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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter III—Animal and Plant Health Service, Department of Agriculture

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Mexican Fruit Fly

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 64 relating to the Mexican fruit fly and regulations supplemental to said quarantine (7 CFR 301.64, 301.64-1, 301.64-2, 301.64-3 et seq.), are hereby revised to read as follows:

##### QUARANTINE AND REGULATIONS

- |           |   |
|-----------|---|
| Sec.      |   |
| 301.64    | Quarantine; restriction on interstate movement of specified regulated articles.   |
| 301.64-1  | Definitions.  |
| 301.64-2  | Authorization to designate regulated areas and suppressive or generally infested areas; and provide exemptions from certification, permit, or other requirements. |
| 301.64-3  | Conditions governing the interstate movement of regulated articles from quarantined States.   |
| 301.64-4  | Issuance and cancellation of certificates, and permits.   |
| 301.64-5  | Compliance agreements; and cancellation thereof.  |
| 301.64-6  | Assembly and inspection of regulated articles.  |
| 301.64-7  | Attachment and disposition of certificates or permits.  |
| 301.64-8  | Inspection and disposal of regulated articles and pests.  |
| 301.64-9  | Movement of live Mexican fruit flies.   |
| 301.64-10 | Nonliability of the Department.   |

**AUTHORITY:** The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 36 F.R. 20707.

**§ 301.64 Quarantine; restriction on interstate movement of specified regulated articles.**

(a) *Notice of quarantine.* Pursuant to the provisions of section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the State of Texas in order to prevent the spread of the Mexican fruit fly, a dangerous insect injurious to fruits and not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said State. Under the authority of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161,

162, 150ee), the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined State of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State, any of the following articles (defined in § 301.64-1(n) as regulated articles), except in accordance with the conditions prescribed in this subpart:

- (1) Mangoes; sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus Casimiroa and all other fruits commonly called sapotas or sapotes);
- (2) Peaches, guavas, apples, pears, plums, quinces, apricots;
- (3) Ciruelas;
- (4) Mameys;
- (5) Fruits of species of the genus Sargentia;
- (6) Avocados;
- (7) All citrus fruits except lemons and sour limes;
- (8) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subparagraphs (1) through (7) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the Mexican fruit fly and the person in possession thereof has been so notified.

##### § 301.64-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed respectively to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Plant Protection and Quarantine Programs as applicable to the operations of such person.

(c) *Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom au-

thority to act in his stead has been or may hereafter be delegated.

(d) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.64-2.

(e) *Host fruits.* Fruits susceptible to infestation by the Mexican fruit fly as specified in § 301.64(b).

(f) *Infestation.* The presence of the Mexican fruit fly or the existence of circumstances that make it reasonable to believe that the Mexican fruit fly is present.

(g) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State into or through any other State.

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of non-certifiable regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Mexican fruit fly.* The insect known as the Mexican fruit fly (*Anastrepha ludens* (Loew)) in any stage of development.

(k) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(l) *Person.* And individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(m) *Plant Protection and Quarantine Programs.* The organizational unit within the Animal Plant and Health Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Plant Pest Act, and regulations promulgated thereunder.

(n) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.64-2a or otherwise designated as a regulated area in accordance with § 301.64-2(a).

(o) *Regulated articles.* Any articles as described in § 301.64(b).

(p) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(q) *Scientific permit.* A document issued by the Deputy Administrator to



allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(r) *State*. Any State, territory, or district of the United States, including Puerto Rico.

(s) *Suppressive area*. That portion of a regulated area where eradication of infestation is undertaken as an objective, as designated under § 301.64-2(a).

(t) *Treatment manual*. The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Mexican Fruit Fly Quarantine" and the "Fumigation Procedures Manual."<sup>1</sup>

§ 301.64-2 Authorization to designate regulated areas and suppressive or generally infested areas; and provide exemptions from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas*. (1) The Deputy Administrator shall list as a regulated area in a supplemental regulation designated as § 301.64-2a, each quarantined State; or portion thereof in which the Mexican fruit fly has been found, or in which there is reason to believe that Mexican fruit fly is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator, in the supplemental regulation, may divide any regulated area into a suppressive area or a generally infested area in accordance with the definitions thereof in § 301.64-1. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(i) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(ii) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the Mexican fruit fly.

(2) The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area, and a suppressive or generally infested area, in accordance with criteria specified in subparagraph (1) of this paragraph for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practi-

cable, such premises shall be added to the list in § 301.64-2a if a basis then exists for their designation.

(b) *Exemption from certification, permit, or other requirements*. The Deputy Administrator may, in a supplemental regulation designated as § 301.64-2b, list regulated articles or movements of regulated articles which shall be exempt from the certification, permit, or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.64-3 Conditions governing the interstate movement of regulated articles from quarantined State.<sup>2</sup>

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) With certificate or permit issued and attached in accordance with §§ 301.64-4 and 301.64-7, if moved:

(1) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(2) From any generally infested area into or through any suppressive area; or

(3) Between any noncontiguous suppressive areas; or

(4) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of spread of the Mexican fruit fly and the person in possession thereof has been so notified; or

(5) Through or reshipped from any regulated area when such movement is not authorized under paragraph (b) (5) of this section; or

(b) Without certificate or permit, if moved:

(1) From any generally infested area or any suppressive area, when the provisions of § 301.64-2b exempt such articles from certification and permit requirements; or

(2) From a generally infested area to a contiguous generally infested area; or

(3) From a suppressive area to a contiguous generally infested area; or

(4) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the Mexican fruit fly exists; or

(5) Through or reshipped from any generally infested area or suppressive area if the articles originated outside the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(c) From any area outside the regulated areas, if moved:

(1) With a certificate or permit attached; or

(2) Without a certificate or permit, if:

<sup>2</sup> Requirements under all other applicable Federal domestic plant quarantines must also be met.

(i) The regulated articles are exempt from certification and permit requirement under the provisions of § 301.64-2b; or

(ii) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.64-4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved, he determines that such movement will not result in the spread of the Mexican fruit fly and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles may be issued by the Deputy Administrator under such conditions as may be prescribed in each specific case by the Deputy Administrator.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use for subsequent shipments of regulated articles provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may execute and issue the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has treated such regulated articles to destroy

<sup>1</sup> Pamphlets containing such provisions are available upon request to the Associate Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.



infestation in accordance with the treatment manual, and if such regulated articles are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles. Any such person may execute and issue the limited permit forms, or reproduction of such forms, for interstate movement of regulated articles to specified destinations when the inspector has made the determinations specified in paragraph (b) of this section. Any such person may execute and issue the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Deputy Administrator if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart. Prior to such withdrawal, the holder of the certificate or permit shall be notified of the proposed action and the reason therefor and afforded reasonable opportunity to present his views thereon.

**§ 301.64-5 Compliance agreement, and cancellation thereof.**

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Deputy Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

**§ 301.64-6 Assembly and inspection of regulated articles.**

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.64-4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

**§ 301.64-7 Attachment and disposition of certificates and permits.**

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document,

and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

**§ 301.64-8 Inspection and disposal of regulated articles and pests.**

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and Mexican fruit flies as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Deputy Administrator.

**§ 301.64-9 Movement of live Mexican fruit flies.**

Regulations requiring a permit for, and otherwise governing the movement of live Mexican fruit flies in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

**§ 301.64-10 Nonliability of the Department.**

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

The Mexican fruit fly quarantine and regulations are revised to make appropriate changes brought about by the reorganization of the Agricultural Research Service and to make other changes that had been incorporated into other Federal domestic plant quarantines. The responsibility for enforcement of Federal domestic plant quarantines been transferred from Agricultural Research Service to Animal and Plant Health Service. The regulations have been revised to permit the Deputy Administrator or an inspector to designate generally infested and suppressive areas, and § 301.64-4 was amended to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements. Various other changes are also made.

In some respects the revision of the quarantine makes more stringent requirements than presently applied and it should be made effective promptly in order to prevent the spread of the Mexican fruit fly and to be of maximum benefit to the noninfested States.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that the notice of rule making and other public procedures with respect to the revision are impracticable and unnecessary, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER. This re-

vision will become effective upon publication in the FEDERAL REGISTER (4-7-72), and shall supersede quarantine § 301.64, effective July 14, 1965 (30 F.R. 8821) (7-14-64).

Done at Washington, D.C., this 3d day of April 1972.

G. H. Wise,  
Acting Administrator, Animal and  
Plant Health Inspection Service.

[FR Doc.72-5337 Filed 4-6-72; 8:46 am]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—Mexican Fruit Fly**

**REGULATED AREAS; SUPPRESSIVE AND GENERALLY INFESTED AREAS**

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.64-2 of the Mexican Fruit Fly Quarantine regulations, 7 CFR 301.64-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.64-2a, is hereby amended to read as follows:

**§ 301.64-2a Regulated areas; suppressive and generally infested areas.**

The civil divisions and parts of civil divisions described below are designated as the Mexican fruit fly regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

**TEXAS**

(1) *Generally infested areas.* Counties of Brooks, Cameron, Dimmit, Hidalgo, Jim Hogg, La Salle, Starr, Webb, Willacy, and Zapata, and that portion of Jim Wells County lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 281 intersect.

(2) *Suppressive areas.* None.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 36 F.R. 20707; 7 CFR 301.64-2)

This amendment shall become effective upon publication in the FEDERAL REGISTER (4-7-72).

The Deputy Administrator of the Animal and Plant Health Service has determined that infestations of the Mexican fruit fly exist or are likely to exist in the civil divisions and parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator has further determined that the quarantined State, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than



the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the Mexican fruit fly. Therefore, such civil divisions and parts of civil divisions listed above are designated as Mexican fruit fly regulated areas.

This amendment adds to the regulated areas all of the following previously non-regulated counties: Jim Hogg and Zapata in Texas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the Mexican fruit fly and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable 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 3d day of April 1972.

LEO G. K. IVERSON,  
Deputy Administrator, Animal  
and Plant Health Inspection  
Service.

[FR Doc.72-5338 Filed 4-6-72;8:46 am]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Mexican Fruit Fly

#### EXEMPTIONS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.64-2 of the Mexican Fruit Fly Quarantine regulations (7 CFR 301.64-2, as amended), a supplemental regulation granting exemption from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.64-2b as set forth below. The Deputy Administrator of Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

#### § 301.64-2b Exemptions.<sup>1</sup>

All host fruits may be moved under limited permit without compliance with the provisions of § 301.64-4(b) requiring limited handling, utilization or processing or treatment, and without any determinations by an inspector as prescribed in § 301.64-4(b), if they are moved to any destination except the following: Arizona; California; Florida; Hawaii; Jefferson, Orleans, Plaquemines, St. Bernard, and St. Charles Parishes in Louisiana; Puerto Rico; Guam; and the Virgin Islands of the United States.

This exemption shall become effective upon publication in the FEDERAL REGISTER

<sup>1</sup> The articles hereby exempted remain subject to applicable restrictions under other quarantines.

(4-7-72), when it shall supersede the exemption in 7 CFR 301.64a which became effective July 1, 1970.

The purpose of this revision is to exempt for the entire year host fruits shipped under limited permits from certain restrictions heretofore applicable to shipments to noncitrus producing areas of the United States. Previous requirements based on survey results and specified dates are no longer deemed necessary to prevent the interstate spread of the Mexican fruit fly. Therefore, this document relieves restrictions and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. 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 this document are impracticable and unnecessary and this action may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of April 1972.

LEO G. K. IVERSON,  
Deputy Administrator, Animal  
and Plant Health Inspection  
Service.

[FR Doc.72-5339 Filed 4-6-72;8:47 am]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt 1]

## PART 1468—MOHAIR

### Subpart—Payment Program for Mohair (1971-73)

#### PAYMENT AND DEDUCTION RATES FOR 1971 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for mohair (36 F.R. 5577) are amended as follows:

1. Section 1468.8 is amended by inserting the letter "(a)" immediately preceding the text of that section and adding the following new paragraph (b):

#### § 1468.8 Rate of payment.

(b) The national average price received by producers for mohair marketed during the 1971 marketing year was 30.1 cents a pound, grease basis, which was 50.1 cents a pound below the price support level of 80.2 cents for that year. Therefore, the rate of payment for the 1971 marketing year is 166.4 percent.

2. Section 1468.17 is amended by inserting the letter "(a)" immediately preceding the text of that section and adding the following new paragraph (b):

#### § 1468.17 Deductions for promotion.

(b) For the 1971 marketing year, a deduction will be made from each pay-

ment at the rate of 1.5 cents a pound of mohair, grease basis. Those funds will be used to finance advertising and sales promotion programs approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702-708, 68 Stat. 910-912, as amended, secs. 401-403, 72 Stat. 994-995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781-1787, as amended)

**Effective date.** This amendment shall become effective on the date of publication in the FEDERAL REGISTER (4-7-72). The payment rate announced by this amendment is in accordance with the formula published March 25, 1971, in § 1468.8 (36 F.R. 5578). The deduction rate is specified in the agreement between the Mohair Council of America, Inc., and the Secretary of Agriculture approved by producers in a referendum held April 19 through 30, 1971 (36 F.R. 5146, 13168). Since there is no latitude for varying rates, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of mohair during 1971. It is, therefore, found that compliance with the notice of proposed rule making and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C., on April 3, 1972.

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

[FR Doc.72-5340 Filed 4-6-72;8:47 am]

[Amdt. 2]

## PART 1472—WOOL

### Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1971-73)

#### PAYMENT AND DEDUCTION RATES FOR 1971 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool) for the 1971, 1972, and 1973 marketing years, as amended (36 F.R. 3884, 6561, 8136), are further amended as follows:

1. Section 1472.1305 is amended by adding the following new paragraph (c):

#### § 1472.1305 Price support payments.

(c) 1971 marketing year. The national average price received by producers for shorn wool marketed during the 1971 marketing year was 19.4 cents a pound, grease basis, which was 52.6 cents a pound below the price support level of 72 cents for that year. Therefore, the rate of payment for the 1971 marketing year is 271.1 percent.

2. Section 1472.1321 is amended by adding the following new paragraph (c):



§ 1472.1321 Price support payments.

(c) 1971 marketing year. The rate of payment on unshorn lambs sold during the 1971 marketing year is \$2.10 per hundredweight of live lambs based on a difference of 52.6 cents a pound between the price support level of 72 cents and the national average price of 19.4 cents a pound received by producers for shorn wool during the 1971 marketing year (§ 1472.1305(c)).

3. Section 1472.1346 is amended by inserting the letter "(a)" immediately preceding the text of that section and adding the following new paragraph (b):

§ 1472.1346 Deductions for promotion.

(b) For the 1971 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs, as announced in the Department's press release issued August 16, 1971. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702-708, 68 Stat. 910-912, as amended, secs. 401-403, 72 Stat. 994-995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781-1787, as amended)

**Effective date.** This amendment shall become effective upon the date of publication in the *FEDERAL REGISTER* (4-7-72). The payment rates announced by this amendment are in accordance with the formulas published March 2, 1971, in §§ 1472.1305(b) (36 F.R. 3885) and 1472.1321(b) (36 F.R. 3887). The reduction rates are specified in the agreement between the American Sheep Producers Council, Inc., and the Secretary of Agriculture approved by producers in a referendum held June 7 through 18, 1971 (36 F.R. 8337, 15764). Since there is no latitude for varying rates, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1971. It is, therefore, found that compliance with the notice of proposed rule making and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C., on April 3, 1972.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.  
[FR Doc.72-5341 Filed 4-6-72; 8:47 am]

## Title 14—AERONAUTICS AND SPACE

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

[Airspace Docket No. 72-SW-21]

#### 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 alter the Stillwater, Okla., transition area.

On November 12, 1970, the Oklahoma transition area was designated as follows: "That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Oklahoma, excluding the portion within R-5601A," as was described in Airspace Docket No. 70-SW-43.

Simultaneously, the 1,200-foot portions of the existing Alva, Bartlesville, Guymon, Lawton, Oklahoma City, and Ponca City, Okla., transition areas were revoked. Additional amendments were also made as necessary to be compatible with corresponding changes of 1,200-foot transition areas in other States bordering Oklahoma.

It was subsequently pointed out that the 1,200-foot portion of the Stillwater, Okla., transition area was never revoked and reference to the 1,200-foot portion of the Stillwater, Okla., transition area is still contained in the airspace description.

Even though the 1,200-foot portion of the Stillwater, Okla., transition area was not indicated on aeronautical charts, since it was incorporated and included in the State of Oklahoma, 1,200-foot transition area, it is appropriate to amend the Stillwater, Okla., transition area and provide an accurate and current airspace description. This is accomplished by deletion of all reference to the Stillwater, Okla., 1,200-foot portion of the transition area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Stillwater, Okla., transition area is amended to read:

##### STILLWATER, OKLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, Okla., latitude 36°09'31" N., longitude 97°05'08" W.; and within 2 miles each side of the Stillwater VOR 005° radial extending from the 6-mile radius area to 8 miles north of the VOR.

(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 Fort Worth, Tex., on March 30, 1972.

R. V. REYNOLDS,  
Acting Director, Southwest Region.

[FR Doc.72-5328 Filed 4-6-72; 8:46 am]

[Docket No. 11200; Amdts. 91-98, 97-803]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Helicopter Procedures

#### Correction

In F.R. Doc. 72-4634 appearing at page 6286 in the issue of Tuesday, March 28, 1972, the first line of the Note in § 97.35, which now refers to "§ 97.34", should refer to "§ 97.35".

## Title 46—SHIPPING

### Chapter II—Maritime Administration, Department of Commerce

#### PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

##### Blanket approval for Construction of Certain Vessels for Foreign Account

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs, acting pursuant to section 37, Shipping Act, 1916, as amended, (46 U.S.C. 835) has granted approval for the construction of the following types of vessels for foreign account: "Vessels not primarily designed for the carriage of cargo, but for use in exploration and drilling for oil, gas and other minerals at underwater locations."

Henceforth, and until such time as this approval provision may be rescinded, it will not be necessary for a U.S. shipbuilder to seek prior approval of the Maritime Administration before entering into a contract, agreement, or understanding to construct such vessels within the United States for, or to be delivered to, a person not a citizen of the United States.

This approval is subject to the following limitations. First, the approval does not extend to existing vessels owned by citizens of the United States or the last documentation of which was under the laws of the United States. Secondly, the approval is subject to the provisions of § 221.6 in the event of a transaction involving nationals of Country Group countries X, Y, and Z, as defined therein. Third, this approval provision will be rescinded, if national security requirements so necessitate.

Therefore, notice is hereby given that effective immediately § 221.5 to Title 46, Chapter II, Code of Federal Regulations is amended to read as follows:

##### § 221.5 Types of vessels approved by § 221.4.

The following types of vessels are approved by § 221.4:

(a) Undocumented vessels designated and fabricated specifically for recreational or commercial use, whether constructed or to be constructed when possessing all of the following characteristics:

(1) Having an overall length of 65 feet or less;

(2) Designed or equipped for propulsion by an engine or engines of the reciprocating type, totaling 600 horsepower (manufacturer's rated horsepower) or less;



(3) Designed for a full load displacement of less than 45 tons. (For the purposes of this order, it will be presumed that a vessel of less than 55 feet in length will have a displacement less than 45 tons. For vessels between 55 feet and 65 feet in length, the owner must supply to the appropriate Customs officer at the port of departure (i) a certificate of the builder as to the displacement tonnage of the vessel, or (ii) a certificate of a naval architect as to the displacement tonnage of the vessel, or (iii) a certificate of the owner as to the key dimensions of the vessel (length, beam, and draft));

(4) Not of hydrofoil design;

(5) Not equipped with any navigational apparatus of the kinds or types requiring a validated license from the Bureau of International Commerce; and

(6) Not equipped with any munitions items of the kinds or types requiring a validated license from the State Department.

(b) Vessels not primarily designed for the carriage of cargo, but for use in exploration and drilling for oil, gas, and other minerals at underwater locations: *Provided*, That the provisions of this paragraph (b) shall apply only to paragraph (c) of § 221.4.

Dated: March 30, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,  
Secretary,  
Maritime Administration.

