL REGISTER issue of August 19, 1971, and republished this issue. Applicant: GEORGE GILCH, doing business as GILCH'S SERVICE, 2961 Davis Road, Runnemede, NJ 08078. Applicant's representative: Manuel J. Davis and Jordan S. Himelfarb, Suite 400, 1025 Vermont Avenue NW., Washington, DC 20005. An Order of the Commission, Operating Rights Board, dated February 1, 1972, and served March 16, 1972, finds: That the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wrecked and disabled motor vehicles, by use of wrecker equipment only, between points in Camden, Gloucester, Burlington and Salem Counties, N.J., on the one hand, and, on the other, points in Connecticut, Virginia, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition or other pleading setting forth in precise detail the manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 45194 (Sub-No. 12), filed March 6, 1972. Applicant: LATTAVO BROTHERS, INC., 1620 Cleveland Avenue SW., Canton, OH 44703. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission), between Independence, Valley View, Seven Hills, and Cleveland, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it will tack with presently authorized points in Pennsylvania, West Virginia, and points in Ohio. This application is a matter directly related to MC-F-11483, published in the FEDERAL REGISTER issue of March 15, 1972. The instant application seeks to convert the Certificate of Registration of Crown Cartage & Storage Co. under No. MC 121235 (Sub-No. 1), into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109821 (Sub-No. 32), filed February 29, 1972. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, PA 16901. Applicant's representative: Robert DeKroyft, 24 Branford Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and 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, commodities requiring special equipment and those commodities injurious to other lading). Over regular routes: (1) Between Niagara Falls, and Batavia, N.Y. (a) from Niagara Falls, over New York Highway 31 to Lockport, N.Y., thence over New York Highway 77 to junction New York Highway 5, and thence over New York Highway 5 to Batavia; (b) from Niagara Falls over New York Highways 31 and 77, as above described, to Basom, N.Y., and thence over New York Highway 63 to Batavia; (c) from Niagara Falls over New York Highway 265 to junction with U.S. Highway 104, thence over U.S. Highway 104 to junction with New York Highway 93, thence over New York Highway 93 to Lockport, N.Y., thence over the above-described routes to Batavia, serving all intermediate points and all points in Niagara and Genesee Counties, N.Y., as off-route points; (2) between Lockport, and Batavia, N.Y., from Lockport over New York Highway 93 to junction with New York Highway 5, thence over New York Highway 5 to Batavia, serving all intermediate points, except the intermediate points between Dysenger and Pembroke, N.Y., and serving all points in Niagara and Genesee Counties, N.Y., as off-route points;

(3) Between Warsaw and Niagara Falls, N.Y. (a) from Warsaw over U.S. Highway 20-A to junction New York Highway 77, thence over New York Highway 77 to Lockport, N.Y., and thence over New York Highway 31 to Niagara Falls; (b) from Warsaw over U.S. Highway 20-A to junction New York Highway 187, thence over New York Highways 187 and 78 to Lockport, and thence over New York Highway 31 to Niagara Falls; and (c) from Warsaw over U.S. Highway 20-A to junction Interstate Highway 90, thence over Interstate Highways 90 and 190 to Niagara Falls, serving all intermediate points, except the intermediate points between Royalton Center and Bennington Center, N.Y., those between Harris Corners and Millersport, and between Harris Corners and Kenmore, and serving all points in Niagara and Wyoming Counties, N.Y. as off-route points; (4) between Warsaw and Rochester, N.Y. (a) from Warsaw over U.S. Highway 20-A to junction New York Highway 98, thence over New York Highway 98 to Batavia, thence over New York Highway 33 to Rochester; (b) from Warsaw over New York Highway 19 to junction with Interstate Highway 90, thence over Interstate Highway 90 to junction with U.S. Highway 15 thence over U.S. Highway 15 to Rochester; (c) from Warsaw over New York Highway 19 to Clarkson, N.Y., thence over U.S. Highway 104 to Rochester, from Warsaw over U.S. Highway 20-A to Perry Center, thence over New York Highway 246 to junction with New York Highway 19, thence over New York Highway 19 to junction New York Highway 33-A, thence over New York Highway 33-A to Rochester, and return over the same routes in 4 above, serving all intermediate points except the intermediate points between Pearl Creek and Churchville, N.Y., between Lagrange and Riga Center, and between Attica and Riga Center, and serving all points in Monroe and Wyoming Counties, N.Y., as off-route points;

(5) Between Warsaw, and Batavia, N.Y. (a) from Warsaw over U.S. Highway 20-A to Varysburg, N.Y., thence over New York Highway 98 to Batavia; (b) from Warsaw over New York Highway 19

to LeRoy, N.Y., thence over New York Highway 5 to Batavia; and from Warsaw over U.S. Highway 20–A to Perry Center, N.Y., thence over New York Highway 246 to junction with New York Highway 63, and thence over New York Highway 63 to Batavia, and return over the same routes in 5 above, serving all intermediate points and serving all other points in Wyoming and Genesee Counties, N.Y., as off-route points; (6) between Perry Center and Buffalo, N.Y. (a) from Perry Center over U.S. Highway 20–A to junction New York Highway 16, thence over New York Highway 16 to Buffalo (also U.S. Highway 20–A to junction New York Highway 400, thence over New York Highway 400 to Buffalo; (b) from Perry Center over U.S. Highway 20–A to junction New York Highway 5, thence over New York Highway 5 to Buffalo and return over the same routes in 6 above and serving all intermediate points and serving all other points in Erie and Wyoming Counties, N.Y. as off-route points; (7) between Batavia and Buffalo, N.Y. (a) from Batavia over New York Highway 33 to Buffalo, from Batavia over New York Highway 5 to Buffalo (b) from Batavia over New York Highway 63 (also over New York Highway 98) to junction with U.S. Highway 20, thence over U.S. Highway 20 to Buffalo, and (c) from Batavia over New York Highway 63 to Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 33, thence over New York Highway 33 to Buffalo, and return over the same routes in 7 above, serving all intermediate points and serving all other points in Erie and Genesee Counties, N.Y. as off-route points;

(8) Between Warsaw and Pulaski, N.Y., (a) from Warsaw over New York Highway 19 to junction with Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 81, thence over Interstate Highway 81 to Pulaski; (b) from Warsaw, as above described, to junction of Interstate Highway 90 and U.S. Highway 11, thence over U.S. Highway 11 to Pulaski, (c) from Warsaw over New York Highway 19 to junction with U.S. Highway 20, thence over U.S. Highway 20 to Auburn, N.Y., thence over U.S. Highway 34 to Cato, N.Y., thence over New York Highway 370 to junction with New York Highway 176, thence over New York Highway 176 to Fulton, N.Y., thence over New York Highway 3 to Selkirt, N.Y., and thence over New York Highway 13 to Pulaski; (d) from Warsaw, as above indicated, to Auburn, N.Y., thence over New York Highway 38 to junction U.S. Highway 104, thence over U.S. Highway 104 to junction U.S. Highway 11, thence over U.S. Highway 11 to Pulaski, and (e) from Warsaw, as above indicated, to Auburn, thence over New York Highway 38 to junction New York Highway 3, thence over New York Highway 3 to Fulton, N.Y., serving all intermediate points between Pearl Creek and Seneca Falls, N.Y. (and excepting Seneca Falls as an intermediate point), and serving all points in Wyoming, Cayuga, and Oswego Counties, N.Y., as off-route points; (9) between Warsaw and Auburn, N.Y., from Warsaw over New York Highway 19 to junction U.S. Highway 20, thence over U.S. Highway 20 to Auburn, serving all intermediate points, except the intermediate points between Pearl Creek and Seneca Falls (and excepting Seneca Falls as an intermediate point), and serving all points in Wyoming and Cayuga Counties, N.Y., as off-route points;