[FR Doc.72-5369 Filed 4-6-72; 8:49 am]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER C—DRUGS

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

##### Metoserbate Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (32-738V) filed by E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 08902, proposing the safe and effective use of metoserbate hydrochloride as an aid in control of hysteria in chickens. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.17(d) is amended by adding a new item 2 in the table as follows:

##### § 135c.17 Metoserbate hydrochloride.

\* \* \* \* \*

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

##### IN DRINKING WATER

Amount	Limitations	Indications for use
***	***	***
2. Metoserbate hydrochloride, 2 to 4 milligrams per 2.2 pounds of body weight.	To be used as a treatment for replacement chickens up to 16 weeks of age; usual drinking water should be withheld prior to treatment to provide adequate consumption of medicated drinking water; the drug should be administered at a dosage level of 4 milligrams per 2.2 pounds of body weight followed by 2 treatments at 4 day intervals of 2 milligrams per 2.2 pounds of body weight; not for use in laying chickens; chickens slaughtered within 72 hours following treatment must not be used for food.	As an aid in control of hysteria.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER (4-7-72).

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

Dated: March 28, 1972.

FRED J. KINGMA,  
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72-5293 Filed 4-6-72; 8:45 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 5A—Federal Supply Service, General Services Administration MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 of the Code of Federal Regulations is amended as follows:

#### PART 5A-1—GENERAL

The table of contents of Part 5A-1 is amended to delete §§ 5A-1.310, 5A-

1.310-6, and 5A-1.310-7 and to add new §§ 5A-1.606-52 and 5A-1.701-8, new Subpart 5A-1.12, and §§ 5A-1.1205 and 5A-1.1205-3, as follows:

Sec.

5A-1.606-52 Investigations.  
5A-1.701-8 Class set-asides for small business concerns.

#### Subpart 5A-1.12—Responsible Prospective Contractors

Sec.

5A-1.1205 Determination of responsibility.  
5A-1.1205-3 Information regarding responsibility.

#### Subpart 5A-1.3—General Policies

Subpart 5A-1.3 is amended to delete §§ 5A-1.310, 5A-1.310-6, and 5A-1.310-7.

#### Subpart 5A-1.6—Debarred, Suspended, and Ineligible Bidders

1. Section 5A-1.606-51 is revised to read as follows:

§ 5A-1.606-51 Debarment by other agencies.

Unless otherwise directed by the Assistant Commissioner for Procurement, or the Assistant Commissioner for Automated Data Management Services, or higher authority, GSA debarment action shall not be initiated solely on the basis of a debarment by another agency if the debarment by GSA would not become effective at least 90 days prior to the termination date of the debarment by the other agency. However, in such cases, the Office of Audits and Investigations, OAD, shall be requested to include the name of the firm or individual on the Review List of Bidders.

2. Section 5A-1.606-52 is added, as follows:

#### § 5A-1.606-52 Investigations.

When an FSS contracting activity forwards to the Office of Audits and Investigations, OAD, a request for an investigation, pursuant to § 5-1.606-52, a copy of such request shall be transmitted to the Assistant Commissioner for Procurement or the Assistant Commissioner for Automated Data Management Services, as applicable.

#### Subpart 5A-1.7—Small Business Concerns

1. Section 5A-1.701-8 is added as follows:

#### § 5A-1.701-8 Class set-asides for small business concerns.

(a) *Clarification of class set-aside definition.* In further explanation of § 1-1.705-3(b), a class set-aside may consist of an item, a group of related items under an FSC class, or a whole FSC class when restricted to small business on a continuing, as distinct from a one-time, basis. Under this definition, a single item or a group of items, even though constituting only a small portion of an FSC class, restricted to small business on a continuing basis is defined as a class set-aside.

(b) *Determining the set-aside status of an item.* The fact that an item, group of items, or a class is the subject of a class set-aside, and presumptively will be set aside on the next procurement, does not mean that it is automatically set aside without consideration of events which may have occurred since the last procurement. The contracting officer must determine if intervening events have changed the situation so that it is no longer in the best interest of the Government to make a particular set-aside (either individual or class set-aside). When the conclusion is reached that a set-aside should be dissolved, it must be accomplished in accordance with § 1-1.706-3(b) and considered only as a one-time dissolution if feasible.



(c) *Class set-aside determination.* Small business class set-asides will normally be made on a unilateral basis by the contracting officer and documented in accordance with § 5-1.706-50(b), using the format set forth therein. It should be noted that § 5-1.706-50 requires that such determinations must be reviewed annually.

(d) *Circulating information of newly established class set-asides.* In the interest of increasing class set-asides, each buying office establishing or dissolving a class set-aside shall circulate this information to all other buying offices.

(e) *Reporting class set-asides.* All procurement offices shall take necessary measures to insure that class set-aside data included in management reports will be in accordance with the definition provided in § 1-1.701-8 and paragraph (a) of this section.

3. Section 5A-1.703-2(c) (2) is revised as follows:

**§ 5A-1.703-2 Protest regarding small business status.**

(c) \* \* \*

(2) When submitting GSA Form 353, Plant Facilities Report (see § 5A-1.1205-3), enter the following in block two of the form "Being considered for preferential award as a small business concern" and request information as to (i) the firm's number of employees, and (ii) evidence of apparent affiliation relationships such as joint occupancy of premises.

4. Section 5A-1.708 is revised as follows:

**§ 5A-1.708 Certificate of competency program.**

Procedures for submission to SBA of documentation in support of determinations of nonresponsibility of small business concerns for reasons other than lack of capacity or credit, and required subsequent actions, are prescribed in § 1-1.708-2(a) (5). The "head of the procuring activity," for actions required by the cited FPR section, normally shall be the Regional Director, FSS, in the regional offices and the cognizant Assistant Commissioner in the Central Office. However, in cases where the contracting officer disagrees with the SBA position (§ 1-1.708-2(a) (5) (v)), the "head of the procuring activity," for purposes of resolution of the differing views, shall be the cognizant Assistant Commissioner. In these instances, the case shall be submitted to the cognizant Assistant Commissioner, through channels, for final decision prior to award.

Subpart 5A-1.12 with new §§ 5A-1.1205 and 5A-1.1205-3 are added as follows:

**Subpart 5A-1.12—Responsible Prospective Contractors**

**§ 5A-1.1205 Determination of responsibility.**

(a) See Subpart 1-1.12 and § 5-1.310.

(b) Where a contractor will be required to meet estimated or stated peak monthly requirements, consideration

shall be given, in making determinations of responsibility, to the bidder's ability to meet such peaks, rather than his ability to meet the average monthly requirements.

(c) While poor past performance can form the basis for a finding of nonresponsibility, it should be emphasized that poor performance usually is a symptom of some other difficulty such as lack of capacity, integrity, perseverance, etc., and the basic cause of the poor performance must be determined. It is also important to bear in mind that when poor performance is the basis for a finding of nonresponsibility, such poor performance must have been experienced in the relatively recent past. Emphasis should not be placed on poor performance which occurred during periods so remote in time as to bear little relationship to the bidders current capabilities or willingness to perform. Where there have been repeated instances of poor performance on the part of a contractor, debarment pursuant to §§ 1-1.604 and 5-1.604-1 should be recommended through appropriate channels.

(d) After determination of nonresponsibility, the letter of rejection shall be issued promptly to the bidder. A letter to the Office of Audits and Investigations, OAD, transmitting a copy of the determination shall then be prepared for the signature of the Regional Director, FSS, or the Director, Procurement Operations Division, as appropriate. Copies of the letter and determination shall be distributed to each other FSS buying activity for informational purposes. If the basis for rejection includes lack of financial responsibility, copies shall be furnished to the appropriate finance activity.

**§ 5A-1.1205-3 Information regarding responsibility.**

(a) A responsibility determination may be made without obtaining a plant facilities report if the contracting officer is reasonably satisfied that the prospective contractor has the facilities and capacity to perform the proposed contract, considering the dollar value thereof and any critical aspects involved in the procurement. However, if the contracting officer needs additional information in order to eliminate any doubt he may have in this regard, a plant facilities report shall be requested as provided in paragraph (b), below. In the case of procurements or relatively large dollar value, or procurements which warrant special attention for other reasons (e.g., a special or critical item not previously produced by the prospective contractor), a current plant facilities report shall be requested.

(b) Requests for a plant facilities evaluation shall be made on GSA Form 353, Plant Facilities Report. The buying activity making the request shall complete section I of GSA Form 353. Where there is a special reason for making the request, it should be stated in block six of the form. Any pertinent information on past performance or otherwise in the possession of the buying activity which would be helpful to the

quality control activity in making its evaluation should be noted in block five of the form.

(1) In the case of requests initiated in the Central Office, the original and two copies of the GSA Form 353 shall be forwarded to the Central Office Quality Control Division with the following:

(i) Three copies of the invitation for bids;

(ii) Three copies of all pertinent information submitted by the bidder in his bid, including the bidder's offered delivery of shipping time and, where applicable, the bidder's indicated monthly production capacity or supply potential. (In lieu of extracting such information from the bid, copies of the bid or of pertinent pages thereof may be furnished, if the latter method is more practical);

(iii) Any pertinent correspondence between GSA and the bidder; and

(iv) Any other information the buying activity has which should be considered by the regional Quality Control Division in making the evaluation.

(2) In the case of requests initiated in a regional buying activity, the original and a copy of the GSA Form 353 together with two copies of each of the documents and information described in (i) through (iv) of paragraph (b) (1), above, shall be sent to the Quality Control Division in the GSA region in which the prospective supplier's plant is located. The second copy of the GSA Form 353 and of each of the documents and information described above shall be forwarded to the Central Office Quality Control Division.

(3) If award is made to a bidder despite an unfavorable plant facilities report, a letter notice of the action taken and the reason for it shall be sent promptly to the appropriate Quality Control Division as indicated below:

(i) In the case of an award made by the Central Office, the letter shall be sent to the Central Office Quality Control Division with a copy to the regional Quality Control Division which made the "no award" recommendation.

(ii) In the case of an award made by a regional buying activity, the letter shall be sent to the regional Quality Control Division which made the "no award" recommendation with a copy to the Central Office Quality Control Division.

**Subpart 5A-1.50—Reports**

Sections 5A-1.5079-4(c) (3) (i) (B) and 5A-1.5079-4(c) (3) (ii) (B) are revised as follows:

**§ 5A-1.5079-4 Instructions.**

(c) \* \* \*

(3) \* \* \*

(i) \* \* \*

(b) Enter in column (b) the total dollar value of usage during the report year of each schedule and schedule part listed in column (a). Data should agree with that reported on the buying operations report, line 6.

(ii) \* \* \*

(b) Enter in column (b) the reported or estimated value of usage during the



report year of each type of service (or supplies) listed in column (a). This should agree with data submitted on line 9 of the buying operations report.

## PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

### Subpart 5A-2.2—Solicitation of Bids

Section 5A-2.202-4 is amended to provide appropriate citation, as follows:

#### § 5A-2.202-4 Bid samples.

(g) If the bid sample has been found to conform to all of the characteristics listed in the solicitation, but found deficient with respect to one or more of the unlisted characteristics, a plant facilities report shall be requested as provided in § 5A-1.1205-3. A copy of the sample evaluation report shall be attached to the GSA Form 353 which shall include a request that special attention be given to the prospective contractor's ability (notwithstanding the deficiencies noted with respect to the characteristics not listed in the solicitation which were evaluated) to produce supplies fully conforming to applicable specifications. For example, can the noted deficiencies be corrected by fairly simple production or process control adjustments, or would expensive and time-consuming retooling be involved? The plant facilities report shall include a specific statement regarding the prospective contractor's ability or inability to correct each noted deficiency in objective characteristics as well as an overall appraisal of his capability.

## PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to include the following revised entry:

Sec.  
5A-16.950-457 GSA Form 457, FSS Publications Mailing List Application.

NOTE: A copy of the form listed in § 5A-16.950-457 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

**Effective date.** These regulations are effective 30 days after the date shown below.

Dated: March 23, 1972.

M. S. MEEKER,  
Commissioner,  
Federal Supply Service.

[FR Doc. 72-5350 Filed 4-6-72; 8:47 am]

## AVAILABILITY FOR INSPECTION AND TESTING AND DELIVERY AND FEDERAL SUPPLY SCHEDULES SELECTED FOR SOURCE INSPECTION

Chapter 5A of Title 41 of the Code of Federal Regulations is amended to read as follows:

### PART 5A-7—CONTRACT CLAUSES

#### Subpart 5A-7.1—Fixed-Price Supply Contractors

Section 5A-7.101-77 is revised as follows:

#### § 5A-7.101-77 Availability for inspection and testing and delivery.

The following clause may be used in definite quantity or requirements type solicitations when lengthy testing is involved and the time required for completion of such tests cannot be predetermined, at the discretion of the contracting officer. Paragraph (c) of the clause shall be included therein only when the requirements are small and the proposed award is less than the dollar limitation established for source inspection.

#### AVAILABILITY FOR INSPECTION AND TESTING AND DELIVERY<sup>1</sup>

(a) The Government requires that supplies listed herein be made available for inspection and testing within \_\_\_\_\_ days after receipt of (notice of award) (order) and be (delivered) (shipped) to destination within \_\_\_\_\_ days after notice of approval and release by the appropriate Government inspection representative.

(b) If the Contractor fails to make the supplies available for inspection and testing within the number of days after receipt of (notice of award) (order) specified above, or fails to make (delivery) (shipment) to destination within the number of days after notice of approval and release by the Government inspection representative, the Contractor shall be deemed to have failed to make delivery within the purview of Article 11(a) (1) of the General Provisions, Standard Form 32.

(c) In the event the point of inspection is changed to destination (delivery at) (shipment to) destination is required within \_\_\_\_\_ days after receipt of (notice of award) (order).

## PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

### Subpart 5A-73.1—Production and Maintenance

The table of contents of Part 5A-73 is amended to add the following new entry:

Sec.  
5A-73.123-6 Federal Supply Schedules selected for source inspection.

Subpart 5A-73.1 is amended to add a new § 5A-73.123-6 as follows:

#### § 5A-73.123-6 Federal Supply Schedules selected for source inspection.

(a) The Office of Standards and Quality Control determines which Federal Supply Schedules are to be selected for origin inspection, quality control, and

<sup>1</sup> Where availability for shipment is to be used, substitute "Shipment" for "Delivery."

assigned contract administration assistance by the Quality Control Division. The list is prepared by the Office of Standards and Quality Control and the current edition is set forth in § 5A-76.317.

(b) Contracting officers involved shall include the following clause in each Federal Supply Schedule solicitation selected for origin inspection, quality control, and assigned contract administration assistance.

#### ORIGIN INSPECTION

Clause number 5(a) of GSA Form 1424, GSA Supplemental Provisions, applies to this solicitation. Offerors shall furnish the following information to indicate where the supplies will be available for inspection:

Item No.	Name of manufacturing plant or other facility	Address (including county)
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(c) Promptly after the award of each Federal Supply Schedule contract the contracting officer shall furnish:

(1) Each regional Chief Quality Control Division, having cognizance under the contract, with two sets of contract information, each set securely stapled together, and consisting of (i) two copies of the solicitation and (ii) two copies of the front page of GSA Form 1535, Request for Approval of Awards, and/or pertinent pages of the Federal Supply Schedule contract which are necessary for source inspection purposes, for each inspection point.

NOTE: In this regard, in performing the above function, contracting officers shall carefully review the front page of each GSA Form 1535 and each page of the contract to insure that complete information needed for quality control, source inspection, and contract administration is provided.

(2) The Quality Control Division, Central Office, with one set only of contract information as described in (1) above.

Where the inspection point(s) is different than the production point, the contracting officer shall include such information on the front page of the GSA Form 1535.

## PART 5A-76—EXHIBITS

The table of contents of Part 5A-76 is amended to add the following entry:

Sec.  
5A-76.317 Federal Supply Schedules selected for source inspection.

#### § 5A-76.317 Federal Supply Schedules selected for source inspection.

NOTE: The new exhibit identified in § 5A-76.317 is filed as part of the original document. Copies may be obtained from the General Services Administration (FPP), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))



*Effective date.* This regulation is effective 30 days after the date shown below.

Dated: March 28, 1972.

M. S. MEEKER,  
Commissioner,  
Federal Supply Service.

[FR Doc.72-5375 Filed 4-6-72;8:50 am]

## Chapter 9—Atomic Energy Commission

### PART 9-53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

#### Subpart 9-53.100—Contracts

#### Subpart 9-53.200—Orders

#### CONTRACT PREFIXES AND PURCHASE ORDER SYMBOL ASSIGNMENTS

These changes are being made to reflect recent organizational changes and to update the regulations with respect to contract prefix and purchase order symbol assignments.

1. In Subpart 9-53.100, Contracts, § 9-53.106, *Assigned contract prefixes*, is revised as follows:

§ 9-53.106 Assigned contract prefixes.

Prefixes for AEC contract numbers for the various field installations and headquarters divisions are set forth below:

#### ACTIVE OFFICES

Field installations:	Contract prefix
San Francisco	AT(04-3)-
Grand Junction	AT(05-1)-
Idaho Falls	AT(10-1)-
Chicago	AT(11-1)-
Paducah	AT(15-1)-
Kansas City	AT(23-1)-
Nevada	AT(26-1)-
New Brunswick	AT(28-1)-
Los Alamos	AT(29-1)-
Albuquerque	AT(29-2)-
Brookhaven	AT(30-2)-
Schenectady	AT(30-3)-
Dayton	AT(33-1)-
Portsmouth	AT(33-2)-
Pittsburgh	AT(36-1)-
Savannah River	AT(38-1)-
Oak Ridge	AT(40-1)-
Richland	AT(45-1)-
Puerto Rico	AT(51-1)-
Headquarters:	
Headquarters Services	AT(49-1)-
General Manager	AT(49-2)-
Military Application	AT(49-3)-
Production and Materials Management	AT(49-4)-
Reactor Development and Technology	AT(49-5)-
Biology and Medicine	AT(49-7)-
Physical Research	AT(49-8)-
Personnel	AT(49-13)-
International Programs	AT(49-14)-
Space Nuclear Systems	AT(49-15)-
Management Information and Telecommunications Systems	AT(49-17)-
Contracts	AT(49-18)-
Applied Technology	AT(49-19)-
Controlled Thermonuclear Research	AT(49-20)-
Office of Information Services	AT(49-21)-
Waste Management and Transportation	AT(49-22)-
Nuclear Materials Security	AT(49-23)-

#### Headquarters:

Joint AEC/NASA Space Nuclear System Office	SNSSO-
Joint AEC/NASA Space Nuclear Systems Office—Nevada	SNSN-

#### INACTIVE OFFICES

#### Field installations:

Los Angeles	AT(04-1)-
Berkeley	AT(04-2)-
Canoga Park	AT(04-4)-
Rocky Flats	AT(05-2)-
Hartford	AT(06-1)-
Wilmington	AT(07-1)-
Spoon River	AT(11-2)-
Iowa (Burlington)	AT(13-1)-
Ames	AT(13-2)-
Detroit	AT(20-1)-
Centerline	AT(20-2)-
St. Louis	AT(23-2)-
Princeton	AT(28-2)-
Sandia	AT(29-2)-
New York	AT(30-1)-
Lockland	AT(33-3)-
Fernald	AT(33-4)-
Pantex	AT(41-1)-
Milwaukee	AT(47-1)-
Eniwetok	AT(50-1)-

#### Headquarters:

Raw Materials	AT(49-6)-
Special Projects	AT(49-9)-
Labor Relations	AT(49-10)-
Isotopes Development	AT(49-11)-
Technical Information	AT(49-12)-
Peaceful Nuclear Explosives	AT(49-16)-
Space Nuclear Propulsion	SNP-

2. In Subpart 9-53.200, Orders, § 9-53.202, *Procurement office symbols*, is revised as follows:

§ 9-53.202 Procurement office symbols.

The symbols assigned for the purpose of identifying AEC procurement offices on purchase orders issued by them are set forth as follows:

Procurement office:	Order prefix
Albuquerque	AL-
Brookhaven	CH-
Chicago	BH-
Dayton	DA-
Grand Junction	GJ-
Idaho Falls	ID-
Kansas City	KC-
Los Alamos	LS-
New Brunswick	NB-
Nevada	NV-
Oak Ridge	OR-
Paducah	PD-
Portsmouth	PM-
Pittsburgh	PN-
Puerto Rico	PR-
Richland	RL-
San Francisco	SF-
Savannah River	SR-
Headquarters Services	WA-

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

*Effective date.* These amendments are effective upon publication in the FEDERAL REGISTER (4-7-72).

Dated at Germantown, Md., this 3d day of April 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,  
Director, Division of Contracts.

[FR Doc.72-5322 Filed 4-6-72;8:45 am]

#### Contract prefix

## Title 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### SUBCHAPTER D—GRANTS

### PART 51b—GRANTS FOR COMMUNICABLE DISEASE CONTROL

Section 317 of the Public Health Service Act (42 U.S.C. 247b) authorizes the Secretary of Health, Education, and Welfare to make grants to State and local health agencies for the support of Communicable Disease Control programs of national significance.

The following are regulations applicable to grants for such purposes.

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Part 51b which relates solely to grants pursuant to section 317 of the Public Health Service Act because, for good cause it has been found, that such notice, public participation, and delay would be contrary to the public interest in light of the need to provide adequate lead time for the development of project proposals, the need for the orderly and efficient consideration of such proposals, the prudent utilization of available funds and the limited time period within which available funds must be obligated.

Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, reviews, and arguments relating to the regulations may be presented in writing, in triplicate, to David J. Sencer, M.D., Director, Center for Disease Control, Room 214, 1600 Clifton Road NE., Atlanta, GA 30333. All comments received in response to this publication will be available for public inspection in the above-named office on weekdays between 9 a.m. and 4:30 p.m. (except on holidays). All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER (4-7-72).

Dated: March 23, 1972.

VERNON E. WILSON,  
Administrator, Health Services  
and Mental Health Administration.

Approved: April 4, 1972.

ELLIOT L. RICHARDSON,  
Secretary.

Sec.	
51b.1	Applicability.
51b.2	Definitions.
51b.3	Eligibility.
51b.4	Application for grant.
51b.5	Project requirements.
51b.6	Grant evaluation and award.
51b.7	Grant payments.
51b.8	Use of project funds.
51b.9	Civil rights.
51b.10	Confidentiality.



- Sec.  
 51b.11 Inventions or discoveries.  
 51b.12 Publications and copyright.  
 51b.13 Grantee accountability.  
 51b.14 Records, reports, inspection, and audit.  
 51b.15 Additional conditions.  
 51b.16 Early termination and withholding of payments.  
 51b.17 Voluntary participation.

**AUTHORITY:** The provisions of this Part 51b issued under sec. 215, 58 Stat. 690; 42 U.S.C. 216. Sec. 317, 84 Stat. 988; 42 USC 247b, as amended

#### § 51b.1 Applicability.

These regulations are applicable to the award of grants under section 317 of the Public Health Service Act (42 U.S.C. 247b) for the support of communicable disease control programs.

#### § 51b.2 Definitions.

As used in these regulations:

(a) "Act" means the Public Health Service Act.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State" means one of the 50 States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

(d) "Communicable disease control program or project" means a program or project which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance.

#### § 51b.3 Eligibility.

(a) *Eligible applicant.* Any State, or with the approval of the appropriate State Health authority, any political subdivision or instrumentality of a State, is eligible for a grant award under these regulations.

(b) *Eligible projects.* Grants pursuant to section 317 of the Act and these regulations may be made to eligible applicants for the purpose of meeting the cost of communicable disease control programs, including studies to determine the communicable disease control needs of communities and the means of best meeting those needs.

#### § 51b.4 Application for grant.

(a) An application for a grant under these regulations shall be submitted to the Secretary at such time and in such form as the Secretary may prescribe.<sup>1</sup> The

application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of these regulations, including a description of the nature and extent of the problems to be met, the environment in which the project will function, and the relationship of the applicant to the community, the medical societies, and voluntary health agencies in the area to be served. The application shall also contain a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by these regulations and any additional conditions of the grant.

#### § 51b.5 Project requirements.

An approvable project must provide:

(A) A plan to initiate and maintain surveillance of the communicable diseases with respect to which funds are granted, which will include, among other things, morbidity and mortality reporting, surveys, and case and laboratory investigation.

(b) Unless for good cause otherwise shown, coordination with other relevant federally assisted programs.

(c) Unless for good cause otherwise shown, arrangements for utilization of facilities of public and private hospital outpatient clinics.

(d) Assurance that the project will be conducted in a manner calculated to preserve human dignity and maximize acceptability and utilization of services.

(e) Assurance that services will be made available without regard to creed, age, sex, or marital status unless otherwise medically indicated (see also § 51b.9).

(f) Assurance that no person will be denied service by reason of his inability to pay therefor: *Provided, however,* That to the extent that payment for services under the project will be made by a third party (including a Government agency) which is authorized or is under a legal obligation to pay such charge, effort will be made to obtain such third party payment. If charges are to be made for services under the project, such charges must be in accordance with a schedule submitted and approved as part of the project plan.

(g) Assurance that funds granted will be used to supplement and not supplant State or local funds available for communicable disease control programs.

(h) Priority in the delivery of services to population groups having the highest incidence and prevalence of communicable diseases.

#### § 51b.6 Grant evaluation and award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to cover part of the cost of communicable disease control projects to those applicants whose projects he determines will, in his judgment, best promote the purposes of the Act taking into account;

(1) The relative extent of the problems relating to one or more of the communicable diseases to which these regulations are applicable,

(2) The levels of performance in preventing and controlling such diseases,

(3) The general quality of the project's plan in accordance with the project requirements set forth in § 51b.5 and in particular the extent to which the project renders services to groups having the highest incidence and prevalence of communicable diseases,

(4) The comments and recommendations of the State comprehensive health planning agency, and

(5) The capacity of the applicant to make prompt and effective use of Federal funds.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as hospital per diem rates or fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount equal to the total cost as found necessary by the Secretary for the carrying out of the project. In determining the grantee's share of project costs (in accordance with Chapter 1-400 of the Department of Health, Education, and Welfare Grants Administration Manual<sup>2</sup>), costs for which Federal grants for other sources have been or may be claimed or received or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant related income (except as may be permitted by Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual) may not be included.

(c) Except as may otherwise be provided by these regulations, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in Chapters

<sup>2</sup> The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894-523.

<sup>1</sup> Applications and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.



1-76, 2-65, 2-66, and 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate applications periodically at such times and in such form as the Secretary may direct.

#### § 51b.7 Grant payments.

(a) The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

(b) The Secretary, at the request of a recipient of a grant under these regulations, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents), or equipment furnished to such recipient and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under these regulations is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of these regulations, be deemed to have been paid to such agency.

#### § 51b.8 Use of project funds.

(a) Any funds granted pursuant to these regulations may be expended solely for carrying out the approved project in accordance with section 317 of the Act, these regulations, and except as otherwise provided herein, the cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual.

(b) Project funds under these regulations may be used to conduct studies to determine the communicable disease control needs of communities and the means of best meeting such needs.

(c) Project funds under these regulations may not be used for performing diagnostic tests, maintaining central registries, and for providing diagnostic and treatment facilities unless the applicant establishes to the satisfaction of the Secretary that funds for such services are

necessary for the proper conduct of the project and are otherwise unavailable.

(d) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

#### § 51b.9 Civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under these regulations, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

#### § 51b.10 Confidentiality.

Each grant award is subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

#### § 51b.11 Inventions or discoveries.

Any grant award pursuant to § 51b.6 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments, or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

#### § 51b.12 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under these regulations, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the

Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

#### § 51b.13 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of these regulations: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in these regulations the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in Chapter 1-40-50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other communicable disease control programs.* Equipment may be used, without adjustment of accounts, on other grant supported projects (whether or not federally supported) within the scope of section 317 of the Act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall



apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of Chapter 1-410-50B of the Department of Health, Education, and Welfare Grants Administration Manual may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant related income—(1) Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in these regulations, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter 1-420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout—(1) Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for material on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to paragraph (c) (1) of this section;

(iv) Any other settlements required pursuant to paragraph (c) (2) and (3) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Gov-

ernment and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

#### § 51b.14 Records, reports, inspection, and audit.

(a) *Records and reports.* Each grant awarded pursuant to these regulations shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant under these regulations shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and to interview with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under these regulations shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of records relating to the use of grant funds.

#### § 51b.15 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

#### § 51b.16 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this part, or the terms of the grant, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee

shall be promptly notified of such termination in writing and given the reasons therefor.

#### § 51b.17 Voluntary participation.

Nothing in these regulations shall be construed to require any State or any political subdivision or instrumentality of a State to have a communicable disease control or vaccination program which would require any person who objects to such treatment to be treated or to have any child or ward of his treated.

[FR Doc.72-5351 Filed 4-6-72;8:50 am]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 33—SPORT FISHING

##### Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-7-72).

#### § 33.5 Special Regulations; sport fishing, for individual wildlife refuge areas.

##### WISCONSIN

##### HORICON NATIONAL WILDLIFE REFUGE

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

(1) The open season for sport fishing on the refuge extends from May 15, 1972 through September 15, 1972, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

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

ROBERT S. PERSONIUS,  
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

MARCH 28, 1972.

[FR Doc.72-5347 Filed 4-6-72;8:47 am]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[ 19 CFR Part 1 ]

### CUSTOMS FIELD ORGANIZATION

#### Notice of Proposed Changes in Customs Region V

MARCH 31, 1972.

In order to provide better Customs service in the New Orleans, La., Customs district, it is proposed to establish a Customs port of entry at Vicksburg, Miss.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), Vicksburg, Miss., is hereby proposed as a port of entry in the New Orleans, La., district (Region V).

The proposed geographical limits of the port of Vicksburg shall include all of Warren County, Miss., and Madison Parish, La.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with section 103.3 (b) of the Customs Regulations (19 CFR 103.3(b)), at the Bureau of Customs, Division of Regulations, Washington, D.C., during regular business hours.

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[FR Doc. 72-5388 Filed 4-6-72; 8:50 am]

## Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX

#### Distributions to Shareholders by Insurance Companies

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments

or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 8, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 8, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 815 of the Internal Revenue Code to reflect amendments made by sections 2 and 4, Act of September 2, 1964 (Public Law 88-571, 78 Stat. 857), section 4, Act of December 27, 1967 (Public Law 90-225, 81 Stat. 733), and section 907(b) of the Tax Reform Act of 1969 (83 Stat. 715) such regulations are amended as follows below. These amended regulations do not reflect the amendment made by section 3(a), Act of September 2, 1964 (Public Law 88-571, 78 Stat. 857).

PARAGRAPH 1. Section 1.815 is amended by revising sections 815 (a), (b), (2) (A) (ii), and (f), by adding new section 815(g), and by revising the historical note. These amended provisions read as follows:

#### § 1.815 Statutory provisions; life insurance companies; distributions to shareholders.

Sec. 815. *Distribution to shareholders*—(a) *General rule.* For purposes of this section and section 802(b)(3), any distribution to shareholders after December 31, 1958, shall be treated as made—

- (1) First out of the shareholders surplus account, to the extent thereof,
  - (2) Then out of the policyholders surplus account, to the extent thereof, and
  - (3) Finally out of other accounts.
- (b) *Shareholders surplus account.* \* \* \*
- (2) *Additions to account.* \* \* \*
- (A) \* \* \*
- (ii) In the case of a taxable year beginning after December 31, 1958, the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss, reduced (in the case of a taxable year beginning after

December 31, 1961) by the amount referred to in clause (1),

(f) *Distribution defined.* For purposes of this section, the term "distribution" includes any distribution in redemption of stock or in partial or complete liquidation of the corporation, but does not include—

(1) Any distribution made by the corporation in its stock or in rights to acquire its stock;

(2) Except for purposes of subsection (a) (3) and subsection (e) (2) (B), any distribution in redemption of stock issued before 1958 which at all times on or after the date of issuance and on and before the date of redemption is limited as to dividends and is callable, at the option of the issuer, at a price not in excess of 105 percent of the sum of the issue price and the amount of any contribution to surplus made by the original purchaser at the time of his purchase;

(3) Any distribution after December 31, 1963, of the stock of a controlled corporation to which section 355 applies, if such controlled corporation is an insurance company subject to the tax imposed by section 831 and if—

(A) Control was acquired prior to January 1, 1958, or

(B) Control has been acquired after December 31, 1957—

(i) In a transaction qualifying as a reorganization under section 368(a)(1)(B), if the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the controlled corporation, or

(ii) Solely in exchange for stock of the distributing corporation which stock is immediately exchanged by the controlled corporation in a transaction qualifying as a reorganization under section 368(a)(1)(A) or (C), if the controlled corporation has at all times since its organization been wholly owned by the distributing corporation and the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the corporation the assets of which have been transferred to the controlled corporation in section 368(a)(1)(A) or (C) reorganization;

(4) Any distribution after December 31, 1966, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is in control (within the meaning of section 368(c)) of both the distributing corporation and such controlled corporation and if such controlled corporation is a life insurance company of which the distributing corporation has been in control at all times since December 31, 1957; or

(5) Any distribution after December 31, 1968, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is the owner of all of the stock of all classes of both the distributing corporation and such controlled corporation and if, immediately before the



distribution, the distributing corporation had been the owner of all of the stock of all classes of such controlled corporation at all times since December 31, 1957.

Paragraphs (3), (4), and (5) shall not apply to that portion of the distribution of stock of the controlled corporation equal to the increase in the aggregate adjusted basis of such stock after December 31, 1957, except to the extent such increase results from an acquisition of stock in the controlled corporation in a transaction described in paragraph (3)(B). If any part of the increase in the aggregate adjusted basis of stock of the controlled corporation after December 31, 1957, results from the transfer (other than as part of a transaction described in paragraph (3)(B)) by the distributing corporation to the controlled corporation of property which has a fair market value in excess of its adjusted basis at the time of the transfer, paragraphs (3), (4), and (5) also shall not apply to that portion of the distribution equal to such excess.

(g) *Certain distributions related to former subsidiaries.* If subsection (f)(5) applied to the distribution by a life insurance company of the stock of a corporation which was a controlled corporation—

(1) Any distribution by such corporation to its shareholders (after the date of the distribution of its stock by the life insurance company), and

(2) Any disposition of the stock of such corporation by the distributee corporation, shall, for purposes of this section, be treated as a distribution to its shareholders by such life insurance company, until the amounts so treated equal the amount of the distribution of such stock which by reason of subsection (f)(5) was not included as a distribution for purposes of this section.

[Sec. 815 as added by sec. 2, Life Insurance Company Income Tax Act of 1959 (73 Stat. 129); amended by sec. 3, Act of October 10, 1962 (Public Law 87-790, 76 Stat. 808); sec. 3(b), Act of October 23, 1962 (Public Law 87-858, 76 Stat. 1136); secs. 2 and 4, Act of September 2, 1964 (Public Law 88-571, 78 Stat. 857); sec. 4, Act of December 27, 1967 (Public Law 90-225, 81 Stat. 733); sec. 907(b), Tax Reform Act, 1969 (83 Stat. 715)]

PAR. 2. Paragraph (c)(1) of § 1.815-2 is amended to read as follows:

#### § 1.815-2 Distributions to shareholders.

(c) *Distributions to shareholders defined.* (1) Except as otherwise provided in section 815(f) and subparagraph (2) of this paragraph, the term "distribution", as used in section 815(a) and paragraph (b) of this section, means any distribution of property made by a life insurance company to its shareholders. For purposes of the preceding sentence, the term "property" means any property (including money, securities, and indebtedness to the company) other than stock, or rights to acquire stock, in the company making the distribution. Thus, for example, the term includes a distribution which is considered a dividend under section 316, but is not limited to the extent that such distribution must be made out of the accumulated or current earnings and profits of the company making the distribution. For example, except as otherwise provided in section 815(f) and subparagraph (2) of this paragraph, there is a distribution within the meaning of this paragraph in any case in which a corporation acquires the

stock of a shareholder in exchange for property in a redemption treated as a distribution in exchange for stock under section 302(a) or treated as a distribution of property under section 302(d). For special rules relating to distributions to shareholders in acquisition of stock pursuant to a plan of mutualization, see section 815(e) and paragraph (e) of § 1.815-6.

[FR Doc.72-5373 Filed 4-6-72; 8:49 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ 43 CFR Part 1820 ]

#### LANDS AND MINERALS APPLICATIONS IN CALIFORNIA

##### Places for Execution and Filing of Forms

The purpose of this proposed amendment is to improve the efficiency of administering the public land laws and improving service to the public in regard to filing and processing public lands and minerals applications and cases in California. The proposed amendment would provide for the filing of all such applications in the Sacramento land office in furtherance of a proposal to transfer to Sacramento the responsibilities for receiving and adjudicating applications and cases now filed and processed in Riverside. Service to the public in California would be improved and expedited by having centralized filing and adjudication for the State. Uncertainty and wasted effort and time by the public as to where to file or whom to contact would be eliminated. The need for redirecting correspondence and applications to a second officer would be eliminated. All other public land States except Alaska have centralized filing and adjudication of lands and minerals applications.

The proposed amendment would also change the address of the Colorado Land Office which has been moved to a new location and would specifically identify the Fairbanks Land Office.

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until 30 days.

A public meeting will be held during the period for receiving public comments and prior to publication of final rule making, in Riverside, Calif., at a time and location specified and made public by the State Director, California of the Bureau of Land Management.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

Section 1821.2-1 of Subpart 1821, Title 43 of the Code of Federal Regulations is amended as follows:

1. Paragraphs (a), (b), and (c) are redesignated as (b), (c), and (d), respectively.

2. A new paragraph (a) is added to read as follows:

§ 1821.2-1 Office hours of land offices; place for filing.

(a) As used in Subchapters A, B, and C: (1) "Land offices" are the offices of the Bureau of Land Management in which applications for rights and privileges under Subchapters B and C of this title must be filed. (2) The "Washington office" of the Bureau of Land Management is headquarters for the Bureau and is located in the Interior Building, Washington, D.C. 20240. (3) "Manager" is the official in charge of a land office.

3. In the list of Land offices in new paragraph (d),

(i) The name "Fairbanks District and Land Office" is changed to read "Fairbanks Land Office".

(ii) The reference to the "Riverside District and Land Office", its address, and area of jurisdiction is deleted in its entirety.

(iii) The area of jurisdiction of the Sacramento Land Office is changed from "Northern California" to "California".

(iv) The address of the Colorado Land Office is changed from "Federal Building, 1961 Stout Street" to "Colorado State Bank Building, 1600 Broadway".

(v) Footnote 2 and the diagram of California designated as "Footnote 2" is deleted.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

APRIL 4, 1972.

[FR Doc.72-5407 Filed 4-6-72; 8:50 am]

## DEPARTMENT OF LABOR

### Wage and Hour Division

[ 29 CFR Parts 606, 670, 675, 677, 678 ]

[Administrative Order 623]

#### INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

##### Change in Dates of Investigation and Hearing

Administrative Order No. 622, 36 F.R. 19037, provided for the appointment of industry committees for various defined industries in Puerto Rico, including Industry Committees Nos. 110-A and 110-B, and gave notice of dates for investigations and hearings.

At the request of interested parties and pursuant to the authority given me under section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and 29 CFR Part 511, the dates of investigations and



hearings of Industry Committees Nos. 110-A and 110-B set forth in section 3(c) of Administrative Order 622 are changed, as follows:

Industry Committee No. 110-A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, May 15, 1972. Following this hearing, Industry Committee No. 110-B will immediately convene to conduct its investigation and hold its hearing.

Any interested persons wishing to participate in a hearing shall file prehearing statements by May 5, 1972, in accordance with the procedures outlined in 36 F.R. 19037.

Signed at Washington, D.C., this 30th day of March 1972.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc.72-5365 Filed 4-6-72; 8:49 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Parts 71, 72]

### TURTLES, TORTOISES, TERRAPINS

#### Prohibition of Importation; Bacteriological Testing and Certification for Interstate Shipment

The Administrator of the Health Services and Mental Health Administration with the approval of the Secretary, and the Commissioner of Food and Drugs propose to amend Parts 71 and 72 respectively of Title 42, Code of Federal Regulations, as set forth below in order to: (1) Provide a general prohibition on the importation of small pet turtles, tortoises, terrapins, and other members of the order Testudinata and (2) set bacteriological standards for such animals in interstate shipments.