(10) Between Warsaw and Genoa, N.Y., (a) from Warsaw over New York Highway 19 to junction with Interstate Highway 90, thence over Interstate Highway 90 to junction with New York Highway 34, thence over New York Highway 34, to Genoa; and (b) from Warsaw, N.Y., over U.S. Highway 20–A to junction New York Highway 39, thence over New York Highway 39 to junction U.S. Highway 20, thence over U.S. Highway 20 and U.S. Highway 34, as described, serving all intermediate points, except the intermediate points between Pearl Creek and Montezuma, N.Y., and serving all points in Wyoming and Cayuga Counties, N.Y., as off-route points; (11) between Warsaw and Ridgeway, N.Y., from Warsaw over U.S. Highway 20–A to Varvsburg, N.Y., thence over New York Highway 98 to Childs, N.Y., and thence over U.S. Highway 104 to Ridgeway, serving all intermediate points, except the intermediate points between Attica and Barre Center, N.Y., and serving all points in Wyoming and Orleans Counties, N.Y., as off-route points; (12) between Warsaw and Binghamton, N.Y., (a) from Warsaw, N.Y., over U.S. Highway 20–A to junction U.S. Highway 15, thence over U.S. Highway 15 to junction New York Highway 17, thence over U.S. Highway 17 to Binghamton; (b) from Warsaw, N.Y., over U.S. Highway 20–A to junction New York Highway 63, thence over New York Highway 63 to Dansville, N.Y., thence over New York Highway 245 to junction with U.S. Highway 15, thence over U.S. Highway 15 as above described, and (c) from Warsaw, N.Y. over U.S. Highway 20–A to junction New York Highway 36, thence over New York Highway 36 to junction New York Highway 245, thence over New York Highway 245, to junction with U.S. Highway 15, and thence over U.S. Highway 15, as above described, serving all intermediate points, except the intermediate points between Perry Center and Big Flats, N.Y., and between Chemung and Endicott, N.Y., and serving all points in Wyoming, Chemung, and Broome Counties, N.Y., as off-route points;

(13) Between Pine Woods and Batavia, N.Y. (a) from Pine Woods over U.S. Highway 20 to junction New York Highway 63, thence over New York Highway 63 to Batavia; (b) from Pine Woods over New York Highway 46 to junction with New York Highway 5, thence over New York Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20 as above described; and (c) from Pine Woods over New York Highway 46 to junction New York Highway 5, thence over New York Highway 5 to unmarked road leading to Exit 34 of Interstate Highway 90, thence over Interstate Highway 90 to Exit 48 of Interstate Highway 90, thence over New York Highway 98 to Batavia, serving all intermediate points, except the intermediate points between Chittenango or Cazemovia, N.Y., and the junction of New York Highway 63 and U.S. Highway 20, and the intermediate points between Exits 34 and 48 on Interstate Highway 90, and serving all points in Madison and Genesee Counties, as off-route points; (14) between Buffalo and Ridgeway, N.Y., from Buffalo over New York Highway 5 to Batavia, N.Y., thence over New York Highway 98 to junction with U.S. Highway 104, and thence over U.S. Highway 104 to Ridgeway, serving all intermediate points, except the intermediate points between Clarence and Barre Center, N.Y., and serving all points in Erie and Orleans Counties as off-route points; (15) between Buffalo and Albion, N.Y., from Buffalo over New York Highway 5 to junction with New York Highway 77, thence over New York Highway 77 to junction New York Highway 63, thence over New York Highway 63 to junction with New York Highway 31, and thence over New York Highway 31 to Albion, serving all intermediate points except the intermediate points between Clarence and Shelby, N.Y., and serving all points in Erie and Orleans Counties as off-route points;

(16) Between Buffalo and Dansville, N.Y. (a) from Buffalo over U.S. Highway 20 to junction with U.S. Highway 15, thence over U.S. Highway 15 to Dansville; and (b) from Buffalo over U.S. Highway 20 to junction with New York Highway 36, thence over New York Highway 36 to Dansville, serving all intermediate points, except the intermediate points between Alden, N.Y. and the junction of U.S. Highway 20 and New York Highway 36, and serving all points in Erie and Livingston Counties, N.Y. as off-route points; (17) between Buffalo, N.Y. to Wellsville, N.Y. (a) from Buffalo over New York Highway 16 to junction with New York Highway 39, thence over New York Highway 39 to junction with New York Highway 98, thence over New York Highway 98 to junction with New York Highway 243, thence over New York Highway 243 to junction with New York Highway 19, thence over New York Highway 19 to Wellsville; (b) from Buffalo to junction of New York Highways 243 and 19, as above described, thence over New York Highway 19 to junction with New York Highway 244, thence over New York Highway 244 to Alfred Station, thence over New York Highway 21 to junction with New York Highway 17, and thence over New York Highway 17 to Wellsville; and (c) from Buffalo to junction of New York Highways 243 and 19, as above described, thence over New York Highway 19 to junction with New York Highway 408, thence over New York Highway 408 to junction with New York Highway 275, thence over New York Highway 275 to Bolivar, N.Y., and thence over New York Highway 17 to Wellsville, serving all intermediate points, except the intermediate points between Chafee and Rushford, N.Y., and serving all points

in Erie and Allegany Counties as off-route points;

(18) Between Warsaw and Utica, N.Y. (a) from Warsaw over New York Highway 19 to junction with Interstate Highway 90, thence over Interstate Highway 90 to Utica; (b) from Warsaw over New York Highway 19 to junction with Interstate Highway 90, thence over Interstate Highway 90 to Exit 33 thereof, thence over New York Highway 365 to Rome, N.Y., and thence over New York Highway 49 to Utica; (c) from Warsaw over New York Highway 19 to junction with U.S. Highway 20, thence over U.S. Highway 20 to junction with New York Highway 12, thence over New York Highway 12 to Utica; (d) from Warsaw over New York Highway 19 to U.S. Highway 20, thence over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Utica, serving all intermediate points, except the intermediate points between Pearl Creek and Sangerfield, N.Y., and between Pearl Creek and Sherill, N.Y., and between Pearl Creek, N.Y., and the junction of Interstate Highway 90 and New York Highway 365, and serving all points in the counties of Oneida and Wyoming as off-route points; (19) between Utica, and Buffalo, N.Y. (a) from Utica over Interstate Highway 90 to Exit 51 of said Interstate Highway 90, thence over New York Highway 33 and city streets to Buffalo; (b) from Utica over New York Highway 49 to Rome, N.Y., thence over New York Highway 365 to junction with Interstate Highway 90, thence over interstate Highway 90, as above described; (c) from Utica over New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 to Buffalo; and (d) from Utica over New York Highway 12 to Sangerfield, N.Y., thence over U.S. Highway 20 to Buffalo, serving all intermediate points, except the intermediate points between Exits 33 and 51 on Interstate Highway 90, between Sherill and Alden, N.Y., and between Sangerfield and Alden, N.Y., and serving all other points in Oneida and Erie Counties, N.Y. as off-route points;