Epidemiological investigations have shown that small pet turtles are a particularly significant source and reservoir of bacteria of the genus *Salmonella* and bacteria of the genus *Arizona* affecting humans. On the basis of results of these investigations, it is estimated that each year in the United States, 280,000 human cases of salmonellosis are turtle-associated. Most of these cases occur in children. While few fatalities are thought to be associated with infection acquired from turtles, the *Salmonella* and *Arizona* bacteria typically produce an acute febrile gastroenteritis (abdominal pain, nausea, fever, diarrhea) which may require hospitalization. There are also reports of associated meningitis and brain abscesses.

Each year an estimated 15,000,000 small turtles are sold as pets in the United States. Approximately 90 percent of turtles sold as pets are produced on commercial turtle farms or captured in the wild in the United States. The remaining 800,000 to 1,500,000 turtles are

imported following their capture in the wild.

Turtles and their relatives are particularly well adapted hosts for *Salmonella* and *Arizona* bacteria. Characteristically, infection does not produce any apparent disease, but it may persist for long periods of time, if not for the life of the turtle. Contaminated breeding and holding environments, the practice of feeding turtles salmonella-contaminated animal offal, and transovarial transmission (infection of the egg) all serve to perpetuate the transmission cycle.

Repeated bacteriological examination of turtles collected at breeding farms, at the time of importation, and in trade consistently reveal the ubiquitous distribution of *Salmonella* and *Arizona* bacteria associated with turtles.

Considerations of public health compel: (1) Imposition of a general prohibition on the importation of small turtles and (2) provision for both the bacteriological testing and the certification of freedom from infectious diseases for small turtles shipped in interstate commerce. However, importation of small turtles and interstate shipment of uncertified small turtles for bona fide scientific purpose, or for use in educational institutions, and for exhibition, under circumstances such that the numbers of turtles are limited and the turtles are handled and maintained under conditions that minimize risks to the public health, will be permitted.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 361, 58 Stat. 703; 42 U.S.C. 264) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) and to the Administrator of the Health Services and Mental Health Administration (33 F.R. 15963), it is proposed that Parts 71 and 72 be amended as follows:

1. In Part 71, a new Subpart J-2 to be placed immediately after Subpart J-1 is proposed, as follows:

#### Subpart J-2—Importation of Turtles, Tortoises, Terrapins

- Sec. 71.171 Definitions.  
71.172 Importation; general prohibition.  
71.173 Importation for scientific, educational, exhibition, or other purposes.  
71.174 Application for permits.  
71.175 Issuance of permits; criteria.  
71.176 Penalties.

AUTHORITY: The provisions of this Subpart J issued under sec. 361, 58 Stat. 703; 42 U.S.C. 264.

##### § 71.171 Definitions.

As used in this subpart:  
(a) "Turtles includes all animals commonly known as turtles, tortoises, terrapins and all other animals of the Order Testudinata, Class Reptilia except marine species (Families Dermochelidae and Cheloniidae).

(b) "Director" means the Director, Center for Disease Control, Health Services, and Mental Health Administration, Department of Health, Education, and Welfare, Atlanta, Ga. 30333.

##### § 71.172 Importation; general prohibition.

Except as otherwise provided in this subpart, viable turtle eggs and live turtles with a carapace length of less than 6 inches may not be imported into the United States.

##### § 71.173 Importation for scientific, education, exhibition or other purposes.

Viable turtle eggs and live turtles, intended for bona fide scientific or education purposes or for exhibitions, may be imported into the United States when accompanied by a permit issued by the Director.

##### § 71.174 Application for permits.

Application for permits to import viable turtle eggs and live turtles for the purposes set forth in § 71.173 shall be made by letter to the Director, and shall contain, identify, or describe the name and address of the applicant, the number of specimens and the common and scientific names of each species to be imported, the holding facilities; the intended use of the turtles following their importation, the precautions to be undertaken to prevent infection of members of the public with bacteria of the *Salmonella* and *Arizona* genera and such other information and assurances as the Director may deem necessary to protect the public health.

##### § 71.175 Issuance of permits; criteria.

A permit may be issued upon a determination that the holder of the permit will isolate or otherwise confine the turtles and will take such other precautions as may be determined by the Director to be necessary to avoid infection of members of the public with salmonellosis or another communicable disease and on condition that the holder of the permit will provide such reports as may be required by the Director to protect the public health.

##### § 71.176 Penalties.

Any person violating any provision of this subpart shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both, as provided in section 368 of the Public Health Service Act (42 U.S.C. 271).

2. In Part 72, the following new section is proposed:

##### § 72.26 Turtles.

(a) Definitions. As used in this section, the term "turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the Order Testudinata, Class Reptilia except marine species (Families Dermochelidae and Cheloniidae).

(b) Interstate shipment; general prohibition. Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace length of less than 6 inches shall not be transported or offered for transportation in interstate traffic or sold or offered for sale after shipment in interstate commerce, unless the shipment is accompanied by a certificate issued by the State health department of the State of origin certifying



that each shipment of turtles is free of bacteria of the *Salmonella* and *Arizona* genera.

(c) Certification; test procedures. Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued by the State health department on the basis of the examination of 60 turtles or 60 turtle eggs from each shipment, regardless of the size of the shipment. The examination shall be conducted in a laboratory licensed in microbiology pursuant to section 353 of the Public Health Service Act and shall utilize the following procedure adapted from "Official Methods of Analyses of the Association of Official Analytical Chemists," 11th edition, sections 41.024-41.040, pages 845-852:

(1) Place five turtles in each of 12 sterile glass containers with a capacity of 1,000 milliliters.

(2) Add 50 milliliters of sterile distilled water to each of the containers of turtles.

(3) Cover the container with sterile aluminum foil and hold the turtles in the containers at room temperature (25° C.) for 72 hours.

(4) Do not remove the foil cover or add food, water, or other materials to the container during the holding period.

(5) After 72 hours remove the turtles from the containers using a sterile forcep.

(6) Place 1 milliliter of the residual water from each of the 12 beakers into 10 milliliters of tetrathionate broth (with iodine and brilliant green) and incubate for 24 hours at 37° C.

(7) After 24 hours incubation, subculture each of the 12 tetrathionate enrichment cultures to Brilliant Green agar and complete isolation and identification according to methods specified in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, sections 41.024-41.040, pages 845-852.

(8) In the examination of turtle eggs, rinse 60 eggs with sterile distilled water to remove visible extraneous matter from the shells. Place the 60 cleansed eggs into a sterile blender cup. Replace blender lid and homogenize eggs for 2 minutes at low speed. Transfer 1 milliliter of the blended egg material into 10 milliliters of tetrathionate broth, and proceed as in subparagraphs (6) and (7) of this paragraph.

(9) Upon completion of the laboratory examination, the examining laboratory shall submit a report to the State Health Officer, or his delegated representative. The laboratory report shall specify the name and address of the producer or shipper (consignee) and of the consignor, the number and species of turtles intended for interstate shipment, and the results of the examination, and it shall be signed by the examining microbiologist or director of the examining laboratory. Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued if, to the satisfaction of the State health department, the laboratory examination has been performed according to the procedure speci-

fied in this section, and all specimens examined were free of bacteria of the *Salmonella* and *Arizona* genera.

(d) Interstate shipment for scientific, education, exhibition or other purposes. Viable turtle eggs and live turtles, intended for bona fide scientific or education purposes or for exhibitions are exempted from this regulation.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 31, 1972.

VERNON E. WILSON,  
Administrator, Health Services  
and Mental Health Adminis-  
tration.

Approved: April 4, 1972.

ELLIOT L. RICHARDSON,  
Secretary.

Dated: March 31, 1972.

CHARLES C. EDWARDS,  
Commissioner, Food and Drug  
Administration.

[FR Doc. 72-5415 Filed 4-6-72; 8:50 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-19]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Rock-springs, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

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

ROCKSPRINGS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edwards County Airport (latitude 29°56'30" N., longitude 100°10'30" W.) and within 1.5 miles each side of the Rock-springs VORTAC 105° radial (115° magnetic radial) extending from the 5-mile radius area to the Rock-springs VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Edwards County Airport, Rock-springs, Tex.

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

Issued in Fort Worth, Tex., on March 30, 1972.

R. V. REYNOLDS,  
Acting Director, Southwest Region.  
[FR Doc. 72-5330 Filed 4-6-72; 8:46 am]

### [14 CFR Part 71]

[Airspace Docket No. 72-SW-20]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Liano, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. 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.



The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed 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:

**LLANO, TEX.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Llano Municipal Airport (latitude 30°46'30" N.; longitude 98°39'30" W.) and within 2 miles each side of the Llano VORTAC 100° radial (091° magnetic radial) extending from the 5-mile radius area to the Llano VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures

proposed at the Llano Municipal Airport, Llano, Tex.

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

Issued in Fort Worth, Tex., on March 30, 1972.

**R. V. REYNOLDS,**  
*Acting Director, Southwest Region.*

[FR Doc.72-5329 Filed 4-6-72;8:46 am]

# **FEDERAL POWER COMMISSION**

**[ 18 CFR Parts 101, 104, 105, 141, 201, 204, 205, 260 ]**

[Docket No. R-424]

## **UNIFORM SYSTEM OF ACCOUNTS AND CERTAIN FORMS**

### **Notice of Further Extension of Time**

**APRIL 3, 1972.**

Accounting for premium, discount and expense of issue, gains and losses on

refunding and reacquisition of long-term debt, and interperiod allocation of income taxes.

On March 28, 1972, the American Gas Association and the Independent Natural Gas Association of America filed requests for a 90-day extension of time within which to file comments in the above-designated matter.

Notice is hereby given that the time is further extended to and including July 3, 1972, within which any interested person may submit data, views, comments or suggestions, in writing, concerning the notice of proposed rule-making issued August 6, 1971, in the above-designated matter.

By direction of the Commission.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.72-5362 Filed 4-6-72;8:48 am]



# NOTICES

## Notices

### DEPARTMENT OF THE TREASURY

#### Bureau of Customs

#### DRYCLEANING MACHINERY FROM WEST GERMANY

#### Withholding of Appraisal Notice

Information was received on March 12, 1971, that drycleaning machinery from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of May 28, 1971, on page 9788. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the exporter's sales price (section 204 of the Act; 19 U.S.C. 163) of drycleaning machinery from West Germany is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

**Statement of reasons.** Information currently before the Bureau tends to indicate that the probable basis of comparison will be between exporter's sales price and home market price of such merchandise.

Preliminary analysis suggests that exporter's sales price will probably be calculated by deducting from the f.o.b. New York, N.Y., price the following: Distributor's discount, selling expenses, customs brokerage charge, ocean freight, marine insurance, freight to warehouse in United States, U.S. duty, and foreign inland shipping charge. Appropriate additions probably will also be made for taxes rebated or not collected by reason of exportation.

It appears that home market price will be based on an exfactory price with deductions made for cash discount and distributor's commission. Adjustments probably will be made for warranty cost, start-up cost, inspection cost and differences in packing, as appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that exporter's sales price will be lower than home market price.

Customs officers are being directed to withhold appraisal of drycleaning machinery from West Germany in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may

present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs regulations, shall become effective upon publication in the FEDERAL REGISTER (4-7-72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,  
*Acting Commissioner of Customs.*

Approved: March 29, 1972.

EUGENE T. ROSSIDES,  
*Assistant Secretary of  
the Treasury.*

[FR Doc. 72-5364 Filed 4-6-72; 8:49 am]

### DEPARTMENT OF THE INTERIOR

#### Alaska Power Administration

#### ENVIRONMENTAL STATEMENTS

#### Issuance of Procedures for Preparation

Notice is hereby given of the publication of procedures of the Alaska Power Administration to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); the Office of Management and Budget Bulletin No. 72-6 (September 14, 1971).

The procedures are set forth below.

ROBERT W. WARD,  
*Administrator.*

APRIL 1, 1972.

#### PROCEDURES FOR ENVIRONMENTAL STATEMENTS UNDER SECTION 102(2)(C) OF NATIONAL ENVIRONMENTAL POLICY ACT

**Purpose.** These procedures will be followed by the Alaska Power Administration in the preparation of environmental statements in compliance with section 102(2)(C) of the

National Environmental Policy Act of 1969 (Public Law 91-190) and section 2(f) of Executive Order 11514. In all instances, the guidelines of the Council on Environmental Quality, dated April 23, 1971, subsequent guidelines by the Council, and the instructions of the Interior Department Manual, Part 516, will be followed. These procedures are in effect as of April 1, 1972, and they supersede the previous edition dated October 20, 1971.

**Authority.** The Departmental Manual, 516 DM 2.4F, provides that the Administrator shall:

(1) Identify those actions requiring environmental statements and consult with the Assistant Secretary—Program Policy for guidance and direction;

(2) Designate those officials responsible for preparing such statements;

(3) Transmit the proposed draft and final environmental statements through the Assistant Secretary for Water and Power Resources to the Assistant Secretary—Program Policy;

(4) Prepare formal procedures implementing Departmental Instructions (516 DM 2) and identifying the role of the environmental statement in the review and decision-making process of Alaska Power Administration.

The Departmental Manual, 516 DM 2.4G, provides that officials responsible for preparing environmental statements shall:

(1) Obtain the information needed for the preparation of environmental statements;

(2) Consult with appropriate bureaus and offices; other Federal agencies; and other appropriate sources of special environmental expertise not available within the Alaska Power Administration;

(3) Prepare proposed draft environmental statements and insure that they fully consider and reflect the information obtained;

(4) Transmit copies of draft environmental statements, as cleared by the Assistant Secretary—Program Policy, to Federal agencies with jurisdiction by law or special environmental expertise, to State and local agencies authorized to develop or enforce environmental standards, and to private organizations with an expressed or known interest in the proposal;

(5) Give public notice of the availability of draft environmental statements and invite comments;

(6) Consult with all bureaus and offices and other Federal agencies submitting comments, where appropriate;

(7) Prepare proposed final environmental statements and insure that all relevant comments are considered therein;

(8) Transmit copies of final environmental statements, as cleared by the Assistant Secretary—Program Policy, to all bureaus and offices; other Federal, State, and local agencies; and private organizations from whom comments were solicited and received.

**Determination of major actions requiring environmental statements.** The criteria in 516 DM 2.5 require no elaboration.

The Administrator will make the determination to proceed with preparation of environmental statements. The Division Officers will identify actions within their program areas which may require environmental statements and make appropriate recommendations to the Administrator. This will include a program schedule for environmental statements in order to insure adequate lead time. This will be keyed to the



annual cycle of program and budget documents.

All programs and actions will be assessed for environmental impact.

(1) The following types of activities will generally require environmental statements:

(a) Reports intended as a basis for Congressional authorization of water and related projects;

(b) Major modification or extension of existing projects, such as new transmission lines or major relocation of lines.

(2) The following types of activities will rarely require environmental statements:

(a) Routine operation and maintenance activities;

(b) Minor replacements and relocations;

(c) Power marketing contracts;

(d) Reconnaissance - type investigations reports.

(3) All other programs and activities shall be individually assessed by Division Officers and recommendations for determinations made to the Administrator.

Officials responsible for preparing statements. Upon determining that an environmental statement is needed, the Administrator will assign responsibility for preparation of the statement. The assignment will include responsibility for the various steps in preparing the statement and coordination within the Alaska Power Administration.

Procedures for obtaining information for draft environmental statements. Such information requirements will be determined as a normal part of programming and scheduling project reports or other actions requiring environmental statements.

The designated official will first determine the types and availability of information needed and whether new studies are required to provide the information. Such determination will be based on consultations with appropriate Federal, State, and local agencies and will be considered in scheduling the environmental statement.

Preparation and circulation of draft statements and consultation with other agencies. The format and content of the environmental statement will be responsive to 516 DM 2.6, "Content of Environmental Statements."

During preparation of the draft statement, the designated official will solicit informal comments and viewpoints from those individuals, offices, and agencies that have special knowledge or expertise regarding environmental impact of the proposed action. Inputs and comments received at this stage are for the purpose of technical assistance in preparing the draft statement and shall be considered informal.

The determination of those to be consulted during preparation of the draft statement will be based on the input and assistance needed to prepare draft statements that are fully responsive to the law.

Draft environmental statements will be processed by Alaska Power Administration headquarters as follows:

(1) Fifteen copies of the draft statement, accompanied by a notice of availability, will be transmitted through the Assistant Secretary for Water and Power Resources to the Assistant Secretary—Program Policy. (516 DM 2.9F provides that the Assistant Secretary—Program Policy shall clear the statement, transmit the statement to Council on Environmental Quality, handle FEDERAL REGISTER notification and notify Alaska Power Administration of these actions.)

(2) After the draft statement is cleared, Alaska Power Administration will make formal distributions to reviewing entities as follows:

(a) At least one copy will be circulated to all Departmental bureaus and offices which have jurisdiction by law or special environ-

mental expertise pertinent to the proposed action.

(b) Section 7 and Appendix II of the CEQ Guidelines will be used to determine those Federal and Federal-State agencies from which consultations and comments are to be solicited. Formal draft statements will be sent to the appropriate offices indicated in Appendix III of the CEQ Guidelines for official agency review and comment. Periods for reply are specified in 516 DM 2.7B.

(c) Alternative procedures are available for obtaining State and local agency review and comment as specified in 516 DM 2.7C.

(3) A complete and accurate log shall be kept of all comments received on draft environmental statements and all review comments on draft environmental statements shall be available to the public on request.

Preparation and processing of final statement. The final statement will take into account the views and comments received on the formal draft statement. It will detail the extent, if any, that recommendations of concerned agencies and individuals could not be accommodated.

In addition to appropriate environmental assessments, evaluations, or reports prepared by applicants or consultants, attachments to final environmental statements shall include all written responses from:

(1) Bureaus and offices with delegated jurisdiction or special environmental expertise;

(2) Other Federal agencies with jurisdiction by law or special environmental expertise;

(3) State and local agencies which are authorized to develop and enforce environmental standards;

(4) Responsible private organizations and associations which represent the opinions of wider groups concerning the proposed action of its environmental impact;

(5) Recognized experts.

Final environmental statements will be processed by Alaska Power Administration headquarters as follows:

(1) Fifteen copies of the statement, accompanied by a notice of availability, will be transmitted through the Assistant Secretary for Water and Power Resources to the Assistant Secretary—Program Policy. (516 DM 2.9F provides that the Assistant Secretary—Program Policy shall endorse the statement, transmit it to CEQ, and handle Federal Register notification.)

(2) After the final statement is endorsed, APA will distribute the statement to all bureaus, offices, agencies, and organizations from whom comments were received.

Public participation. Guidelines for providing timely information to the public and providing draft statements to the public in advance of public hearings are set out in 516 DM 2.8. Draft and final environmental statements, including comments received thereon, will be made available to the public at the following locations:

(1) The Department of the Interior Office of Communications;

(2) The Alaska Power Administration headquarters;

(3) The State of Alaska Division of Planning and Research, Office of the Governor, or such other location designated by the Governor;

(4) One or more local public meeting places in the immediate vicinity of the proposed action, if appropriate.

In addition to the FEDERAL REGISTER publication, notice of availability of statements and of hearings will be given by advertisements in newspapers having general circulation in the affected areas.

A complete record of any hearings, draft and final environmental statements, and all comments received shall be made available for public inspection at APA headquarters.

[FR Doc.72-5324 Filed 4-6-72; 8:46 am]

## Geological Survey

[Power Site Cancellation 300]

### GILA RIVER BASIN, ARIZ.

#### Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 26 of March 25, 1922, as interpreted September 20, 1924, is hereby canceled to the extent that it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 13 E.,  
Sec. 24,  $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 25, E $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 4 S., R. 13 E.,  
Sec. 1, lot 1.  
T. 4 S., R. 14 E.,  
Sec. 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 5 S., R. 14 E.,  
Sec. 1, lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 2, lot 1.  
T. 5 S., R. 15 E.,  
Sec. 6, lots 6 and 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ NW $\frac{1}{4}$ .

All portions of the above-described lands lying within 50 feet of the centerline of the transmission line, permit for which was issued by the First Assistant Secretary of the Interior August 1, 1921, to the Ray Consolidated Copper Co.

The area described aggregates 151 acres.

Dated: March 31, 1972.

W. A. RADLINSKI,  
Acting Director.

[FR Doc.72-5348 Filed 4-6-72; 8:47 am]

## DEPARTMENT OF COMMERCE

### Maritime Administration

[Report No. 117]

#### LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through December 31, 1971, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.



## FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Total—all flags (192 ships) -	1,454,610
Cypriot (101 ships) -	806,361
Aegis Banner -	9,024
Aegis Eternity -	8,814
Aegis Fame -	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—Brit- ish) -	5,678
Aegis Strength -	9,305
Aftadelfos -	8,136
Aghios Ermolaos -	7,208
Aghios Nicolaos -	7,254
Aida -	7,292
Alfa -	7,388
Alitric -	7,564
Alma -	6,585
Alpa -	9,159
Amarillis -	8,959
Anemone -	7,168
Annunciation Day -	8,047
Antigoni -	3,174
Arendal -	7,265
Areti -	8,406
Arion -	3,570
Amar -	7,307
Arosa -	7,233
Artigas -	5,841
Aurora -	8,380
Azalea -	9,506
*Baracca -	9,242
Begonia -	6,576
Byron -	8,720
Calypso (tanker) -	12,883
Camelia -	8,111
Castalia -	7,641
Claire (previous trips to Cuba— Lebanese) -	5,411
Cleo II -	7,590
Cleopatra -	8,079
Costiana -	7,199
Degedo -	9,000
Diamondo -	7,067
Dolphin -	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—Brit- ish) -	8,424
E. D. Papalios -	9,431
Elpida -	8,296
**Eftyhia (trips to Cuba—Greek) -	9,854
Free Trader (previous trips to Cuba—Lebanese) -	7,061
Gardenia -	9,744
George -	7,378
George N. Papalios -	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot) -	9,483
Georgios T. -	9,646
Giannis -	7,490
Goodluck -	6,952
Happy Land -	9,080
Herodemos -	7,356
Ilena (previous trips to Cuba— Lebanese) -	5,925
Iris -	8,479
Johnny -	9,689
June -	9,357
Katerina (previous trips to Cuba— Lebanese) -	9,357
Kimon -	5,686
Kitsa -	9,519
Kypros -	7,001
Lena -	7,029
Maco Telecty -	10,570
*Magnolia -	7,176
Marco -	7,622
Master George -	7,334
May -	8,853
Mery (previous trips to Cuba— Greek) -	7,258
Mimis N. Papalios -	9,069
Mimosa -	8,618

See footnotes at end of document.

## FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Miss Papalios -	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese) -	7,291
Nea Hellas -	9,241
Nedi 2 -	7,679
Newgate (previous trips to Cuba— British) -	6,743
**Newheath (trips to Cuba— British) -	7,643
Nike -	9,505
Noelle (previous trips to Cuba— Lebanese) -	7,251
Pantazis Calas -	9,618
Patricia -	8,998
Petunia -	7,843
Platres -	7,244
Protoapostolos -	8,130
Protokitos -	6,154
Ravens -	8,036
Relfens -	8,071
*Rothens -	8,113
Salvia -	8,522
Silver Coast -	7,328
Silver Hope -	5,313
Sophia (previous trips to Cuba— Greek) -	7,030
Stavros T. -	10,407
Successor -	11,471
Suerte -	7,267
*Telenikis -	12,303
Theoskepasti -	6,618
Thios Costas (previous trips to Cuba—Somali) -	7,258
Torenia -	8,077
Venturer -	9,000
Venus -	9,777
Zaira -	8,032
Zin'a -	7,114
British (27 ships) -	221,098
Arctic Ocean -	8,791
Athelcrown (tanker) -	11,149
Athellaird (tanker) -	11,150
Athelmonarch (tanker) -	11,182
Cheung Chau -	8,566
Coral Islands -	9,060
East Sea -	9,679
Fortune Enterprise -	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British) -	5,820
Golden Bridge -	7,897
Ho Fung -	7,121
Huntsland -	9,353
Hwa Chu -	9,091
Ivory Islands -	9,718
Klinross -	5,388
Magister -	2,239
Red Sea (previous trip to Cuba as the Grosvenor Mariner—Brit- ish) -	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British) -	5,795
Sea Amber -	10,421
Sea Coral -	10,421
Sea Empress -	9,841
Sea Moon -	9,085
Seasage -	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British) -	7,265
Steed -	8,989
Venice -	8,611
Yunglutaton -	5,414
Polish (20 ships) -	143,332
Baltik -	6,984
Bialystok -	7,173
Bytom -	5,967
Chopin -	9,231
Chorzow -	7,237
Energetyk -	10,876
Grodziec -	3,379
Huta Labedy -	7,221

## FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Huta Ostrowiec -	7,179
Huta Zgoda -	6,840
Hutnik -	10,847
Kopalnia Bobrek -	7,221
Kopalnia Orladz -	7,252
Kopalnia Miechowice -	7,223
Kopalnia Siemianowice -	7,165
Kopalnia Wujek -	7,033
Narwik -	7,065
Piast -	3,184
Rejowiec -	3,401
Transportowiec -	10,854
Italian (6 ships) -	58,231
Alderamine (tanker) -	12,505
Elia (tanker) -	11,021
San Francesco -	9,284
San Nicola -	12,451
Santa Lucia -	9,278
Somalia -	3,692
Somali (9 ships) -	70,047
**Atlas (trip to Cuba—Finnish) -	3,916
Ber Sea -	8,289
Dimitrakis -	7,829
Hemisphere (previous trips to Cuba—British) -	8,718
Marbella -	8,409
Nebula (previous trips to Cuba— British) -	8,907
**Oriental (trips to Cuba as the Oceanramp—British) -	6,185
**Eastglory (trips to Cuba— British) -	8,895
**Jollity (trips to Cuba—British) -	8,819
Yugoslav (8 ships) -	56,740
Agrum -	2,449
Bar -	8,776
Cetinje -	8,229
Niksic -	10,067
Piva -	7,519
Plod -	3,657
Tara -	7,411
Ulcinj -	8,602
Greek (6 ships) -	37,120
Andromachi (previous trips to Cuba as the Penelope—Greek) -	6,712
**Anna Maria (trips to Cuba as the Helka—British) -	2,111
*Ariadne -	6,487
**Gold Land (trip to Cuba as the Amfred—Swedish) -	2,838
**Lambros M. Patsis (trips to Cuba as the La Hortensia— British) -	9,486
*Pothiti (trips to Cuba as the Huntsville—British) -	9,486
French (4 ships) -	10,466
**Atlanta (trip to Cuba as the Enece—French) -	1,232
Circe -	2,874
Danae -	3,486
Nelle -	2,874
Lebanese (2 ships) -	11,583
Antonis -	6,259
Astir -	5,324
Netherlands (2 ships) -	1,615
Melke -	500
Tempo -	1,115
Panamanian (1 ship) -	6,935



FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
**Robertina (trips to Cuba as the Anacreon—Greek) -----	6,935
Finnish (1 ship) -----	4,779
Someri -----	4,779
Guinean (1 ship) -----	852
**Drame Oumar (trip to Cuba as the Neve—French) -----	852
Maltese (1 ship) -----	5,333
Timios Stavros (previous trips to Cuba—British and Greek) -----	5,333
Moroccan (1 ship) -----	3,214
Marrakech -----	3,214
Pakistani (1 ship) -----	8,708
**Maulabaksh (trips to Cuba as the Phoenix Dawn and East Breeze—British) -----	8,708
Singapore (1 ship) -----	8,196
Tong Ho -----	8,196

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

a. Since last report:

Flag of registry:	Number of ships
Probitas (Italian) -----	8,150
Athenian (Cypriot) -----	9,943
Troyan (Cypriot) -----	10,392

b. Previous reports:

Flag of registry (total) -----	138
--------------------------------	-----

British -----	49
Cypriot -----	6
Danish -----	1
Finnish -----	4
French -----	4
German (West) -----	1
Greek -----	31
Israeli -----	1
Italian -----	13
Japanese -----	1
Kuwaiti -----	1
Lebanese -----	9

See footnotes at end of document.

Flag of registry:	Number of ships
Liberia -----	1
Moroccan -----	2
Norwegian -----	5
Singapore -----	1
Somali -----	1
Spanish -----	6
Swedish -----	1
Yugoslav -----	2

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

Flag of registry:	Gross tonnage
Kounistra (Cypriot) -----	7,199
Huta Florian (Polish) -----	7,258

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British -----	28
Cypriot -----	51
Finnish -----	5

Flag of registry:	Broken up, sunk, or wrecked
French -----	1
Greek -----	18
Italian -----	4
Japanese -----	1
Lebanese -----	36
Maltese -----	2
Monaco -----	1
Moroccan -----	1
Norwegian -----	1
Pakistan -----	1
Panamanian -----	8
Singapore -----	1
Somali -----	1
South Africa -----	2
Swedish -----	1
Yugoslav -----	7
Total -----	170

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through December 31, 1971.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971			Total
									Jan.-June	July-Sept.	Oct.-Dec.	
British -----	133	180	126	101	78	62	45	53	14	2	2	796
Cypriot -----	64	91	58	25	42	68	115	199	100	36	37	642
Lebanese -----	99	27	23	27	16	16	4	1				275
Greek -----	16	20	24	11	11	10	15	13	7	1	1	213
Italian -----	12	11	16	10	14	9	6	7	4	2	3	129
Yugoslav -----	8	9	9	10	10	4	2	5	1		1	93
French -----	1	4	5	11	12	8	2	1				59
Finnish -----	1	17										44
Spanish -----	14	10										26
Norwegian -----	9	13										24
Moroccan -----	2	6	1		4	8	1	2				23
Maltese -----					2	11	7	4	3	2	1	24
Somalia -----												30
Netherlands -----												6
Sweden -----	3	3										6
Kuwaiti -----	2	1										3
Israeli -----			2									2
Japanese -----	1					1						2
Danish -----	1											1
German (West) -----	1											1
Haitian -----			1									1
Monaco -----				1								1
Singapore -----									1			1
Subtotal -----	371	394	290	224	218	204	197	285	129	45	45	2,402
Polish -----	18	16	12	10	11	7	2	3	2			83
Grand total -----	389	410	302	234	229	211	199	288	131	45	47	2,485

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

\*Added to Report No. 116.

\*\*Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: March 21, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,  
Secretary, Maritime Administration.

[FR Doc. 72-5370 Filed 4-6-72; 8:49 am]

## ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-254, 50-265]

### COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

#### Notice of Issuance of Amendment to Facility Operating License and Issuance of Facility Operating License

On March 16, 1971, a notice of AEC consideration of issuance of facility op-

erating licenses for possession and operation of the Quad-Cities Nuclear Power Station Units 1 and 2 was published in the FEDERAL REGISTER (36 F.R. 5008). That notice proposed the issuance of facility operating licenses to Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co. for possession, use and operation of the Quad-Cities Nuclear Power Station Units 1 and 2 (both being single cycle, boiling water reactors located in Rock Island County, Ill.) at steady State power levels up to 2,511 megawatts (thermal) for each unit.



Construction of Unit No. 1 having been substantially completed in accordance with Construction Permit No. CPPR-23 and the provisions of Commission regulations, facility operating license No. DPR-29 was issued October 1, 1971, for operation of Unit No. 1 at power levels up to 25 megawatts (thermal) for fuel loading and low power testing.

Further Commission action on the licensing of both Unit 1 and Unit 2 was delayed as a result of litigation brought by the Attorney General of Illinois and the Isaak Walton League, et al. (U.S. District Court for the District of Columbia Civil Actions Nos. 2207-71 and 2208-71).

The Commonwealth Edison Co. and the parties in the suit reached an agreement on March 27, 1972, and the litigation has been dismissed permitting the licensing action taken by the Commission described in this notice.

Accordingly, no request for a hearing by the applicants or petition for leave to intervene by any interested person having been filed following publication on March 16, 1971, of the notice of AEC consideration of issuance of facility operating licenses, the Commission has issued Amendment No. 2 to facility operating license No. DPR-29 for Unit No. 1 and has issued facility operating license No. DPR-30 for Unit No. 2 to Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co. The license amendment and the license, effective as of the date of issuance, authorize Commonwealth Edison Co. (acting for itself and Iowa-Illinois Gas and Electric Co.) to possess, use and operate the Quad-Cities Nuclear Power Station Units 1 and 2 each at power levels up to 502 megawatts (thermal), 20 percent of each Unit's rated power, in accordance with the Technical Specifications issued for Unit 1 dated October 1, 1971 and the licenses. Both licenses will expire June 1, 1972, unless extended for good cause shown or upon earlier issuance of a superseding licensing action.

The Commission has inspected the Quad-Cities Nuclear Power Station and has determined that Unit 1 and Unit 2 have been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit Nos. CPPR-23 and CPPR-24. The licensees have submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Director of Regulation has made the findings set forth in the amendment and the license and has concluded that the application for construction permits and facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I, and the issuance of the license amendment and license will not be inimical to the common defense and security or to the health and safety of the public.

For further information concerning these actions, see copies of the following items which are available for public

inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and at the Moline Public Library at 504 17th Street, Moline, IL 61265: (1) Amendment No. 2 to Facility Operating License No. DPR-29, (2) Facility Operating License No. DPR-30, (3) the Technical Specifications for Quad-Cities Station Units 1 and 2, (4) Commonwealth Edison Co.'s letters dated October 12, 1971, October 28, 1971, and November 10, 1971, (5) the Division of Reactor Licensing's Safety Evaluation for the Quad-Cities Station Units 1 and 2 dated August 25, 1971, (6) the report of the Advisory Committee on Reactor Safeguards on the Quad-Cities Station Units 1 and 2 dated March 9, 1971, (7) the Discussion and Conclusions pursuant to Appendix D of 10 CFR Part 50, Supporting the Issuance of Licenses, for 20 percent operation of Units 1 and 2 dated January 24, 1972, and Supplement No. 1 thereto dated March 31, 1972, and (8) the Commission's Draft Detailed Statement of Environmental Considerations dated March 6, 1972 (published in F.R. March 9, 1972, 37 F.R. 5073). A copy of each of the above items, except for item (4), may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of March 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[FR Doc.72-5355 Filed 4-6-72;8:48 am]

[Dockets Nos. 50-329, 50-330]

### CONSUMERS POWER CO.

#### Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Statement on Environmental Considerations by the Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Related to Construction of the Midland Plant, Units 1 and 2," is being placed in the following locations where it will be available for inspection by members of the public: the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, MI 48640. The report is also being made available at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913.

The notice of availability of the Draft Detailed Statement for the Midland

Plant and request for comments from interested persons was published in the FEDERAL REGISTER on January 11, 1972, 36 F.R. 410. The comments received from Federal, State, local officials and interested members of the public have been included as appendices to the Final Statement.

Single copies of the statement may be obtained by writing the Director, Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 31st day of March 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,  
Assistant Director for Pres-  
surized Water Reactors, Di-  
vision of Reactor Licensing.

[FR Doc.72-5321 Filed 4-6-72;8:45 am]

### STATE OF NEVADA

#### Proposed Agreement for Assumption of Certain AEC Regulatory Authority.

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Nevada for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A narrative, prepared by the State of Nevada and describing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Nevada regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Md., this 27th day of March 1972.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary of the Commission.



PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEVADA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nevada is authorized under Nevada Revised Statutes 459.080 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nevada certified on March 9, 1972, that the State of Nevada (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

#### ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

#### ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
- C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste

materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

#### ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

#### ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

#### ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

#### ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

#### ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

#### ARTICLE VIII

This Agreement shall become effective on July 1, 1972, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at \_\_\_\_\_, State of Nevada, in triplicate, this \_\_\_\_\_ day of \_\_\_\_\_, 1972.

For the U.S. Atomic Energy Commission.

For the State of Nevada.

MIKE O'CALLAGHAN, Governor.

#### FOREWORD

The State of Nevada, while recognizing that the scientific, medical, and industrial usages of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is ever committed to the protection of public health and safety, the Nevada State Legislature enacted the Nuclear Affairs Act.

This Act, and supplemental legislation, provides the legal structure for a comprehensive radiological health and regulatory program compatible with that of the U.S. Atomic Energy Commission and that of those States who have entered into agreement with the Commission.

The Act authorizes the Governor, on behalf of the State, to enter into an agreement with the Federal Government providing for discontinuance of certain responsibilities of the Federal Government relating to ionizing radiation and the assumption of such responsibilities by the State. The Act also designates the Nevada State Board of Health as the radiation control agency for the State.

The following narrative relates the history, current practices, proposed activities, capabilities, and resources of the State in the field of radiological health.

#### HISTORY

1931 The State Legislature passed a law prohibiting the use of X-rays for the treatment of the scalp or for the removal of surplus hair by cosmetologists (NRS 644.470).

1959-60 One State employee attended a U.S. Atomic Energy Commission sponsored Health Physics Course at Oak Ridge, Tenn.

A laboratory radiation counter was purchased for the purpose of determining background levels from selected stations within the State.

A course for Radiological Defense Instructors was given to personnel from State, county, and city organizations by State Health Division personnel.

A law was passed in 1960 preventing the operation or maintenance of any shoe-fitting device using fluoroscopic or radiation principles (NRS 202.245).

1961-62 During this period, a medical and dental X-ray survey of diagnostic X-ray machines in the State was conducted. This survey, which was voluntary and performed only in those installations requesting it, was accomplished by teams composed of U.S. Public Health Service and State Health Division personnel. The primary objectives of the survey were to check collimation and filtration of the X-ray units and make recommendations where necessary.

Regulations governing the manufacture, use, storage, handling, transportation and disposal of ionizing radiation producing devices and materials were prepared for and adopted by the Nevada State Board of Health in January 1962. The regulations provided standards to assure minimum exposure to personnel handling or working with ionizing radiation producing devices and materials and to the general public.

Acquisition of Federal land near Beatty, Nev. was authorized for lease to Nuclear Engineering Co. as a low-level, solid radioactive waste burial site.

The first phase of a program to establish a Radiological Defense Organization for the



Nevada Civil Defense Agency was also completed during this period. This phase entailed training of Highway Department and Highway Patrol personnel as radiation monitors in the event of nuclear war. All Highway Maintenance Stations, Highway District Headquarters, Highway Patrol Stations, and approximately half of the Highway Patrol vehicles were supplied with radiation monitoring instruments.

1963-64 During this period, training and refresher courses for radiological monitors for the Civil Defense Agency were continued. Most of this training was directed at State employees. Establishment of 167 radiological fallout monitoring stations provided with 1,000 radiation detection instruments was completed. Maintenance of the radiation detection instruments was improved by the acquisition of Federal funds for a maintenance shop and technicians' salaries.

In 1963, the State Radiation Control Act was adopted for the control of ionizing radiation within the State, and enabling the State to enter into an agreement with the Federal Government to assume responsibilities relating to sources of ionizing radiation previously the responsibility of the Federal Government (NRS 459.010 to 459.160, inclusive).

Two employees attended a U.S. Atomic Energy Commission orientation class for agreement States and two employees attended a U.S. Public Health Service course on gamma spectroscopy during this period.

A voluntary resurvey of medical diagnostic X-ray units was made during June and July, 1964 by U.S. Public Health Service teams.

1965-66 State personnel surveyed all new or relocated X-ray machines. In the 2-year period, 123 new or relocated X-ray tubes in medical and dental facilities were inspected.

Participation in U.S. Public Health Service environmental programs included collecting representative portions of meals served at the State Children's Home in Carson City for analysis by the Southwest Radiological Health Laboratory at Las Vegas. Analysis for fission product residue was performed to determine the contribution of diets to radionuclide body burden for the general public. All of the milk sheds in the State were sampled monthly for a similar analysis.

1969-70 In 1969, the text of the Western Interstate Nuclear Compact was enacted into law (NRS 459.200 to 459.240, inclusive). The Compact provides for a cooperative effort in nuclear and related fields to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

The State Superintendent of Public Instruction and all county supervisors were apprized of the hazards involved due to the use of cold cathode gas discharge tubes.

State personnel accompanied U.S. Atomic Energy Commission compliance inspectors on inspections of AEC-licensed facilities within the State during this biennium, as they have on many previous occasions.

1971 In 1971, legislation was passed controlling air pollution and water pollution (respectively, NRS 445.401 to 445.601, inclusive; and NRS 445.130 to 445.385, inclusive). The Commission of Environmental Protection was created by this legislation as the controlling agency for air and water pollution.

#### PRESENT PROGRAM

Two full-time radiation control specialists were hired by the State in September, 1971, to implement the radiation control program. Their major efforts up to this time have been the preparation of radiation control regulations, activities to enable the State to become an agreement State with the U.S. Atomic Energy Commission, participation in

several lengthy training courses sponsored by the U.S. Atomic Energy Commission and the Environmental Protection Agency, and on-the-job training.

#### SCOPE OF ACTIVITIES

The radiation control program encompasses the regulatory program associated with licensing of radioactive materials and registration of radiation producing machines, environmental surveillance, and response to emergency situations involving sources of radiation.

Within the State of Nevada, there are an estimated 388 X-ray machines: 188 dental units; 200 medical units, fluoroscopic and diagnostic; and six reported for industrial radiography. The number of U.S. Atomic Energy Commission units is eight: Four medical, three industrial and one institutional. There are an estimated five particle accelerators being used, with two accelerators to begin routine operation in the latter part of 1972.

There are few installations which may necessitate environmental surveillance activities. A research reactor is operable at the University of Nevada, Reno; a commercial burial site for low-level radioactive waste is located at Beatty, Nev.; and the Nevada Test Site.

#### STATUTORY AUTHORITY

The following Nevada Revised Statutes (NRS) provide for the Governor to enter into an agreement with the U.S. Atomic Energy Commission, administrative procedures, authority to promulgate regulations, enforcement of regulations, administration of public health, special prohibited uses of ionizing radiation, and mutual aid in the event of nuclear incident.

NRS 459.010-459.160, inclusive, "State Radiation Control." This statute provides for Federal-State agreements concerning the responsibility for control of sources of ionizing radiation, designates the State Board of Health as the State radiation control agency, and provides the basis for radiation control.

NRS 459.200. "Western Interstate Nuclear Compact." Article VI of this statute provides for mutual aid between party States in the event of a nuclear incident.

NRS 233B. "Nevada Administrative Procedures Act." This Act establishes minimum procedural requirements for regulation-making and adjudication procedures of all agencies of the executive department of the State government and for judicial review of both functions. The provisions of the law are intended to supplement statutes applicable to specific agencies.

NRS 439. "Administration of Public Health." 439.130 requires the State Health Officer to enforce all laws and regulations pertaining to public health and empowers him to enter upon and inspect any public or private property in the State in the course of his work, and authorizes subordinates to act in his place and stead.

439.150 declares that the State Board of Health be supreme in all health matters except administrative matters and that it shall have supervision over the work of the State Health Officer.

439.200 declares that the State Board of Health shall have the power to adopt, promulgate, amend and enforce reasonable rules and regulations consistent with law and that such rules and regulations shall have the force and effect of law and shall supersede all local ordinances and regulations enacted inconsistent therewith.

NRS 202.245, states that no person may operate or maintain any shoe-fitting device

or shoe-fitting machine which uses fluoroscopic, X-ray, or radiation principles.

NRS 644.470, prohibits the use of any X-ray machine by cosmetologists in the treatment of the scalp or in the removal of surplus hair.

NRS 445.130 to 445.385, inclusive, provides for the control of water pollution within the State.

NRS 445.401 to 445.601, inclusive, provides for the control of air pollution within the State.

#### PROCEDURES AND POLICIES

##### LICENSING AND REGISTRATION

The Bureau of Environmental Health, Division of Health, is charged with the responsibility of operating the radiation control program for the Nevada State Board of Health. The program shall regulate and control the usage of all sources of ionizing radiation within the State including radium and accelerator produced nuclides, X-ray generating machines, and particle accelerators. Registration is required for the use of X-ray machines and particle accelerators, and licensing is required for the use of radioactive materials.

The licensing program shall be essentially the same as that presently utilized by the U.S. Atomic Energy Commission and shall use criteria established by the U.S. Atomic Energy Commission. The Chief of the Bureau of Environmental Health and key staff members will evaluate each radioactive material license application, and perform prelicensing visits if deemed necessary. The U.S. Atomic Energy Commission shall be consulted concerning the nonroutine medical uses of radioactive material, and for any circumstance which indicates that advice and guidance concerning the application of radiation or radioactive material is required. Upon approval, specific licenses shall be endorsed by the State Health Officer or his duly authorized representatives for the Nevada State Board of Health.

##### INSPECTION

Qualified staff personnel shall conduct inspections of licensees' and registrants' facilities to assure compliance with the regulations and to evaluate the adequacy of radiation protection programs. Inspection shall be either by pre-arrangement or on an unscheduled basis during working hours.

Licensees' and registrants' facilities shall be inspected on a priority basis determined by the classification of use, degree of hazard, previous violations, training, and experience of the user and other relevant factors. The initial planned inspection frequencies are as follows:

Category	Anticipated inspection frequency (months)
Industrial radiography	12
Operations involving waste disposal	6
Broad licenses, industrial, medical, or academic	12
Other specific licenses, industrial, medical or academic	12-24
X-ray, medical, industrial, or academic	12-24

The above inspection frequencies are subject to change due to circumstances and experience. At the start of an inspection, personal contact at management level will be made whenever possible. At the completion of each inspection, the inspector will confer with licensee management to discuss the results of his inspection, presenting oral recommendations or suggestions as required and answering questions concerning the regulatory program.

A comprehensive written report concerning each inspection shall be prepared by the



inspector and reviewed by qualified Bureau of Environmental Health personnel.

#### COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions shall be determined through inspections and evaluations of inspection reports. Licensees and registrants shall be informed of the results of all inspections, orally at the time of inspection and by letter or notice from the Agency.

When items of minor noncompliance are found and the licensee or registrant agrees at the time of inspection to correct them promptly, no further action shall be taken by the inspection Agency, except that the licensee or registrant shall receive a letter from the Agency stating the items of noncompliance, and that these items shall be checked at the next scheduled inspection.

When items of major noncompliance are found, the licensee or registrant shall be informed orally at the time of inspection and subsequently by letter of the items of noncompliance and he shall be required to reply in writing within a stated time as to the corrective action taken and the completion date or anticipated completion date of the corrective action. Assurance that the corrective action has been taken shall be determined by a followup inspection or at the time of the next regularly scheduled inspection, as circumstances warrant.

A license, upon request of a licensee, may be amended to be consistent with the Act or regulations or to meet changing conditions in operations. The Agency may amend, suspend, or revoke a license in the event of continual refusal of the licensee to comply with the terms and conditions of the license, the Act, or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Agency shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may without notice or hearing issue a regulation or order noting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not willing to observe the provisions of the Act or regulations issued thereunder. After these actions, the licensee has a right to a hearing.

A court order directing a person to comply, or enjoining such practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been offered.

The Agency shall endeavor to gain compliance by cooperative and educational methods. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, shall the full weight of legal procedure normally be employed.

#### EFFECTIVE DATE OF LICENSE TRANSFER AND RECIPROCITY

Any person who, on the effective date of the agreement with the U.S. Atomic Energy Commission, possesses a license issued by the U.S. Atomic Energy Commission shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such a license or on the date of expiration specified in the Federal license,

whichever is earlier. The Nuclear Affairs Act enacted by the Nevada Legislature and the Rules and Regulations promulgated by the Nevada State Board of Health pursuant to the above legislation provides for recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States.

#### RADIOLOGICAL EMERGENCY CAPABILITY

The State of Nevada Emergency Procedures Manual and Nevada Revised Statute 459.120 designates the Department of Health, Welfare, and Rehabilitation and the Nevada State Board of Health, respectively, as the responsible agencies in the event of an accident involving radioactive materials. It will be the responsibility of the Bureau of Environmental Health to respond for these agencies in such an emergency.

Notification of an emergency may be by a State licensee or by the Nevada State Highway Patrol, local enforcement agencies, or local fire departments through the Atomic Energy Commission. Nevada State Highway Patrol, local enforcement agencies, and local fire departments have, during various training courses, received cards and posters listing the telephone numbers of the Atomic Energy Commission.

Bureau of Environmental Health personnel shall respond either as the emergency response team or as the agency responsible for public health and safety. The nature of the response may vary from an office evaluation and advisement of controls to on-the-site evaluation, radiation, and radioactivity measurements, establishment of controls, and coordination of support agencies.

Upon request, the State Civil Defense and Disaster Agency shall coordinate the transportation of Bureau personnel to the site of the incident, the installation of a communication network, and the supply of any power and heavy duty equipment needed. For any transportation or communications not provided, the Bureau will depend on commercial and other State organizations.

The State of Nevada is a member of the Western Interstate Nuclear Compact. Should circumstances warrant during the course of a radiological incident, member States of the Compact shall be requested to provide assistance to the State according to the mutual aid feature of the Compact.

The Bureau of Environmental Health will make a request to the Environmental Protection Agency, Western Environmental Research Laboratory, for any radioanalysis required beyond the capability of the Bureau's laboratory instrumentation.

Future plans for emergency situations include a review and revision of existing radiological emergency procedures reflecting the enlarged staff, the acquisition of any special radiation detection instrumentation which may be required, the formation of a radiological emergency team and the preparation of radiological emergency kits which will be available for immediate use.

#### ORGANIZATION AND STAFF

The State Board of Health is designated as the radiation control agency for the State by the Radiation Control Act and is authorized to carry out the provisions of the Act. The State Division of Health is responsible for the radiation control program for the Board of Health, with implementation of the program performed by the Bureau of Environmental Health. The State Health Officer functions as the head of the Division of Health, and as Secretary to the Board of Health. The Radiological Control Section is under the Chief, Bureau of Environmental Health, who reports to the State Health Officer. These relationships are illustrated in Chart 1 of the Appendix.

The two radiation control specialists in the Radiological Control Section shall devote full

time to the radiation control program for licensing and registration functions, inspection of licensed and registered facilities, response to emergency situations, and to all other radiation control activities within the State over which the State Board of Health has authority. This section shall maintain all records pertinent to the radiation control program including those which will permit the U.S. Atomic Energy Commission to evaluate the status of the program with regard to its compatibility with those of other agreement States, and that of the Commission. The Chief and the Assistant Chief of the Bureau shall participate in licensing and registration functions to provide greater manpower depth to the small Radiological Control Section.

The Commission of Environmental Protection is the agency responsible for the control of air and water pollution within the State. However, the regulations promulgated by the Commission will not conflict with those of the Board of Health for radiation control. The Bureau of Environmental Health is designated as the advisory and implementing agency for the Commission, and the Chief, Bureau of Environmental Health is the Control Officer for the Commission. The relationship between the Board and the Commission is illustrated in Chart 2 of the Appendix.

Position titles, education, and experience of Bureau of Environmental Health personnel directly involved in the activities of the radiological health program are listed below. Replacements for these personnel, if required, shall be recruited as soon as possible. The level of experience, education, and training shall be that required by the position descriptions contained in the Appendix.

**ERNEST G. GREGORY—Chief, Bureau of Environmental Health**

#### Education

University of Nevada—B.S. Civil Engineering; 1951.

#### Other Training

USPHS—Basic Radiological Health; 2 weeks.  
USPHS—Gamma Spectroscopy; 2 weeks.

#### Experience

1965—Present Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1956–65 Public Health Engineer, Bureau of Environmental Health, Nevada State Health Division. Principal area of responsibility was in water pollution control. From 1958 to 1963 served as the Civil Defense Radiological Office for the State, which included the training of Civil Defense radiation monitors and radiation monitor instructors. Held a byproduct material license for Civil Defense Model CDV-784-786 radioactive sources.

1952–56 Right-of-way Agent, Nevada State Highway Department.

1951–52 Hydrologist, U.S. Bureau of Reclamation.

#### Miscellaneous

Registered Professional Engineer:  
Wendell D. McCurry—Assistant Chief, Bureau of Environmental Health.

#### Education

Murray State Agricultural College—A.S. Engineering; 1959–61.

Oklahoma State University—B.S. Civil Engineering; 1963.

Oklahoma State University—M.S. Public Health and Sanitary Engineering; 1965.

University of Florida—Post Graduate work in Environmental Engineering and Radiological Health; 1964–66.



## Other Training

- USPHS—Occupational Health Course; 2 weeks.  
 AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.  
 USPHS—Medical X-ray Protection; 2 weeks.

## Experience

1970—Present Assistant Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1966-70 Public Health Engineer II, Nevada State Health Division. Duties very similar to present position.

## Miscellaneous

Registered Professional Engineer:  
 William C. Horton—Radiation Control Specialist III.

## Education

University of New Mexico—B.S. Geology; 1953.

## Other Training

- AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.  
 EPA—Medical X-ray Protection; 2 weeks.  
 USPHS—Basic Radiological Health; 2 weeks.  
 Picker X-ray Corp.—Isotopes and X-rays for Industrial Radiography; 1 week.  
 Defense Atomic Support Agency and Reynolds Electrical and Engineering Company—Emergency Radiation Team Training; 1 week each course.  
 AEC—Ten-week Health Physics course beginning April 3, 1972.

## Experience

1971—Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1967-71 Supervisor of Environmental Monitoring, Battelle Northwest, Richland, Washington. Primarily responsible for implementing the overall environmental surveillance program at Hanford. Supervised radiation monitors taking samples and performing radiation and contamination surveys in the environs. Assisted in program planning, analytical result evaluation, and program coordination. Provided liaison with analytical laboratories.

1959-67 Engineer, ACFI, Inc., Albuquerque, New Mexico. Had primary responsibility for all radiological protection in a manufacturing plant possessing numerous X-ray devices and sealed radioactive sources. Provided shielding design for radiographic facilities and radiological protection requirements for a U 235-loaded graphite testing facility. Prepared formal operating procedures governing non-destructive testing and radiological protection practices.

1953-57 Seismologist and Party Chief, Continental Oil Company, Ponca City, Oklahoma. Primary responsibility was for operation of geophysical field crew exploring for oil, and interpretation of geophysical and geological data.

Richard W. Reynolds—Radiation Control Specialist II.

## Education

University of Nevada—B.S. Zoology; 1966.  
 University of Nevada—M.S. Nuclear Engineering; 1971.

## Other Training

- AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.  
 EPA—Medical X-ray Protection; 2 weeks.  
 Reynolds Electrical & Engineering Co.—Basic Radiological Monitoring.

## Experience

1971—Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1968-71 Graduate Research Fellow, Department of Nuclear Engineering, University of Nevada, Reno, Nev.

1966-68 Health Physicist, Health Physics Branch, Mare Island Naval Shipyard, Vallejo, Calif. Primary responsibility was the supervision of field surveillance of storage and usage of sources of ionizing radiation in medical, nondestructive test, instrument calibration, supply, and nuclear propulsion programs.

1964 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary duty assignment was gamma spectral analysis of filter systems used for aerosol surveillance during nuclear device testing.

1962-63 Nuclear Powerman, U.S. Army, Walter Reed Army Medical Center, Washington, D.C. Primary duty assignment was radiochemical analysis of coolant, effluent and environmental samples from research reactor areas at this installation.

1960-61 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary assignment was the radiochemical analysis of environmental and bioassay samples, collected as part of the surveillance program for GNOME, PLUTO, NERVA, and other projects.

## BUDGET FOR THE RADIOLOGICAL HEALTH SECTION

## Fiscal year 1971-72

Personnel	\$26,295.71
Travel (in-State)	3,332.00
Travel (out-of-State)	
Operating expenses	2,386.00
Capital equipment	3,000.00
Total	34,943.71

## Fiscal year 1972-73

Personnel	27,381.74
Travel (in-State)	3,500.00
Travel (out-of-State)	
Operating expenses	2,464.00
Capital equipment	
Total	33,345.74

NOTE: For the capital equipment budget for fiscal year 1971-72, it is anticipated that matching funds for procurement of radiation detection and measurement equipment will be obtained from the Federal Office of Civil Defense, Department of the Army.

## INSTRUMENTATION

Listed below is the field and laboratory instrumentation and radioactive sources which the Bureau of Environmental Health will utilize for the detection and measurement of radiation during routine inspections and emergencies for the identification and measurement of radioactive materials during periodic environmental surveillance and for the standardization of instrumentation, respectively.

## Field Instrumentation—Survey

Alpha	Range
1 Eberline Alpha Counter, scintillation type, Model Pac-4 <sup>a</sup> .	0-2 x 10 <sup>6</sup> c.p.m.
Neutron	
1 Nuclear Chicago Portable Survey Meter, Model 2671.	0-2.5 x 10 <sup>4</sup> n/cm. <sup>2</sup> /sec.

## Beta, X-rays, and Gamma

- 1 Eberline Beta-Gamma Counter, GM Type, Model E-250. 0-2 R/hr. 0-2000 K c.p.m.  
 2 Victoreen Survey Meters, ion chamber type, Model 470. 0-300 mR/hr. and R/hr.

## Calibration and Standard Measurements

- 2 Victoreen Condensor R-meters, Model 570.  
 2 Victoreen R-meter chambers, Model 130, 0-250 mR, 30-500 keV.  
 2 Victoreen R-meter chambers, Model 227, 0-1R, 30-500 keV.  
 1 Victoreen R-meter chamber, Model 552, 0-2.5R, 400-1300 keV.  
 2 Victoreen R-meter chambers, Model 70-5, 0-25R, 30-250 keV.  
 1 Victoreen R-meter chamber, Model 326, 0-10R, 30-350 keV.

## Sources

- 1 set of Tracerlab Gamma Spectrometer Sources, Model R-35.  
 1 set of Eberline Pu<sup>239</sup> Calibration Sources, Model S94-1.  
 1 Tracerlab C<sup>12</sup> source, Model R210.

## LABORATORY INSTRUMENTATION

## Gamma Spectroscopy

- 1 Tracerlab Model SC-76S single channel analyzer interconnected with a Tracerlab Model SC-71 scaler, Model SC-87B Auto-Printer, and SC-57A well scintillation detector, which houses a 2-inch x 1½-inch NaI well crystal.

## Alpha, Beta, and Gamma Measurements

- 1 Tracerlab Model SC-71 scaler connected with a Model SC-87B Auto-Printer and FD-2 Flow Detector, used both as a geiger and proportional counter, and a SC-57A well scintillation detector.

[FR Doc.72-4877 Filed 3-30-72; 8:45 am]

## FEDERAL RESERVE SYSTEM

## FIRST CITY BANCORPORATION OF TEXAS, INC.

## Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor to La Porte State Bank, La Porte, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 26, 1972.

Board of Governors of the Federal Reserve System, April 3, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
 Assistant Secretary.

[FR Doc.72-5346 Filed 4-6-72; 8:47 am]



# FEDERAL COMMUNICATIONS COMMISSION

[Report 590]

## COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

APRIL 3, 1972.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list set forth below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the pre-

<sup>1</sup> All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

viously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

#### FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

#### APPLICATIONS ACCEPTED FOR FILING

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

7787-C2-P-(4)—71RAM Broadcasting of Texas, Inc. (KKG412), replace transmitters operating 454.100 and 454.200 MHz and relocate facilities operating on 454.050 and 454.325 MHz from location No. 1: Southland Life Building, Live Oak, Olive, Bryant and Pearl Streets, Dallas, Tex.

6568-C2-P-72—Anserfone of St. Lucie County, Inc. (New), for a new one-way station to be located at 464 North Ninth Street, Fort Pierce, FL, to operate on 158.70 MHz.

6570-C2-MP-72—Airsignal International, Inc. (KSV991), replace transmitter operating on 152.24 MHz, located at 965 Eustis Street, St. Paul, MN.

6571-C2-P-72—Airsignal International, Inc. (KAH661), for additional facilities to operate on 35.25 MHz located at Second Avenue South between Fifth and Sixth Streets, Minneapolis, MN.

6580-C2-P-72—Mobile Radio Telephone Service, Inc. (KAQ608), for additional facilities to operate on 35.58 MHz, located at 631 17th Street, Denver, CO.

6612-C2-P-72—Radio Telephone Co. of Gainesville (KJU814), for additional facilities to operate on 152.24 MHz, located at 1609 South Main Street, Gainesville, FL.

6613-C2-P-(2)-72—Radio Paging Service (KKE970), for additional facilities to operate on 454.050 and 454.125 MHz at a new site described as location No. 2: Intersection of 85th Street and Avenue L, Lubbock, Tex.

6614-C2-P-72—Central Telephone Co. of Illinois (KSD683), change the antenna system operating on 152.75 MHz located at 2.5 miles northwest of Dixon, Ill.