(20) Between Syracuse and Warsaw, N.Y. (a) from Syracuse over Interstate Highway 690 to junction with Interstate Highway 90, thence over Interstate Highway 90 to junction with New York Highway 19, thence over New York Highway 19 to Warsaw; (b) from Syracuse over New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 to junction with New York Highway 19, thence over U.S. Highway 19 to Warsaw; (c) from Syracuse over New York Highway 175 to junction with U.S. Highway 20, thence over U.S. Highway 20 and New York Highway 19, as described above; and (d) from Syracuse over Interstate Highway 81 to junction with U.S. Highway 20, thence over U.S. Highway 20 and New York Highway 19, as described above, serving all intermediate points, except the intermediate points between Pearl Creek, N.Y. and the intersection of New York Highway 31–C and Interstate Highway 90, and between Pearl Creek and Elbridge, N.Y., and between Pearl Creek and Skaneatelis, and serving all points in Onandaga and Wyoming Counties, N.Y., as off-route points; and (21) between Syracuse and Buffalo, N.Y., (a) from Syracuse, N.Y., over Interstate Highway 690 to junction with Interstate Highway 90, thence over Interstate Highway 90 to Exit 51 of Interstate Highway 90, and thence over New York Highway 33 and city streets to Buffalo, and return over the same routes; (b) from Syracuse, N.Y., over New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 to Buffalo, and return over the same routes; (c) from Syracuse, N.Y. over New York Highway 175 to junction with U.S. Highway 20, thence over U.S. Highway 20, as above described; and (d) from Syracuse, N.Y. over New York Highway 80 to junction with U.S. Highway 20, thence over U.S. Highway 20, as above described, serving all intermediate points except the intermediate points between Alden and Scaneatelis, N.Y., and between the junction of New York Highway 31–C and Interstate Highway 90 and Exit 49 of Interstate Highway 90, and serving all points in Onandaga and Erie Counties, N.Y., as off-route points. Over irregular routes: Between all points in Wyoming County and in Erie County, N.Y.

NOTE: Applicant states it will tack with existing authority at common points in New York State. No duplicating authority is sought. Common control may be involved. Applicant further states this application is a matter directly to MC–F–11474, published in the FEDERAL REGISTER issue of March 8, 1972. The instant application seeks to convert the Certificate of Registration of Industrial Truck Lines, Inc. under MC 97877 (Sub-No. 1), into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at New York or Buffalo, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11472 (Correction). FOPA TRANSPORT, INC.—Purchase (Portion)—CROSBY LUMBER & SUPPLY, INC., published in the March 8, 1972, issue of the FEDERAL REGISTER on page 4987. This correction to include Patricia J. Cagle as another party in control, also prior notice included Port Heneme, Los Angeles, and San Diego, Calif., and should have been omitted.

No. MC–F–11490. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025 (MC–42487), and SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Street, Portland, OR 97214 (MC–107576), seeks to enter into an agreement for the pooling of services and traffic in the transportation of traffic in interstate commerce to and from certain specified points in Oregon and Washington. Attorney: Ronald D. Eastman, Suite 1100, 1660 L Street NW., Washington, DC 20036. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, is authorized to operate as a common carrier in California, Oregon, Washington, Illinois, Minnesota, Wisconsin, Montana, Colorado, Utah, Wyoming, Idaho, Indiana, Nevada, Ohio, Iowa, Michigan, Arizona, Kansas, Maryland, North Dakota, South Carolina, Georgia, Alabama, Kentucky, North Carolina, New York, Massachusetts, Oklahoma, Missouri, Texas, Louisiana, Pennsylvania, South Dakota, New Mexico, Nebraska, West Virginia, Mississippi, New Jersey, Connecticut, Alaska, and the District of Columbia.

No. MC–F–11491. Authority sought for purchase by PIC-WALSH FREIGHT CO., 6300 Ouida Avenue, St. Louis, MO 63147, of the operating rights and property of ROBERTSON MOTOR FREIGHT, INC, 1324 O'Fallen, St. Louis, MO 63106, and for acquisition by JULIUS BLUMOFF, 12095 Heatherdane Drive, St. Louis County, MO 63121, of control of such rights and property through the purchase. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *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, as a *common carrier* over regular routes, between Vandalia, and St. Louis, Mo., serving all intermediate points; and the off-route points in Illinois in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, between Louisiana, Mo., and East St. Louis, Ill., serving all intermediate points; and the off-route points of St. Paul, Ethlyn, and Chain of Rocks, Mo.; *livestock*, from Vandalia, Mo., to National Stock Yards, Ill., serving all intermediate points, and the off-route points within 10 miles of that portion of the described route between Vandalia and St. Charles, Mo., restricted to pickup only; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between certain specified points in Missouri, and Quincy, Ill., with restriction; *household goods* as defined by the Commission, between Vandalia, Mo., and points in Missouri on the first above-specified regular route, on the one hand, and, on the other, points in Illinois; *livestock*, between Old Monroe, Mo., and points within 12 miles of Old Monroe, Mo., on the one hand, and, on the other, National City, Ill.; *brick*, from Vandalia, Mo., to points in Illinois; *feed*, *hay*, and *molasses*, from East St. Louis, Ill., to Old Monroe, Mo., and points within 12 miles of Old Monroe, Mo.; *hides and live poultry*, from Old Monroe, Mo., and points within 12

miles of Old Monroe, to East St. Louis, Ill. Vendee is authorized to operate as a common carrier in Missouri, Illinois, Ohio, Indiana, Arkansas, Tennessee, Michigan, Iowa, Mississippi, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11492. Authority sought for purchase by MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, GA 30310, of a portion of the operating rights of COMMERCIAL TRANSPORTATION, INC., also of Atlanta, Ga. 30310, and for acquisition by ROSE M. WIGGINS, 5997 Pine Creek Road, Forest Park, GA 30050, and R. L. DEASE, 997 Katherwood Drive SW., Atlanta, GA 30310, of control of such rights through the purchase. Applicants' attorney: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from South Bend, Ind., Norfolk, Va., Newark, N.J., and Pittsburgh, Pa., to points in Georgia, from St. Louis, Mo., to Augusta, Ga.; and return with *empty malt beverage containers;* from Cincinnati, Ohio, to Atlanta and Augusta, Ga., from Pittsburgh, Pa., to points in Alabama, from Norfolk, Va., and Hammonton, N.J., to points in Alabama (except points in Russell County); *oyster shells*, crushed, in bags, and *fishmeal*, in bags, from Jacksonville and Fernandina, Fla., to points in Georgia, with restriction; *citrus pulp*, from points in Pasco and Orange Counties, Fla., to points in Georgia. Vendee is authorized to operate as a *common carrier* in Mississippi, Louisiana, South Carolina, Alabama, Texas, Florida, Georgia, Tennessee, Arkansas, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11494. Authority sought for purchase by ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223, of the operating rights of C. T. WOLFMEIER, doing business as WOLFMEIER TRANSFER COMPANY, Post Office Box 11, Fulton, MO 65251, and for acquisition by R. J. DORAN, R. E. DORAN, and C. M. DORAN all of 1601 Blue Rock Street, Cincinnati, OH 45223, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: *Refractories*, as a *common carrier* over irregular routes, between points in Audrain, Callaway, and Montgomery Counties, Mo., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, West Virginia, and New York, with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11493. Authority sought for control by JAMES P. BYRNE, 101 Thorntree Lane, Winnetka, IL 60093, of CAR CARRIERS, INC., 13101 South Torrence Avenue, Chicago, IL 60464. Applicants' attorney: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Operating rights sought to be controlled: *New automobiles, new trucks; and new chassis*, in initial movements, in truckaway service, as a *common carrier* over irregular routes, from places of manufacture and assembly in Chicago, Cicero, and Hegewisch, Ill., to Omaha, Nebr., St. Louis, Mo., Detroit, Mich., and points in Illinois, Indiana, Wisconsin, Iowa, and certain specified points in Michigan, from plantsites of the Ford Motor Co. in Wayne County, Mich., to Indianapolis, Ind., and points in Michigan, that part of Illinois on and north of U.S. Highway 24, and those in the Chicago, Ill., commercial zone, as defined by the Commission; *automobiles, trucks, and chassis*, new, used, unfinished, and/or wrecked, in subsequent or secondary movements, in truckaway service, between plantsites or other facilities, including railheads, of the Ford Motor Co. in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, all points named or described above; *automobiles, trucks, tractors, chassis*, and *commerical automotive vehicles*, new, used, unfinished, and wrecked, in subsequent or secondary movements, in driveaway service, between plantsites or other facilities, including railheads, of the Ford Motor Co. in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Iowa, Wisconsin, Minnesota, and Ohio;

New automobiles, trucks, chassis, commercial automotive vehicles, and *unfinished automotive vehicles*, in initial movements, in truckaway service, from places of manufacture and assembly in Chicago, Ill., to points in Minnesota, North Dakota, South Dakota, Nebraska, and Kansas; *new automobiles, new trucks, new tractors* (except farm tractors), *new chassis* and *parts therefor* when moving with these commodities, and *automobiles show displays* when moving with display vehicle in initial movements, in truckaway service, and *new bodies*, and *parts therefor* when moving with new bodies and automobiles show when moving with display bodies, from Hegewisch, Ill., to Memphis, Tenn., and points in Arkansas and those in Missouri (except St. Louis); and return with *rejected or damaged shipments* of the commodities described immediately above; *automobiles, chassis, station wagons, trucks and truck tractors*, in initial movements, in truckaway service, from Hegewisch, Ill., to certain specified points in Michigan and Ohio, and return with *defective, damaged or wrecked shipments* of the commodities specified immediately above; *new automotive vehicles, chassis, and new automobile show equipment, displays, and advertising matter* when moving with these commodities, in initial movements, in truckaway service, from points in St. Louis County, Mo., to points in Illinois, from any plant or facility of the Ford Motor Co. in St. Louis County, Mo., to points in Indiana, Missouri, Tennessee, Iowa, and Arkansas, and return with *rejected shipments* of the commodities specified immediately above;

Automobiles, trucks, truck tractors, and *chassis* (except platform, warehouse and lift trucks), in initial movements, in truckaway service, from the site of the Ford Motor Co. plant in Cook County, Ill., to points in Pennsylvania, Virginia, West Virginia, Kentucky, Alabama, Mississippi, Tennessee (except Memphis, Tenn.), and that part of Ohio south of U.S. Highway 40; *farm and industrial tractors*, with or without attachment (restricted to traffic which has had a prior movement by rail or water to Chicago, Ill.) in mixed loads with motor vehicles otherwise authorized, from Chicago, Ill., to points in Illinois, Indiana, Iowa, and Wisconsin. Above rights are restricted against Car Carriers, Inc., interlining with Automobile Carriers, Inc., and C & J Commercial Driveaway, Inc., by a coupling of the initial-movement rights of one with the secondary-movement rights of the other for through transportation of traffic under such combination. JAMES P. BYRNE holds no authority from this Commission. However, he is affiliated with (1) DIXIE TRANSPORT COMPANY, Post Office Box 395, Chicago Heights, IL 60411 and (2) CLARK TRANSPORT COMPANY, INC., Post Office 395, Chicago Heights, IL 60411, which are authorized to operate as *common carriers* in (1) Florida, Georgia, Tennessee, Kentucky, Ohio, Indiana, Michigan; and (2) all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11495. Authority sought for control and merger by ARROW MOTOR FREIGHT LINE, INC., 601 South La Salle Street, St. Paul, MN 55987, of the operating rights and property of RITE-WAY TRUCKING CO., INC., 901 East 13th Avenue, North Kansas City, MO, and for acquisition by ALLEN E. KROBLIN, 2125 Commercial Street, Waterloo, IA 50704, of control of such rights and property through the transaction. Applicants' representative: Allen E. Kroblin, 2125 Commercial Street, Waterloo, IA 50704. Operating rights sought to be controlled and merged: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Leon, Iowa, and St. Joseph, Mo., serving the intermediate points of Bethany, Mo., and those between Bethany, Mo., and Leon, Iowa, and the off-route point of Ridgeway, Mo., without restrictions; and intermediate points between Bethany and St. Joseph, Mo., restricted to southbound traffic only, between Leon, and Des Moines, Iowa, serving all intermediate points, and the off-route points of Van Wert and Weldon, Iowa; also serving all intermediate and off-route points within 12 miles of the central post office at Des Moines (except Altoona, Ankeny, Carlisle, Des Moines, and Norwalk, Iowa), between Eagleville, Mo., and Kansas City, Kans., serving the intermediate points of Bethany, Pattonsburg, and Kansas City,

Mo., and the off-route points of Ridgeway, New Hampton, and Civil Bend, Mo., without restriction; and intermediate and off-route points within 10 miles of Bethany (except Ridgeway, Mo.), restricted to pickup of livestock, between Eagleville and St. Joseph, Mo., serving the intermediate points of Bethany, Pattonsburg, and Winston, Mo., and the off-route points of Ridgeway and New Hampton, Mo. ARROW MOTOR FREIGHT LINE, INC., is authorized to operate as a common carrier in Minnesota, Wisconsin, Iowa, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11496. Authority sought for purchase by THE GUYOTT COMPANY, 176 Forbes Avenue, New Haven, CT 06512, of a portion of the operating rights of CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335, and for acquisition by FRANCIS R. GUYOTT and LOUIS E. GUYOTT, also of New Haven, Conn. 06512, of control of such rights through the purchase. Applicants' attorney and representative: Francis R. Guyott, 176 Forbes Avenue, New Haven, CT 06512, and Thomas J. O'Brien, 520 East Lancaster Avenue, Downington, PA 19335. Operating rights sought to be transferred: *Dry cement*, in bulk, as a *common carrier* over irregular routes, from the present storage facility of Marquette Cement Manufacturing Co. at Providence, R.I., to points in Rhode Island, that part of Connecticut east of Connecticut Highway 32, and that part of Massachusetts east of Massachusetts Highway 32; *cement*, in bulk, from Providence, R.I., to Dover, Exeter, and Newington, N.H.; *cement*, in bulk, in tank vehicles, from Providence, R.I., to Farmington and Wolfeboro, N.H. Vendee is authorized to operate as a *common carrier* in Rhode Island, Connecticut, Massachusetts, Pennsylvania, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11497. Authority sought for purchase by PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317, of the operating rights of MIDWEST TRANSPORT, INC., 2609 South Halsted Street, Chicago, IL 60608, and for acquisition by NENVER RIETVELD, also of Des Moines, Iowa 50317, of control of such rights through the purchase. Applicants' attorney: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, IL 60602. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale grocery houses, as a *common carrier* over irregular routes, from Chicago, Ill., to points in that part of Indiana north of U.S. Highway 40, and certain specified points in Michigan, from the plant and warehouse sites of Consolidated Foods Corp. located in Chicago, Ill., and the Chicago, Ill., commercial zone, as defined by the Commission, to La Porte, Ind., from River Grove, Ill., to retail outlets in Kalamazoo, Mich., with restrictions; *empty food and beverage containers*, from points in that part of Indiana north of U.S. Highway 40, and certain specified points in Michigan, and La Porte, Ind., to the plant and warehouse sites of Consolidated Food Corp. and National Tea Co., located in Chicago, Ill., and its commercial zone as defined by the Commission; and return with *returned or rejected merchandise; canned fruits and vegetables*, from certain specified points in Michigan and those points in that part of Indiana north of U.S. Highway 40 (except those in Lake and Porter Counties, Ind., and except those north of U.S. Highway 20 and west of Indiana Highway 15, and La Porte, Ind.), including points on the indicated portions of the highways specified, to Chicago, Ill.;