6615-C2-P-72—Airphone Co. (KOC266), change the antenna system located at the north end of Birch Street, West Springfield, Mass. operating on 35.58 MHz.

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

6618-C2-P-72—Mobile Communications Service, Inc. (KOA264), replace the transmitter operating on 152.06 MHz, change the antenna system for same and relocate facilities from location No. 2 to location No. 1: 431 Greenleaf Road, Portland, OR.

6697-C2-P-(2)-72—The Diamond State Telephone Co. (KGH865), replace transmitter operating on 152.78 MHz, change the antenna system and auxiliary test facilities to operate on 158.04 MHz all located at 9 Depot Street, Georgetown, DE.

6698-C2-P-72—Radio Contact Corp. (KRH648), relocate facilities operating on 454.200 MHz to the end of Mine Road, top of Lee Hill Mountain, 5.5 miles northwest of Boulder, Colo.

6699-C2-P-(2)-72—Answerite Professional Telephone Service (KIY581), relocate facilities operating on 152.120 and 152.210 MHz at location No. 1 to: Route No. 526, 6 miles west of Orlando, Fla.

6700-C2-ML-72—Airsignal International, Inc. (KAF245), change frequency to 35.58 MHz at the Commerce Tower Building, Ninth and Main Streets, Kansas City, MO.

6701-C2-P-72—National Communications System, Inc. (KRM981), replace the transmitter operating on 158.70 MHz located at Fourth and J Streets, Sacramento, Calif.

6702-C2-P-72—National Communications System, Inc. (KRM982), replace the transmitter operating on 158.70 MHz located at 1805 Harbor Road, Stockton, CA.

3557-C2-R-72—New England Telephone & Telegraph Co. (KA9446), renewal of license expiring April 25, 1972. Term: April 25, 1972 to April 25, 1973 (Developmental).

#### Correction

3081-C2-P-(4)-71—RAM Broadcasting of Texas, Inc. (KKG412), should read: (New), for a new two-way station to operate on 454.100 and 454.200 MHz at location No. 1: 0.5 mile south of Corsicana on U.S. Route No. 75, Corsicana, Tex. and 454.050 and 454.325 MHz at location No. 2: 3820 Moulton Street, Greenville, TX. See Public Notice dated December 14, 1970.

2081-C2-P-(6)-72—Empire Communications Company (KOP306) Correct to read: At location No. 1 change repeater frequency to 459.15 MHz. All other particulars remain as reported in Public Notice No. 589, dated March 27, 1972.

#### POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

(INFORMATIVE: Applicant, MCI Texas-East Microwave, Inc., is modifying its original proposal for Specialized Common Carrier Radio Service between Dallas, Tex., and New Orleans, La., by filing 23 new applications below.)

6520-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 2, Irving, Tex. C.P. for a new station at the intersection of Highway 183 and Darr Street at latitude 32°50'02", longitude 96°55'11". Frequencies 11,625.0V MHz, 11,225.0V MHz on azimuth 114°59' toward Dallas, Tex., and 11,665.0V MHz, 11,265.0V MHz on azimuth 233°22' toward Arlington, Tex.

6521-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 3, Arlington, Tex. C.P. for a new station at 1932 East Abram Street, Arlington, TX at latitude 32°44'04", longitude 97°04'40". Frequencies 10,735.0H MHz, 11,135.0H MHz on azimuth 53°17' toward Irving, Tex., and 6226.9V MHz on azimuth 223°50' toward Burleson, Tex.

6522-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 6, Covington, Tex. C.P. for a new station 4.3 miles north of Covington, Tex., at latitude 32°14'37", longitude 97°14'59". Frequencies 6226.9V MHz on azimuth 346°42' toward Burleson, Tex., and 6226.9H MHz on azimuth 135°33' toward Milford, Tex.

6523-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 23, Westfield, Tex. C.P. for a new station 3.5 miles west-southwest of Westfield, Tex., at latitude 29°59'56", longitude 95°27'20". Frequencies 6197.2V MHz on azimuth 317°49' toward Mostyn, Tex., and 6226.9V MHz on azimuth 119°02' toward Kinwood, Tex.

6524-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 27, Beach, Tex. C.P. for a new station 4.4 miles east-northeast of Beach, Tex., at latitude 30°20'52", longitude 95°21'06". Frequencies 6197.2H MHz on azimuth 244°40' toward Mostyn, Tex., and 6226.9H MHz on azimuth 71°02' toward Shepherd, Tex.

6525-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 28, Shepherd, Tex. C.P. for a new station 2.8 miles south of Shepherd, Tex., at latitude 30°27'12", longitude 94°59'44". Frequencies 5974.8H MHz on azimuth 251°13' toward Beach, Tex., and 5945.2V MHz on azimuth 48°07' toward Schwab City, Tex.



## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6526-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 29, Schwab City, Tex. C.P. for a new station 8.5 miles northeast of Schwab City, Tex., at latitude 30°40'00", longitude 94°43'12". Frequencies 6197.2V MHz on azimuth 228°15' toward Shepherd, Tex., and 6226.9H MHz on azimuth 154°26' toward Thicket, Tex., and 6226.9V MHz on azimuth 68°09' toward Woodville, Tex.
- 6527-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 30, Thicket, Tex. C.P. for a new station 4.6 miles southeast of Thicket, Tex., at latitude 30°22'14", longitude 94°33'24". Frequencies 5974.8H MHz on azimuth 334°31' toward Schwab City, Tex., and 6004.5H MHz on azimuth 118°54' toward Slisbee, Tex.
- 6528-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 33, Woodville, Tex. C.P. for a new station 5.5 miles east-northeast of Woodville, Tex., at latitude 30°43'07", longitude 94°19'39". Frequencies 5974.8V MHz on azimuth 248°21' toward Schwab City, Tex., and 5945.2H MHz on azimuth 82°09' toward Roganville, Tex.
- 6529-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 34, Roganville, Tex. C.P. for a new station 3.8 miles north of Roganville, Tex., at latitude 30°51'09", longitude 93°53'48". Frequencies 6197.2H MHz on azimuth 262°22' toward Woodville, Tex., and 6226.9H MHz on azimuth 92°52' toward Knight, La.
- 6530-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 35, Knight, La. C.P. for a new station 5.7 miles south of Knight, La., at latitude 30°49'56", longitude 93°26'48". Frequencies 5974.8H MHz on azimuth 273°06' toward Roganville, Tex., and 5945.2V MHz on azimuth 74°39' toward Cravens, La.
- 6531-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 36, Cravens, La. C.P. for a new station 3.0 miles south-southwest of Cravens, La., at latitude 30°55'29", longitude 93°03'11". Frequencies 6197.2V MHz on azimuth 254°52' toward Knight, La., and 6197.2V MHz on azimuth 100°35' toward Oakdale, La.
- 6532-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 37, Oakdale, La. C.P. for a new station 2.4 miles north of Oakdale, La., at latitude 30°51'39", longitude 92°39'38". Frequencies 5945.2H MHz on azimuth 280°47' toward Cravens, La., and 5945.2H MHz on azimuth 119°09' toward Ville Platte, La.
- 6533-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 38, Ville Platte, La. C.P. for a new station 1.7 miles west of Ville Platte, La., at latitude 30°41'35", longitude 92°18'48". Frequencies 6256.5V MHz on azimuth 299°19' toward Oakdale, La., and 6226.9H MHz on azimuth 116°31' toward Washington, La.
- 6534-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 39, Washington, La. C.P. for a new station 1.7 miles south of Washington, La., at latitude 30°35'09", longitude 92°03'56". Frequencies 5974.8V MHz on azimuth 296°39' toward Ville Platte, La., and 5945.2V MHz on azimuth 61°14' toward Melville, La.
- 6535-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 40, Melville, La. C.P. for a new station 2.6 miles north of Melville, La., at latitude 30°43'56", longitude 91°45'22". Frequencies 6197.2V MHz on azimuth 241°23' toward Washington, La., and 6226.9V MHz on azimuth 112°37' toward Dupont, La.
- 6536-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 41, Dupont, La. C.P. for a new station 0.9 mile south of Dupont, La., at latitude 30°37'53", longitude 91°28'37". Frequencies 5974.8V MHz on azimuth 292°45' toward Melville, La., and 5945.2H MHz on azimuth 105°57' toward Scotlandville, La.
- 6537-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 42, Scotlandville, La. C.P. for a new station 1.9 miles north of Scotlandville, La., at latitude 30°33'32", longitude 91°11'06". Frequencies 6197.2H MHz on azimuth 286°05' toward Dupont, La., and 10735.0V MHz, 11135.0V MHz on azimuth 157°13' toward Baton Rouge, La.
- 6538-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 44, Denham Springs, La. C.P. for a new station 1.0 mile south of Denham Springs, La., at latitude 30°27'27", longitude 90°57'42". Frequencies 5974.8V MHz on azimuth 267°21' toward Baton Rouge, La., and 5960.0H MHz on azimuth 183°27' toward Marchandville, La.
- 6539-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 45, Marchandville, La. C.P. for a new station 2.5 miles north-northwest of Marchandville, La., at latitude 30°09'54", longitude 90°58'55". Frequencies 6241.7H MHz on azimuth 03°26' toward Denham Springs, La., and 6212.0H MHz on azimuth 113°31' toward Gramercy, La.
- 6540-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 46, Gramercy, La. C.P. for a new station 1.0 miles southeast of Gramercy, La., at latitude 30°03'36", longitude 90°42'19". Frequencies 5989.7H MHz on azimuth 293°39' toward Marchandville, La., and 5960.0V MHz on azimuth 87°18' toward LaPlace, La.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 6541-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 47, LaPlace, La. C.P. for a new station 1.0 miles west-southwest of LaPlace, La., at latitude 30°04'12", longitude 90°27'19". Frequencies 6241.7V MHz on azimuth 267°26' toward Gramercy, La., and 6212.0V MHz on azimuth 142°19' toward Luling, La.
- 6542-C1-P-72—MCI Texas-East Microwave, Inc. (New), Site 48, Luling, La. C.P. for a new station 1.5 miles northeast of Luling, La., at latitude 29°58'34", longitude 90°20'33". Frequencies 5989.7V MHz on azimuth 322°23' toward LaPlace, La., and 5960.0H MHz on azimuth 111°22' toward Marrero, La.
- 6543-C1-P-72—American Telephone & Telegraph Co. (KAC64), 3.6 miles south of Hudson, Colo. C.P. to change polarization from V to H on frequencies 3710H, 3790H, 3870H, 3950H, 4030H, 4110H, 5925.5H, 6034.2H, 6152.8H MHz toward Denver, Colo., and change polarization from H to V on frequencies 3730V, 3810V, 3890V, 3970V, 4050V, 4130V, 6172.5V MHz toward Denver, Colo., and recient antenna.
- 6544-C1-P-72—American Telephone & Telegraph Co. (KAC62), 1.0 mile west of Broomfield, Colo. C.P. to change polarization from V to H on frequencies 3750H, 3830H, 3990H, 4070H, 4150H, 6424.5H, and change polarization from H to V on frequencies 3770V, 3850V, 3930V, 4010V, 4090V, 4170V, 6177.5V, 6286.2V, 6345.5V, 6404.8V toward Hudson, Colo.
- 6545-C1-P-72—American Telephone & Telegraph Co. (KAC62), 1.0 mile west of Broomfield, Colo. Latitude 39°54'50" north, longitude 105°05'57" west. C.P. to change point of communication from Denver Main to Brooks Tower Building and add passive reflector.
- 6546-C1-P-72—Southern Bell Telephone & Telegraph Co. (KIB25), 51 Ivy Street NE., Atlanta, Ga. Latitude 33°45'21" north, longitude 84°23'10" west. C.P. to add 6123.1H MHz toward Palmetto, Ga.
- 6547-C1-P-72—Southern Bell Telephone & Telegraph Co. (KIB87), 4.5 miles northeast of Roscoe, Ga. Latitude 33°31'38" north, longitude 84°45'13" west. C.P. to add 6375.2V MHz toward Atlanta, Ga., and 6375.2H MHz toward Oak Mountain, Ga., a new station.
- 6548-C1-P-72—Southern Bell Telephone & Telegraph Co. (New), 2.6 miles southwest of Oak Mountain, Ga. Latitude 33°33'27" north, longitude 85°01'23" west. C.P. to add 6123.1V MHz toward Palmetto, Ga., and 10715.0H, 11035.0H MHz toward Carrollton, Ga.
- 6549-C1-P-72—Southern Bell Telephone & Telegraph Co. (New), 408 Rome Street, Carrollton, Ga. Latitude 33°34'58" north, longitude 85°04'31" west. C.P. to add 11325.0H MHz toward Oak Mountain, Ga., and 11645.0H MHz toward Oak Mountain, Ga., a new station.
- 6550-C1-P-72—American Telephone & Telegraph Co. (KPV21), 7.5 miles northwest of Apache, Ariz. Latitude 33°29'39" north, longitude 111°38'26" west. C.P. to add 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Cave Creek, Ariz.
- 6551-C1-P-72—American Telephone & Telegraph Co. (KPW98), 6.2 miles east of Cave Creek, Ariz. Latitude 33°50'54" north, longitude 111°49'56" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Apache Junction, Ariz., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Morristown, Ariz.
- 6552-C1-P-72—American Telephone & Telegraph Co. (KPW97), 11.0 miles northeast of Morristown, Ariz. Latitude 33°57'21" north, longitude 112°28'34" west. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Cave Creek, Ariz., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Agulla, Ariz.
- 6553-C1-P-72—American Telephone & Telegraph Co. (KPW96), 18 miles south-southeast of Agulla, Ariz. Latitude 33°41'28" north, longitude 113°05'35" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Morristown, Ariz., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Salome, Ariz.
- 6554-C1-P-72—American Telephone & Telegraph Co. (KPW95), 17.0 miles south-southeast of Salome, Ariz. Latitude 33°32'38" north, longitude 113°33'41" west. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Agulla, Ariz., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Quartzsite, Ariz.
- 6555-C1-P-72—American Telephone & Telegraph Co. (KPN94), 15.2 miles southeast of Quartzsite, Ariz. Latitude 33°28'32" north, 114°05'16" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Salome, Ariz., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Castle Dome Mountain, Ariz.
- 6556-C1-P-72—American Telephone & Telegraph Co. (KPW93), 29 miles south of Quartzsite, Ariz. Latitude 33°14'23" north, longitude 114°15'32" west. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Quartzsite, Ariz., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Glamis, Calif.



6557-C1-P-72—American Telephone & Telegraph Co. (KNL30), 14.8 miles east-northeast of Glamis, Calif. Latitude 33°03'07" N., longitude 114°49'36" W. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Castle Dome Mountain, Ariz., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Brawley, Calif.

6558-C1-P-72—American Telephone & Telegraph Co. (KNL29), 1.4 miles west-southwest of Brawley, Calif. Latitude 32°58'41" N., longitude 115°33'19" W. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Glamis, Calif., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Salton, Calif.

6559-C1-P-72—American Telephone & Telegraph Co. (KNL28), Salton, 9.5 miles north-northeast of Ocotillo, Calif. Latitude 33°16'48" N., longitude 116°05'04" W. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Brawley, Calif., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Julian, Calif.

6560-C1-P-72—American Telephone & Telegraph Co. (KTQ86), 5.6 miles north of Julian, Calif. Latitude 33°09'33" N., longitude 116°38'53" W. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Salton, Calif., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Warner Springs, Calif.

6561-C1-P-72—American Telephone & Telegraph Co. (New), 8.1 miles north-northeast of Warner Springs, Calif. Latitude 33°23'01" N., longitude 116°42'18" W. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H, 4190H MHz toward Julian, Calif., and 6226.9V, 6286.2V, 6345.5V, 6404.8V, 4190V MHz toward Wildomar, Calif.

6562-C1-P-72—American Telephone & Telegraph Co. (New), 2.9 miles north-northeast of Wildomar, Calif. Latitude 33°38'20" N., longitude 117°14'42" W. C.P. for 5974.8H, 6034.2H, 6093.5H, 6152.8H, 4198V MHz toward Warner Springs, Calif., and 5974.8V, 6034.2V, 6093.5V, 6152.8V, 4198V MHz toward Corona, Calif.

6563-C1-P-72—American Telephone & Telegraph Co. (New), Corona City Boundary, Calif. Latitude 33°49'43" N., longitude 117°34'27" W. C.P. for 6226.9H, 6286.2H, 6345.5H, 6404.8H, 4190V MHz toward Wildomar, Calif.

6564-C1-P-72—Southern Bell Telephone & Telegraph Co. (KTQ60), 125 Reese Street, Athens, Ga. Latitude 33°57'27" N., longitude 83°22'53" W. C.P. to add 6256.5H MHz toward Alcovy Mountain, Ga.

6565-C1-P-72—Southern Bell Telephone & Telegraph Co. (KIT39), 3.3 miles east-northeast of Jersey, Alcovy Mountain, Ga. Latitude 33°43'57" N., longitude 83°44'43" W. C.P. to add 6093.5H MHz toward Rockdale, Ga., and 6004.5H MHz toward Athens, Ga.

6566-C1-P-72—Southern Bell Telephone & Telegraph Co. (KJG94), approximately 3 miles southeast of Conyers, Ga. Latitude 33°37'42" N., longitude 83°58'47" W. C.P. to add 6375.2H MHz toward Atlanta, Ga., and 6345.5H MHz toward Alcovy Mountain, Ga.

6567-C1-P-72—Southern Bell Telephone & Telegraph Co. (KIT25), 51 Ivy Street NE, Atlanta, Ga. Latitude 33°45'21" N., longitude 84°23'10" W. C.P. to add 6123.1V MHz toward Rockdale, Ga.

6572-C1-P-72—American Telephone & Telegraph Co. (KEB47), Plainview, 1.7 miles southwest of Melville, N.Y. Latitude 40°46'34" N., longitude 73°26'28" W. C.P. to add 10915H MHz toward Garden City (WLIW-TV), N.Y.

6573-C1-P-72—American Telephone & Telegraph Co. (KAP26), 528 Main Street, Davenport, IA. Latitude 41°31'31" N., longitude 90°34'33" W. C.P. to add 4070V MHz toward Blue Grass, Iowa.

6574-C1-P-72—American Telephone & Telegraph Co. (KAX39), 4 miles east of Blue Grass, Iowa. Latitude 41°30'22" N., longitude 90°40'11" W. C.P. to add 4030H MHz toward Princeton, Iowa.

6575-C1-P-72—American Telephone & Telegraph Co. (KSB67), 3.5 miles north-northeast of Danville, Ind. Latitude 39°47'56" N., longitude 86°34'06" W. C.P. to add 3770H, 3850H, 4190V, toward Wilber, Ind.

6576-C1-P-72—American Telephone & Telegraph Co. (New), 0.5 mile north-northeast of Wilber, Ind. Latitude 39°31'20" N., longitude 86°29'25" W. C.P. to add 3730V, 3810V, 4198H MHz toward Montclair, Ind., and 3730H, 3810H, 4198V MHz toward Morgantown, Ind.

6577-C1-P-72—American Telephone & Telegraph Co. (KSP23), 2.3 miles north-northeast of Morgantown, Ind. Latitude 39°24'15" N., longitude 86°15'03" W. C.P. to add 3770H, 3850H, 4190V MHz toward Wilber, Ind.

6585-C1-P-72—General Telephone Co. of the Southeast (New), 615 South Thornton Avenue, Dalton, Ga. Latitude 34°45'50" N., longitude 84°58'16" W. C.P. for 11075H MHz toward Dalton, Ga., and 10755.0H MHz toward Dalton, Ga.

## NOTICES

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6606-C1-MP-72—American Telephone & Telegraph Co. (KGF40), New Britain, 2.1 miles northwest of Doylestown, Pa. Latitude 40°19'33" N., longitude 75°10'20" W. Modification of C.P. to change point of communication from Pennington, N.J. to Hamilton Square, N.J. on frequencies 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz.

6607-C1-MP-72—American Telephone & Telegraph Co. (WBP73), modification of C.P. to change location of station from 4.2 miles west of Pennington, N.J. to Hamilton Square, 1.9 miles south of Mercerville, N.J. Latitude 40°12'32" N., longitude 74°41'12" W. Frequencies 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Columbus, N.J. and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward New Britain, Pa.