Such merchandise as it dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between certain specified points in Illinois, Indiana, and Michigan; *foodstuffs*, from the plantsites and warehouse facilities of California Packing Corp. located at Rochelle, Mendota, and De Kalb, Ill., to points in Cook, Du Page, Will, and Lake Counties, Ill., with restrictions. Vendee is authorized to operate as a *common carrier* in Iowa, Kansas, Missouri, Wisconsin, Nebraska, Minnesota, Illinois, South Dakota, Indiana, Colorado, Michigan, Ohio, North Dakota, and Kentucky. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–4810 Filed 3–28–72;8:53 am]

[Notice 43]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 22, 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 (6) 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 61825 (Sub-No. 50 TA), filed March 10, 1972. Applicant: ROY STONE TRANSFER CORPORATION, Post Office Box 385, Collinsville, VA 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, mineral wool, and mineral wool products*, from Mountaintop, Luzurene County, Pa., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Certain-Teed Saint Gobain Insulation Corp., Valley Forge, Pa. 19481. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 67361 (Sub-No. 7 TA), filed March 8, 1972. Applicant: GENERAL ROAD TRUCKING CORPORATION, 99 Mauran Avenue, Post Office Box No. 6, East Providence, RI 02914. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Woburn, Mass., to Woonsocket, North Smithfield, and East Providence, R.I., for 180 days. Supporting shipper: International Salt Co., Clarks Summit, Pa. 18411. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, RI 02903.

No. MC 103435 (Sub-No. 217 TA), filed March 10, 1972. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Post Office Box 192, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Clay or clay products, and machinery, equipment, supplies, and materials* incidental to, or used in mining or milling, serving points located in Crook County, Wyo., as off-route points in connection with carrier's presently authorized regular-route operations, for 180 days. NOTE: Carrier does intend to tack or interline with other carriers. Supporting shipper: Federal Bentonite Co., 4614 Prospect Avenue, Cleveland, OH 44103. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, CO 80202.

No. MC 103993 (Sub-No. 695 TA), filed March 13, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). 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 movement, from Caldwell Parish, La., to points in Arkansas, Mississippi,

Louisiana, Texas, Alabama, Tennessee, Missouri, Kansas, and Oklahoma, for 180 days. Supporting shipper: National Mobile Homes, Post Office Box 887, Columbia, LA 71418. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. Mc 106603 (Sub-No. 118 TA), filed March 7, 1972. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Louis E. Cain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* on flatbed equipment, from the plantsite of National Gypsum Co. near Shoals, Martin County, Ind., to points in Kentucky (except Louisville) and Tennessee, for 180 days. Supporting shipper: Harold C. Halm, Transportation Manager, Gold Bond Building Products, Division of National Gypsum Co., 325 Delaware Avenue, Buffalo, NY 14202. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 604 TA), filed March 10, 1972. Applicant: PRE-FAB TRANSIT COMPANY, Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products, urethane roofing and insulation, and materials* used in the installation thereof (except commodities in bulk), from the plantsite of Philip Carey Co., division of Panacon Corp., Elizabethtown, Ky., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. Supporting shipper: Charles C. Kreutz, corporate manager of transportation, the Philip Carey Co., division of Panacon Corp., 320 South Wayne Avenue, Cincinnati, OH 45215. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107496 (Sub-No. 840 TA), filed March 10, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, from Roberts, Wis., to points in Minnesota, for 150 days. Supporting shipper: F. Hurlbut Co., Post Office Box 9, Green Bay, WI 54305. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108460 (Sub-No. 44 TA), filed March 10, 1972. Applicant: PETROLEUM CARRIERS COMPANY, 5104 West 14th Street, Post Office Box 762, Sioux Falls, SD 57106. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of the Agrico Chemical Co. at Blair, Nebr., to points in Iowa, for 180 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, NJ 08540, R. J. Van Nostrand, traffic manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 110525 (Sub-No. 1030 TA), filed March 13, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial water treating compounds*, in bulk, in tank vehicles, from Orange, Tex., to Baton Rouge, La., for 180 days. Supporting shipper: Betz Laboratories, Inc., Somerton Road, Trevoise, Pa. 19047. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 110525 (Sub-No. 1031 TA), filed March 13, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red wire enamel*, in bulk, in tank vehicles, from Schenectady, N.Y., to Danbury, Conn., for 180 days. Supporting shipper: General Electric Co., 1 River Road, Building 56, Room 302, Schenectady, NY 12345. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 117592 (Sub-No. 5 TA), filed March 13, 1972. Applicant: GERALD L. KRAMER, Rural Delivery 4, Quakertown, Pa. 18951. Applicant's representative: Robert B. Einhorn, 1540–47 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, PA 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore*, in bulk, in dump vehicles, having an immediately prior movement by railroad, from Green Lane, Pa., to East Greenville, Pa., for 180 days. Supporting shipper: AMSAT Corp., Custom Pulverizing Division, Post Office Box 95, East Greenville, PA 18041. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 119305 (Sub-No. 9 TA), filed March 10, 1972. Applicant: C. ROBERT NATTRESS & DONALD NATTRESS, doing business as B & D TRUCKING SERVICE, 33 West Garfield Avenue, Norwood, PA 19074. Applicant's representative: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery products*, from Philadelphia, Pa., to Brooklyn, N.Y., and Linden, Newark, Garfield, and Elizabeth, N.J., for 180 days. Supporting Shipper: Mrs. Smith's Pie Co., Box 298, Pottstown, PA 19464. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 128146 (Sub-No. 4 TA), filed March 9, 1972. Applicant: TED W. BETLEY, Post Office Box 196, Amberg, WI 54102. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and business records*, between Minneapolis-St. Paul, Minn., on the one hand, and, on the other, points in Marathon County, Wis., for 180 days. Supporting shippers: Franklin Savings & Loan Association, 400 Fourth Street, Wausau, WI 54401 (Lawrence Sternberg, Pres.); First American National Bank of Wausau, Post Office Box 1048, Wausau, WI 54401 (Lester J. Wachholz, Vice Pres.). Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 129808 (Sub-No. 9 TA), filed March 10, 1972. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., 410 West Second Street, Post Office Box 399, Grand Island, NE 68001. Applicant's representative: Martin E. Gartner (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings and parts, materials and supplies* used in connection therewith, from the plantsite and storage facilities of Chief Industries, Inc., of Nebraska at or near Grand Island, Nebr., to the plantsite of Chief Industries, Inc., at Gainesville, Tex., for 180 days. Supporting shipper: Gerald Frederiksen, Transportation Manager, Chief Industries of Nebraska, Inc., West Highway 30, Grand Island, NE 68801. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 134735 (Sub-No. 1 TA), filed March 8, 1972. Applicant: EDWIN J. ROLPH, 2931 West Pierson, Phoenix, AZ 85017. Applicant's representative: Donald E. Fernaays, 4114–A North 20th Street,

Phoenix, AZ 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coiled sheet steel*, from El Paso, Tex., to the plantsite of Verco Manufacturing at Phoenix, Ariz., for 180 days. Supporting shipper: Verco Manufacturing, Inc., 4340 North 42d Avenue, Phoenix AZ 85019. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 136078 (Sub-No. 1 TA), filed March 9, 1972. Applicant: E. B. LAW & SON, INC., 300 South Archerleta Road, Post Office Box 1381, Las Cruces, NM 88001. Applicant's representative: G. H. Sanger (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mine roof expansion shells*, from El Paso, Tex., to Kansas City, Mo., and points in Arizona, New Mexico, and West Virginia; and (2) *bolts* intended for installation in mine roofs, from Kansas City, Mo., to points in Arizona and New Mexico, for 180 days. Supporting shipper: Frank Investment Co., doing business as, Apache Forge, 1521 El Paso National Bank Building, El Paso, Tex. 79901. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, Albuquerque, N. Mex.

No. MC 136319 (Sub-No. 2 TA), filed March 10, 1972. Applicant: CUSTOM TRANSIT, INC., 2406 Glenbrook South, Garland, TX 75040. Applicant's representative: Darrell McNatt (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, automobile or boat*, cut to shape; *mineral wool, mineral wool conduit, or pipe*, from Dallas, Tex., to points in Arkansas, Louisiana, Mississippi, and Oklahoma, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: C. R. Lonney, General Traffic Manager, PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 136392 (Sub-No. 1 TA), filed March 10, 1972. Applicant: ROMOPACO, INC., 120 West Highway 20, Gordon, NE 69343. Applicant's representative: Rudy R. Stanko (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 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 Gordon, Nebr., to Denver, Colo., Kansas City, Kans., Chicago, Ill., Cheyenne and Casper, Wyo., for 180 days. NOTE: Applicant seeks to serve the points indentified including their commercial zone or terminal area as defined by the commission. Supporting shipper: Russell D. Thorp, Plant Supervisor, Nebraska Beef Packers, Inc., Gordon, Nebr. 69343. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 136419 (Sub-No. 1 TA) (Amendment), filed February 22, 1972, published in the FEDERAL REGISTER, issue of March 9, 1972, amended and republished as amended this issue. 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 Vicennes, Ind., to points in Illinois, Indiana, and Kentucky, 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. NOTE: The purpose of this republication is to include the destination points.

No. MC 136474 (Sub-No. 1 TA), filed March 10, 1972. Applicant: ALLIED DELIVERY AND INSTALLATION, INC., Post Office Box 40017, Nashville, TN 37204. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, sold by retail establishments, including the setting up, installation, and related accessorial and incidental services. Restriction: Restricted to merchandise sold at retail by retail establishments destined to home deliveries: From Nashville, Tenn., to points in Allen, Barren, Christian, Logan, Simpson, Todd, Trigg, and Warren Counties, Ky., for 150 days. Supporting shippers: Cain Sloan Co., Nashville, Tenn.; Castner-Knott Co., Nashville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 136477 (Sub-No. 1 TA), filed March 9, 1972. Applicant: MAX V. MOUNSEY, doing business as MOUNSEY TRUCK SERVICE, Route 4, Huntington, Ind. 46750. Applicant's representative: Jay M. DeVoss, 155 South Second Street, Decatur, IN 46733. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Harrod, Ohio, to points in Indiana, for 180 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, Ohio 44115. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 136477 (Sub-No. 1 TA), filed March 9, 1972. Applicant: MAX V. MOUNSEY, doing business as MOUNSEY TRUCK SERVICE, Route 4, Huntington, Ind. 46750. Applicant's representative: Jay M. DeVoss, 155 South Second Street, Decatur, IN 46733. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Harrod, Ohio, to points in Indiana, for 180 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, Ohio 44115. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 136490 TA, filed March 9, 1972. Applicant: PIKES PEAK MOVING & STORAGE COMPANY, 3110 North Stone Avenue, Colorado Springs, CO 80901. 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 El Paso and Teller Counties, Colo., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Furniture Forwarding, Inc., Post Office Box 55191, Indianapolis, IN 46205; Swift Home-Wrap, Inc., 839 Northeast Northgate Way, Seattle, WA 98125. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

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

[FR Doc.72-4813 Filed 3-28-72;8:53 am]

[Notice 35]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 24, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73596. By application filed March 21, 1972, CONTAINER DISPATCH COMPANY, INC., 3700 South Spaulding Avenue, Chicago, IL, seeks temporary authority to lease the operating rights

of KOERNER MOTOR EXPRESS INC., and EDWARD LIMPERIS, trustee in bankruptcy, Post Office Box 2067, Oak Park, IL 60303, under section 210a(b). The transfer to CONTAINER DISPATCH COMPANY, INC., of the operating rights of KOERNER MOTOR EXPRESS INC., and EDWARD LIMPERIS, trustee in bankruptcy, is presently pending.

By the Commission.

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

[FR Doc.72-4812 Filed 3-28-72;8:53 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 24, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Iowa State Docket No. H 5065, filed March 16, 1972. Applicant: B & F TRANSFER, INC., 1506 10th Street SE., Cedar Rapids, IA. Applicant's representative: D. C. Nolan, 405 Iowa State Bank Building, Iowa City, Iowa. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* between Coggon, Central City, Ryan, Alburnette, Hopkinton, Walker, Rowley, Center Point, and Delhi, Iowa, and these points and points presently held by applicant. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

Iowa Docket No. H 5068, filed February 19, 1972. Applicant: LOREN F. DARLING, doing business as NORTHEAST MOTOR EXPRESS, 1424 Glenny, Waterloo, IA 50702. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* between Gilbertville, Oran, Masonville, and all points presently held by applicant as single State interstate operator. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.72-4803 Filed 3-28-72;8:53 am]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

3 CFR

3 CFR—Continued

5 CFR

6 CFR

7 CFR

7 CFR—Continued

PROPOSED RULES—Continued

8 CFR

9 CFR

PROPOSED RULES:

10 CFR

PROPOSED RULES:

11 CFR

12 CFR

PROPOSED RULES:

13 CFR

PROPOSED RULES:

14 CFR

PROPOSED RULES:

15 CFR

16 CFR

PROPOSED RULES:

17 CFR

PROPOSED RULES:

18 CFR

PROPOSED RULES:

19 CFR

PROPOSED RULES:

20 CFR

PROPOSED RULES:

21 CFR

21 CFR—Continued

22 CFR

24 CFR

25 CFR

26 CFR

28 CFR

29 CFR

30 CFR

31 CFR

32 CFR

32A CFR

33 CFR

33 CFR—Continued

36 CFR

37 CFR

38 CFR

40 CFR

41 CFR

41 CFR—Continued

42 CFR

43 CFR

43 CFR—Continued

45 CFR

46 CFR

46 CFR—Continued

47 CFR

49 CFR

50 CFR

LIST OF FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date
4239–4318	Mar. 1
4319–4424	2
4425–4692	3
4693–4891	4
4893–4945	7
4947–4996	8
4997–5106	9
5107–5218	Mar. 10
5219–5272	11
5273–5352	14
5353–5470	15
5471–5591	16
5593–5680	17
5681–5733	18
5735–5805	Mar. 21
5807–5918	22
5919–6034	23
6035–6168	24
6169–6271	25
6273–6372	28
6373–6452	29

federal register

WEDNESDAY, MARCH 29, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 61

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

Nursing Home Administration

Licensing, Training and Instruction Programs

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 252—MEDICAL ASSISTANCE PROGRAMS: RELATED RESPONSIBILITIES

Nursing Home Administration; Licensing; Training and Instruction Programs

Notice of proposed regulations was published in the FEDERAL REGISTER of September 9, 1971 (36 F.R. 18106), amending regulations prescribing interim policies and requirements for medical assistance programs with respect to establishment of State programs to license nursing home administrators and the training of nursing home administrators to whom waivers have been granted. After consideration of the views presented by interested persons, the regulations retain all proposed requirements, and have been changed to include national associations among organizations eligible to offer training courses for potential nursing home administrators.

The comments received centered mainly on three changes contained in the notice of proposed regulations:

(1) The prohibition against representatives of a single profession or institutional category constituting a majority of the membership of the State board for licensure of nursing home administrators (§ 252.10(b)(3)). In opposition, it was contended that this provision tends to downgrade nursing home administrators, who constitute a board majority in many States; it is contrary to the practice in most other State boards for licensing professions, it imposes a Federal requirement in an area that should be left to the States, and it would force many States to make disruptive legislative and administrative changes. The provision is retained in the final regulations because it is believed to be an effective response to the growing sentiment that public processes must be opened up to participants other than the professions and occupations immediately concerned; and it is consistent with the Department's emphasis on upgrading the quality of nursing home care. The provision would not go into effect until July 1, 1973, giving States time to make necessary legislative and administrative changes.

The regulation is in no way intended to, nor should it, "downgrade" nursing home administrators because other professions are included with them in deliberations. The administrators are still allowed a plurality of representatives, and their views in the upgrading of their profession should have, therefore, considerable weight. At the same time, the operation of a board as described herein is intended to augment public confidence in its operation—an asset for the nursing home administrator profession generally.

(2) The prohibition against noninstitutional members of the licensure board having a direct financial interest in nursing homes (§ 252.10(b)(3)). In opposition, it was contended that this provision would preclude from licensure board membership those who might be highly qualified to assist nursing home administrators achieve professional status and improve patient care. The provision is retained because it is essential for defining institutional members and preventing those who have a financial interest in nursing homes from disguising their institutional connections under the cover of some other association, for example, as a physician.

(3) The exemption of certain "distinct parts" of hospitals from the requirement that they have a licensed nursing home administrator (§ 252.10(b)(1)). In opposition to this provision it was contended that the competence to administer a short-stay facility, such as a hospital, is different from the competence to administer a long-term facility, and that all long-term care facilities should be under the direct supervision of a licensed nursing home administrator. The provision is retained because it is believed that when a "distinct part" nursing home unit is such an integral part of a hospital that the State does not deem it necessary to license it separately as a nursing home (this is the exception provided here), to require that a separately licensed nursing home administrator be in charge is a waste of time and money. In addition, the hospital administrator who has basic responsibility for the entire institution has qualifications of education and experience that assure competent administration of the whole institution, including the "distinct part."

Part 252 of Chapter II of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 252.40 is renumbered as § 252.10 and is revised to read as follows:

§ 252.10 State programs for licensing administrators of nursing homes.

(a) *Purpose.* This section establishes the procedures for States to follow to comply with the requirement for States participating in a title XIX program to establish programs for the licensure of administrators of nursing homes.

(b) *Definitions.* When used in this section:

(1) "Nursing home," for purposes of requiring supervision by a licensed administrator, means any institution or facility, or distinct part of a hospital, which, regardless of its designation, is licensed or formally recognized as meeting State nursing home standards under State law. In those States that do not employ the term "nursing home" in their licensing statutes, "nursing home" means the equivalent term or terms as determined by the Administrator, Social and Rehabilitation Service. For purposes of obtaining such determination, the single State agency responsible for the administration of the title XIX program in such State shall submit to the Regional Commissioner, Social and Rehabilitation Service, copies of current State statutes which define for licensure purposes institutional health care facilities. Not included in this definition is a distinct part of a hospital, which hospital meets the definition in § 249.10(b) (1) or (14) (iv) of this chapter, that is designated or certified as an extended care facility or skilled nursing home but is not licensed separately or formally approved as a nursing home by the State.

(2) "Nursing home administrator" means any individual who is charged with the general administration of a nursing home, whether or not such individual has an ownership interest in such home, and whether or not his functions and duties are shared with one or more other individuals.

(3) "Board" means a duly appointed State board established for the purpose of carrying out a State program for licensure of administrators of nursing homes, and which is assigned all the duties, functions, and responsibilities prescribed in paragraph (c)(2) of this section. Said board shall be composed of individuals representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients; provided that less than a majority of the board membership shall be representative of a single profession or institutional category, and provided further that the noninstitutional members shall have no direct financial interest in nursing homes. For purposes of this definition, nursing home administrators are considered representatives of institutions. This definition is effective July 1, 1973, or earlier at the option of the State.

(4) "Agency," unless otherwise indicated, means the agency of the State responsible for licensing individual practitioners under the healing arts licensing act of the State.

(5) "License" means a certificate or other written evidence issued by a State agency or board to indicate that the bearer has been certified by that body to meet all the standards required of a licensed nursing home administrator under this section.

(6) "Provisional license" means a temporary license issued by the State agency or board to an individual who does not meet all the qualifications for licensure.

(7) "Calendar year" means the period from January 1 through December 31.

(c) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must include a State program for the licensure of administrators of nursing homes which:

(1) Provides that no nursing home within the State may operate except under the supervision of an administrator licensed in the manner provided in this section.

(2) Provides for licensing of nursing home administrators by the single agency of the State responsible for licensing individual practitioners under the healing arts act of the State, or, in the absence of such an act or agency, a State licensing board representative of the professions and institutions concerned with the care of chronically ill and infirm

aged patients and established to carry out the purposes of section 1908 of the Social Security Act. It shall be the function and duty of such agency or board to:

(i) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(ii) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(iii) Issue licenses to individuals determined, after the application of such techniques to meet such standards, and revoke or suspend licenses previously issued by the agency or board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards. Provisional licenses may be issued to an individual who meets the conditions for waiver under paragraph (d) of this section, or, for a single period not to exceed 6 months, to a qualified individual for the purpose of enabling him to fill the position of nursing home administrator which has been unexpectedly vacated. Qualifications for the latter type of provisional license shall include good character, suitability, and the ability to meet such other standards as are established by the State agency or board;

(iv) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(v) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the agency or board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards; and

(vi) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

(d) *Waivers.* The agency or board may waive any of the standards referred to in paragraph (c)(2)(i) of this section, other than the standards relating to good character and suitability, with respect to any individual who, during all of the calendar year immediately preceding the calendar year in which the requirements prescribed in paragraph (c) of this section are first met by the State, has served in the capacity of a nursing home administrator provided that:

(1) The agency or board issues to such an individual a provisional license to indicate that the bearer has been certified to meet the conditions specified in this paragraph, which provisional license may be valid only for a period of 2 years, or until July 1, 1972, or until the individual meets the qualifications of a fully licensed nursing home administrator, whichever is earlier; and

(2) There is provided in the State, during all of the period for which the waiver is in effect, a program of training and instruction designed to enable all individuals, with respect to whom any such waiver is granted, to attain the qualifications necessary to meet the standards referred to in paragraph (c)(2)(i) of this section.

(e) *Federal financial participation.* Federal financial participation is not available in the costs incurred by the licensing board in establishing and maintaining standards for the licensing of nursing home administrators.

2. Section 252.44 is renumbered as § 252.20 and is revised to read as follows:

§ 252.20 Grants to States for training and instruction programs for waivered nursing home administrators.

(a) *Purpose.* The purpose of this section is to provide for making grants available to the States to assist them in instituting and conducting programs of training and instruction to enable all individuals who have been granted provisional licenses under § 252.10(d) to attain the minimum qualifications necessary to meet the State standards for licensure as nursing home administrators.

(b) *Definitions.* When used in this section:

(1) "Nursing home," "nursing home administrator," "board," "agency," and "license" and "provisional license" have the same meaning as in § 252.10.

(2) "Core of knowledge" means the group of basic subject areas in the field of nursing home administration, of which an individual should be well informed and have a working understanding, to qualify as a licensed administrator of a nursing home.

(c) *Eligibility and program content.* (1) Grants, not to exceed 75 percent of the cost to the State of instituting and conducting training and instruction programs to carry out the provisions of this section, may be made to the single State agency responsible for the administration of the State's title XIX program subject to the requirements of subparagraphs (2) through (5) of this paragraph.

(2) Such programs of training and instruction must provide valid preparation for the specific level of knowledge and proficiency necessary to meet the standards of the State for licensure as nursing home administrators.

(3) The program must include approximately 100 classroom hours of training and instruction.

(4) The program must be limited to:

(i) Credit granting courses offered by an accredited university or college,

(ii) Noncredit courses offered by identifiable academic departments of accredited universities or colleges,

(iii) Nondegree courses, offered by extension divisions or programs associated with accredited universities or colleges independent of identifiable academic departments,

(iv) Courses, jointly sponsored by accredited universities or colleges, offered by recognized State or national associations or national professional societies, or

(v) Other courses, jointly sponsored by an accredited university or college.

(5) Course content may not be modified subsequent to approval for Federal grant without approval of the Regional Commissioner, Social and Rehabilitation Service.

(d) *Application.* With the assistance of the State agency or board, the single State agency responsible for the administration of the State's title XIX program shall file an application for a grant under this section with the Regional Commissioner, Social and Rehabilitation Service. The application must contain the following information:

(1) Identification of sponsoring institution(s) or organization(s).

(2) Identification of faculty responsible for the course and the instructor(s) presenting the training and instruction.

(3) Identification of the mode of instruction to be followed.

(4) An outline of the courses included in the program of training and instruction.

(5) An estimate of the cost of training and educational materials, personnel, and other items necessary to present the program of training and instuction, together with an estimate of the total costs per classroom hour per student; and the estimated number of students taking the course.

(6) Certification by the State agency or board indicating that the course content provides adequate preparation to meet the standards required by the State for licensure of nursing home administrators.

(7) Such other information as may be required by the Administrator, Social and Rehabilitation Service.

(e) *Approvable program expenditures.* The following types of costs will be recognized:

(1) Necessary "tooling-up" costs, including loan of personnel and purchase of educational media.

(2) Salaries of instructors.

(3) Travel and related expenses for instructors incidental to presenting the program to eligible trainees.

(4) Supplies and materials necessary to the presentation of the program of training and instruction.

(5) Such other items as may be included in the approved application.

The costs of furniture and durable equipment, including durable office equipment, may not be included.

(f) *Grant approval.* All grant approvals shall be made in writing by the Regional Commissioner, Social and Rehabilitation Service, after consultation with the regional representatives of the Community Health Service and of other appropriate units of the Department of Health, Education, and Welfare, and shall specify the amount of funds to be

granted and the extent of Federal financial participation.

(g) *Termination.* A grant may be terminated in whole or in part at any time at the discretion of the Regional Commissioner, Social and Rehabilitation Service. Noncancellable obligations properly incurred prior to the receipt of the notice of cancellation will be honored. The single State agency shall be promptly notified of such termination in writing and given the reasons therefor.

(h) *Reports.* (1) The single State agency responsible for the administration of the State's title XIX program shall make reports to the Administrator, Social and Rehabilitation Service through the Regional Commissioner, Social and Rehabilitation Service in such form and containing such information as may be specified.

(2) Records of all costs related to courses provided, and persons trained, shall be retained by the sponsoring institution for 5 years following the end of the budget period unless audit by or on behalf of the Department of Health, Education, and Welfare has occurred, in which case records may be destroyed 3 years after the end of the budget period. In all cases, records shall be retained until resolution of any audit questions.

(3) A certificate or other evidence of satisfactory completion of training and instruction for each eligible trainee receiving such instruction shall be filed with the State agency or board.

(i) *Development of program of training and instruction.* To provide a basis for future licensure reciprocity between States, and to provide that the content of examinations and programs of training and instruction contain sufficient amounts of appropriate information relating to the proper and efficient administration of nursing homes, the following detailed guideline categorization of nine basic areas of the core of knowledge which it is deemed an administrator should possess are set forth as recommendations for appropriate use by State agencies and boards.

(1) Applicable standards of environmental health and safety:

(i) Hygiene and sanitation.

(ii) Communicable diseases.

(iii) Management of isolation.

(iv) The total environment (noise, color, orientation, stimulation, temperature, lighting, air circulation).

(v) Elements of accident prevention.

(vi) Special architectural needs of nursing home patients.

(vii) Drug handling and control.

(viii) Safety factors in oxygen usage.

(2) Local health and safety regulations: Guidelines vary according to local provisions.

(3) General administration:

(i) Institutional administration.

(ii) Planning, organizing, directing, controlling, staffing, coordinating, and budgeting.

(iii) Human relations:

(*a*) Management/employee interrelationships.

(*b*) Employee/employee interrelationships.

(*c*) Employee/patient interrelationships.

(*d*) Employee/family interrelationships.

(iv) Training of personnel:

(*a*) Training of employees to become sensitive to patient needs.

(*b*) Ongoing in-service training/education.

(4) Psychology of patient care:

(i) Anxiety.

(ii) Depression.

(iii) Drugs, alcohol, and their effect.

(iv) Motivation.

(v) Separation reaction.

(5) Principles of medical care:

(i) Anatomy and physiology.

(ii) Psychology.

(iii) Disease recognition.

(iv) Disease process.

(v) Nutrition.

(vi) Aging processes.

(vii) Medical terminology.

(viii) Materia Medica.

(ix) Medical Social Service.

(x) Utilization review.

(xi) Professional and medical ethics.

(6) Personal and social care:

(i) Resident and patient care planning.

(ii) Activity programing:

(*a*) Patient participation.

(*b*) Recreation.

(iii) Environmental adjustment: Interrelationships between patient and:

(*a*) Patient.

(*b*) Staff (staff sensitivity to patient needs as a therapeutic function).

(*c*) Family and friends.

(*d*) Administrator.

(*e*) Management (self-government/patient council).

(iv) Rehabilitation and restorative activities:

(*a*) Training in activities of daily living.

(*b*) Techniques of group therapy.

(v) Interdisciplinary interpretation of patient care to:

(*a*) The patient.

(*b*) The staff.

(*c*) The family.

(7) Therapeutic and supportive care and services in long-term care:

(i) Individual care planning as it embraces all therapeutic care and supportive services.

(ii) Meaningful observations of patient behavior as related to total patient care.

(iii) Interdisciplinary evaluation and revision of patient care plans and procedures.

(iv) Unique aspects and requirements of geriatric patient care.

(v) Professional staff interrelationships with patient's physician.

(vi) Professional ethics and conduct.

(vii) Rehabilitative and remotivational role of individual therapeutic and supportive services.

(viii) Psychological, social, and religious needs, in addition to physical needs of patient.

(ix) Needs for dental service.

(8) Departmental organization and management:

(i) Criteria for coordinating establishment of departmental and unit objectives.

(ii) Reporting and accountability of individual departments to administrator.

(iii) Criteria for departmental evaluation (nursing, food service, therapeutic services, maintenance, housekeeping).

(iv) Techniques of providing adequate professional, therapeutic, supportive, and administrative services.

(v) The following departments may be used in relating matters of organization and management:

(*a*) Nursing.

(*b*) Housekeeping.

(*c*) Dietary.

(*d*) Laundry.

(*e*) Pharmaceutical services.

(*f*) Social service.

(*g*) Business office.

(*h*) Recreation.

(*i*) Medical records.

(*j*) Admitting.

(*k*) Physical therapy.

(*l*) Occupational therapy.

(*m*) Medical and dental services.

(*n*) Laboratories.

(*o*) X-ray.

(*p*) Maintenance.

(9) Community interrelationships:

(i) Community medical care, rehabilitative and social services resources.

(ii) Other community resources:

(*a*) Religious institutions.

(*b*) Schools.

(*c*) Service agencies.

(*d*) Government agencies.

(iii) Third party payment organizations.

(iv) Comprehensive health planning agencies.

(v) Volunteers and auxiliaries.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. These regulations shall become effective 60 days following the date of their publication in the FEDERAL REGISTER.

Dated: February 14, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: March 16, 1972.

ELLIOT L. RICHARDSON,
Secretary.

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