6608-C1-MP-72—American Telephone & Telegraph Co. (WBP72), 2.7 miles northeast of Columbus, N.J. Latitude 40°05'11" N., longitude 74°40'13" W. Modification of C.P. to change point of communication from Pennington, N.J. to Hamilton Square, N.J. on frequencies 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz.

6610-C1-MP-72—American Telephone & Telegraph Co. (WDE75), Palo Escrito, 5.8 miles east-northeast of Jamesburg, Calif. Latitude 36°24'32" N., longitude 121°29'42" W. Modification of C.P. to change polarization from H to V on frequencies 10975V, 11135V MHz toward Jamesburg, Calif., via passive reflector.

6611-C1-MP-72—American Telephone & Telegraph Co. (WDE76), Thompson Valley, 7.1 miles east-northeast of Camp McCullum, Calif. Latitude 36°40'10" N., longitude 121°24'12" W. Modification of C.P. to change polarization from V to H on frequencies 11665V, 11345V MHz toward Palo Escrito, Calif.

INFORMATIVE: Applicant, MCI Mid-South, Inc., is proposing forty-eight (48) new point-to-point microwave sites for specialized common carrier service between New Orleans, La., Memphis, Tenn., Atlanta, Ga., and Columbus, Ga. These applications are in compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and Informative Guidelines published regarding frequency coordination report No. 562 FCC Common Carrier Services Information released September 20, 1971.

6623-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile south-southeast of Booker, Ark., at latitude 35°18'04" N., longitude 90°16'55" W. Frequency 6315.9H MHz on azimuth 97°03'. Frequency 6226.9H MHz on azimuth 276°58'.

6624-C1-P-72—MCI Mid-South, Inc. (New), a new station 4 miles southwest of Coldwater, Ark., at latitude 35°20'05" N., longitude 90°37'35" W. Frequency 6004.5H MHz on azimuth 96°41'. Frequency 6034.2V MHz on azimuth 207°54'.

6625-C1-P-72—MCI Mid-South, Inc. (New), a new station 3 miles southeast of Colt, Ark., at latitude 35°06'41" N., longitude 90°46'13" W. Frequency 6315.9V MHz on azimuth 27°49'. Frequency 6286.2V MHz on azimuth 228°14'.

6626-C1-P-72—MCI Mid-South, Inc. (New), a new station 3.2 miles southeast of Wheatley, Ark., at latitude 34°54'04" N., longitude 91°03'20" W. Frequency 6063.8V MHz on azimuth 48°04'. Frequency 6063.8H MHz on azimuth 209°04'.

6627-C1-P-72—MCI Mid-South, Inc. (New), a new station 1.5 miles south of Arlington, Tenn., at latitude 35°16'20" N., longitude 89°40'14" W. Frequency 6286.2V MHz on azimuth 133°34'. Frequency 6286.2H MHz on azimuth 270°39'.

6628-C1-P-72—MCI Mid-South, Inc. (New), a new station 6.2 miles southwest of Williston, Miss., at latitude 35°07'10" N., longitude 89°28'31" W. Frequency 6004.5V MHz on azimuth 179°55'. Frequency 6004.5H MHz on azimuth 313°41'.

6629-C1-P-72—MCI Mid-South, Inc. (New), a new station 2.8 miles north-northeast of Holly Springs, Miss., at latitude 34°48'20" N., longitude 89°28'29" W. Frequency 6256.5H MHz on azimuth 219°48'. Frequency 6226.9V MHz on azimuth 359°55'.

6630-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile northeast of Tyro, Miss., at latitude 34°35'27" N., longitude 89°41'27" W. Frequency 6063.8V MHz on azimuth 132°53'. Frequency 5974.8H MHz on azimuth 39°40'.

6631-C1-P-72—MCI Mid-South, Inc. (New), a new station 4 miles northeast of Oxford, Miss., at latitude 34°24'52" N., longitude 89°27'43" W. Frequency 6315.9H MHz on azimuth 200°45'. Frequency 6286.2V MHz on azimuth 313°01'.

6632-C1-P-72—MCI Mid-South, Inc. (New), a new station 3.8 miles northeast of Water Valley, Miss., at latitude 34°11'42" N., longitude 89°33'43" W. Frequency 6063.8H MHz on azimuth 135°38'. Frequency 6034.2H MHz on azimuth 20°41'.



6633-C1-P-72—MCI Mid-South, Inc. (New), a new station 3.6 miles west of Pittsboro, Miss., at latitude 33°56'29" N., longitude 89°15'53" W. Frequency 6271.4V MHz on azimuth 186°03'. Frequency 6404.8H MHz on azimuth 67°30'. Frequency 6286.2H MHz on azimuth 315°48'.

6634-C1-P-72—MCI Mid-South, Inc. (New), a new station 7 miles southwest of Troy, Miss., at latitude 34°02'31" N., longitude 88°58'20" W. Frequency 6004.5H MHz on azimuth 247°39'. Frequency 6152.8V MHz on azimuth 86°37'.

6635-C1-P-72—MCI Mid-South, Inc. (New), a new station 9 miles east-southeast of Nettleton, Miss., at latitude 34°03'55" N., longitude 88°28'43" W. Frequency 6256.5V MHz on azimuth 266°53'. Frequency 6404.8V MHz on azimuth 62°38'.

6636-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles west-northwest of Bexar, Ala., at latitude 34°11'31" N., longitude 88°11'00" W. Frequency 6004.5V MHz on azimuth 242°48'. Frequency 6152.8V MHz on azimuth 78°09'.

6637-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles southeast of Hackleburg, Ala., at latitude 34°15'26" N., longitude 87°48'19" W. Frequency 6256.5V MHz on azimuth 258°22'. Frequency 6256.5H MHz on azimuth 44°06'.

6638-C1-P-72—MCI Mid-South, Inc. (New), a new station 0.5 mile southwest of Fairfield, Ala., at latitude 34°28'13" N., longitude 87°11'42" W. Frequency 6271.4V MHz on azimuth 266°00'. Frequency 6256.5V MHz on azimuth 79°25'.

6639-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles southeast of Centre, Ala., at latitude 34°08'35" N., longitude 85°38'54" W. Frequency 6004.5H MHz on azimuth 258°53'. Frequency 6004.5V MHz on azimuth 101°02'.

6640-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile south of Cave Springs, Ala., at latitude 34°05'29" N., longitude 85°19'57" W. Frequency 6404.8V MHz on azimuth 281°13'. Frequency 6404.8V MHz on azimuth 58°17'.

6641-C1-P-72—MCI Mid-South, Inc. (New), a new station 4.4 miles north of Wax, Ga., at latitude 34°12'20" N., longitude 85°06'35" W. Frequency 6004.5V MHz on azimuth 238°25'. Frequency 6152.8H MHz on azimuth 137°01'.

6642-C1-P-72—MCI Mid-South, Inc. (New), a new station 3 miles east of Dallas, Ga., at latitude 33°55'10" N., longitude 84°47'25" W. Frequency 6256.5H MHz on azimuth 317°11'. Frequency 6375.2H MHz on azimuth 136°07'.

6643-C1-P-72—MCI Mid-South, Inc. (New), a new station 10 miles east-northeast of Sylacauga, Ala., at latitude 33°12'55" N., longitude 86°04'19" W. Frequency 6404.8V MHz on azimuth 305°26'. Frequency 6375.2V MHz on azimuth 215°00'.

6644-C1-P-72—MCI Mid-South, Inc. (New), a new station 1.8 miles north of Willow Springs, Ala., at latitude 32°29'45" N., longitude 86°11'10" W. Frequency 6315.9H MHz on azimuth 354°47'. Frequency 10735.0V MHz and 11135.0V MHz on azimuth 221°46'. Frequency 6375.2V MHz on azimuth 143°19'.

6645-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles south-southwest of Embury, Miss., at latitude 33°35'08" N., longitude 89°18'35" W. Frequency 6004.5V MHz on azimuth 161°24'. Frequency 6108.3V MHz on azimuth 06°01'.

6646-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles south-southwest of Ackerman, Miss., at latitude 33°16'55" N., longitude 89°11'17" W. Frequency 6256.5H MHz on azimuth 147°46'. Frequency 6404.8V MHz on azimuth 341°28'.

6647-C1-P-72—MCI Mid-South, Inc. (New), a new station 7 miles south-southeast of Louisville, Miss., at latitude 33°01'57" N., longitude 89°00'05" W. Frequency 6004.5H MHz on azimuth 184°05'. Frequency 6152.8H MHz on azimuth 327°52'.

6648-C1-P-72—MCI Mid-South, Inc. (New), a new station 5 miles east-southeast of Philadelphia, Miss., at latitude 32°44'24" N., longitude 89°01'34" W. Frequency 6256.5V MHz on azimuth 223°45'. Frequency 6404.8H MHz on azimuth 04°04'.

6649-C1-P-72—MCI Mid-South, Inc. (New), a new station 4 miles south of Prospect, Miss., at latitude 32°30'54" N., longitude 89°16'48" W. Frequency 6004.5H MHz on azimuth 246°36'. Frequency 6152.8V MHz on azimuth 43°37'.

6650-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile north of Morton, Miss., at latitude 32°22'36" N., longitude 89°39'19" W. Frequency 6256.5H MHz on azimuth 253°41'. Frequency 6404.8H MHz on azimuth 66°24'.

6651-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles north-northeast of Men-donhall, Miss., at latitude 31°58'40" N., longitude 89°51'30" W. Frequency 6256.5H MHz on azimuth 208°36'. Frequency 6404.8V MHz on azimuth 342°22'.

6652-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles west-southwest of Hebron, Miss., at latitude 31°43'27" N., longitude 90°01'12" W. Frequency 6004.5H MHz on azimuth 187°51'. Frequency 6152.8H MHz on azimuth 28°31'.

6653-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles southwest of Sartinville, Miss., at latitude 31°20'11" N., longitude 90°04'56" W. Frequency 6256.5H MHz on azimuth 206°05'. Frequency 6404.8H MHz on azimuth 07°49'.

6654-C1-P-72—MCI Mid-South, Inc. (New), a new station 3 miles west of Tylertown, Miss., at latitude 31°07'21" N., longitude 90°12'14" W. Frequency 6004.5V MHz on azimuth 253°25'. Frequency 6152.8H MHz on azimuth 26°01'. Frequency 6063.8H MHz on azimuth 105°54'.

6655-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles southeast of Gillsburg, Miss., at latitude 31°00'57" N., longitude 90°37'02" W. Frequency 6256.5V MHz on azimuth 192°31'. Frequency 6404.8V MHz on azimuth 73°12'.

6656-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles south of Greensburg, La., at latitude 30°47'51" N., longitude 90°40'24" W. Frequency 6004.5H MHz on azimuth 227°16'. Frequency 6152.8V MHz on azimuth 12°29'.

6657-C1-P-72—MCI Mid-South, Inc. (New), a new station 2 miles east-northeast of Watson, La., at latitude 30°35'46" N., longitude 90°55'30" W. Frequency 6256.5V MHz on azimuth 192°54'. Frequency 6404.8H MHz on azimuth 47°08'.

6658-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile south of Denham Springs, La., at latitude 30°27'27" N., longitude 90°57'42" W. Frequency 5989.7V MHz on azimuth 183°27'. Frequency 6152.8V MHz on azimuth 12°53'. Frequency 5945.2H MHz on azimuth 267°26'.

6659-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile south of Baton Rouge, La., at latitude 30°27'02" N., longitude 91°07'57" W. Frequency 6226.9H MHz on azimuth 87°16'.

6660-C1-P-72—MCI Mid-South, Inc. (New), a new station 2.5 miles north-northwest of Marchandville, La., at latitude 30°09'54" N., longitude 90°58'55" W. Frequency 6241.7V MHz on azimuth 113°31'. Frequency 6212.0V MHz on azimuth 03°26'.

6661-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile southeast of Gramercy, La., at latitude 30°03'36" N., longitude 90°42'19" W. Frequency 5989.7H MHz on azimuth 87°18'. Frequency 5960.0V MHz on azimuth 293°39'.

6662-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile west-southwest of Laplace, La., at latitude 30°04'12" N., longitude 90°27'19" W. Frequency 6241.7H MHz on azimuth 142°19'. Frequency 6212.0H MHz on azimuth 267°26'.

6663-C1-P-72—MCI Mid-South, Inc. (New), a new station 1.5 miles northeast of Luling, La., at latitude 29°56'34" N., longitude 90°30'33" W. Frequency 5989.7V MHz on azimuth 111°22'. Frequency 5960.0H MHz on azimuth 322°23'.

6664-C1-P-72—MCI Mid-South, Inc. (New), a new station 4.8 miles west of Sandy Hook, Miss., at latitude 31°02'45" N., longitude 89°53'08" W. Frequency 6286.2H MHz on azimuth 285°43'. Frequency 6315.9H MHz on azimuth 92°55'.

6665-C1-P-72—MCI Mid-South, Inc. (New), a new station 3 miles northwest of Lumberton, Miss., at latitude 31°01'45" N., longitude 89°31'00" W. Frequency 6063.8H MHz on azimuth 273°06'. Frequency 6063.8V MHz on azimuth 162°35'.

6666-C1-P-72—MCI Mid-South, Inc. (New), a new station 4.5 miles east of Savannah, Miss., at latitude 30°44'24" N., longitude 89°24'42" W. Frequency 6286.2V MHz on azimuth 342°38'. Frequency 6315.9V MHz on azimuth 143°16'.

6667-C1-P-72—MCI Mid-South, Inc. (New), a new station 2.5 miles southeast of Lizana, Miss., at latitude 30°31'11" N., longitude 89°13'19" W. Frequency 6004.5V MHz on azimuth 323°22'. Frequency 6123.1H MHz on azimuth 87°47'.

6668-C1-P-72—MCI Mid-South, Inc. (New), a new station 5 miles southeast of Vancleave, Miss., at latitude 30°30'00" N., longitude 88°37'01" W. Frequency 5974.8V MHz on azimuth 275°36'. Frequency 6034.2V MHz on azimuth 143°16'. Frequency 6093.5H MHz on azimuth 37°22'.

6669-C1-P-72—MCI Mid-South, Inc. (New), a new station 1 mile south-southeast of Hurley, Miss., at latitude 30°38'36" N., longitude 88°29'25" W. Frequency 6375.2H MHz on azimuth 217°26'. Frequency 6375.2H MHz on azimuth 101°17'.

6670-C1-P-72—MCI Mid-South, Inc. (New), a new station 3 miles west of Dawes, Ala., at latitude 30°37'03" N., longitude 88°20'28" W. Frequency 6093.5H MHz on azimuth 80°49'.



6672-C1-P-72—Telecommunications, Inc. (WHA90), C.P. to change location of receive site at KIRO-TV to latitude 47°37'05" N., longitude 122°21'00" W. Change azimuth to 180°46' for frequencies 11225.0 and 11585.0 MHz. Location: 301 Galer Street, Seattle, WA at latitude 47°37'55" N., longitude 122°20'29" W.

4192-C1-ML-71—Western Tele-Communications, Inc. (KPJ35), modification of license for authority to provide the audio subchannel service of the Intermountain, Inc., to an affiliated station (KDBM) in Dillon, Mont.

6703-C1-P-72—South Central Bell Telephone Co. (KJA25), approximately 1 mile northeast of Troy, Ala. Latitude 31°49'06" N., longitude 85°57'30" W. Modification of C.P. to change frequency 6263.9 MHz to 6204.7 MHz toward Brundidge, Ala., and change polarization from V to H on frequency 6293.6 MHz toward Brundidge, Ala.

6705-C1-P/L-72—General Telephone Co. of Florida (New), a temporary fixed station operating on bands 3700-4200, 5925-6425 and 10700-11700; within the territory serviced by General Telephone Co. of Florida.

6706-C1-P-72—Cincinnati Bell, Inc. (KQN89), 209 West Seventh Street, Cincinnati, OH. Latitude 39°06'10" N., longitude 84°31'02" W. C.P. to add 6049.0 MHz toward White Oak, Ohio.

6707-C1-P-72—Cincinnati Bell, Inc. (KQO29), Cheviot and Jessup Roads, White Oak, Ohio. Latitude 39°11'52" N., longitude 84°36'02" W. C.P. to add 6301.0 MHz toward North Hamilton, Ohio.

6708-C1-P-72—Cincinnati Bell, Inc. (KQO30), 1559 Boyle Road, Hamilton, OH. Latitude 39°25'46" N., longitude 84°37'46" W. C.P. to add 6049.0 MHz toward Oxford, Ohio.

6709-C1-P-72—The Ohio Bell Telephone Co. (KQH44), 121 Huron Street, Toledo, OH. Latitude 41°39'01" N., longitude 83°32'20" W. C.P. to add 6301.0 MHz toward Near Gibsonburg, Ohio, a new point of communication.

6710-C1-P-72—Cincinnati Bell, Inc. (New), 3 miles north of Gibsonburg, Ohio. Latitude 41°25'42" N., longitude 83°19'05" W. C.P. for 6049.0 MHz toward Toledo, Ohio; 6049.0 MHz toward Near Castalia, Ohio, a new point of communication; 10791.5 MHz, 10755.0 MHz toward Fremont, Ohio, a new station.

6711-C1-P-72—Cincinnati Bell, Inc. (New), 903 Crogham Street, Fremont, OH. Latitude 41°20'46" N., longitude 83°07'18" W. C.P. for 11635.0 MHz toward Near Gibsonburg, Ohio.

6712-C1-P-72—Cincinnati Bell, Inc. (New), 4 miles south of Castalia, Ohio. Latitude 41°20'32" N., longitude 82°50'33" W. C.P. for 6301.0 MHz toward Near Gibsonburg, Ohio and 11225.0 MHz, 11545.0 MHz toward Sandusky, Ohio a new station.

6713-C1-P-72—Cincinnati Bell, Inc. (New), 429 Wayne Street, Sandusky, OH. Latitude 41°27'11" N., longitude 82°42'30" W. C.P. for 10,775.0 MHz toward Near Castalia, Ohio.

6714-C1-P-72—United Telephone Co. of the Carolinas, Inc. (KJG36), W. Butler and North Carolina Streets, Saluda, S.C. C.P. to change frequencies 6026.8 MHz, 6145.4 MHz to 5974.85 MHz, 6093.46 MHz toward Greenwood, S.C.

6715-C1-P-72—United Telephone Co. of the Carolinas, Inc. (KIC29), Saveall Street at Highway 22, Greenwood, S.C. Latitude 34°10'19" N., longitude 82°08'32" W. C.P. to delete frequencies 6278.8, 6397.4 and add 6286.19 MHz toward Clinton, S.C.; delete 6189.8, 6219.5, 6338.1 and add 6226.89 MHz, 6345.50 MHz toward Saluda, S.C.; delete 6204.6, 6293.6, 6415.0 and add 6404.80 MHz toward Troy, S.C., and delete 6204.6, 6234.3, 6352.9 and add 6404.80 MHz toward Ware Shoals, S.C.

6716-C1-P-72—The Mountain States Telephone & Telegraph Co. (KPQ57), 103 North Durbin Street, Casper, Wyo. Latitude 42°51'01" N., longitude 106°19'17" W. C.P. to add 11,075.0 MHz toward Casper Mountain, Wyoming.

6717-C1-P-72—The Mountain States Telephone & Telegraph Co. (KPQ58), Casper Mountain, 6 miles south-southwest of Casper, Wyo. Latitude 42°44'25" N., longitude 106°21'44" W. C.P. to add 11,525.0 MHz toward Casper, Wyo., and 5974.8 MHz toward Midwest, Wyo., a new station.

6718-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), 7.1 miles northeast of Edgerton, Wyo. Latitude 43°29'42" N., longitude 106°09'07" W. C.P. for 6226.9 MHz toward Casper Mountain, Wyo., and 6226.9 MHz toward Mayoworth, Wyo.

6719-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), 12.8 miles north of Kaycee, Wyo. Latitude 43°53'42" N., longitude 106°40'48" W. C.P. for 5974.8 MHz toward Midwest, Wyo., and 5974.8 MHz toward Fort McKinney, Wyo., a new station.

6720-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), 7.3 miles south of Buffalo, Wyo. Latitude 44°14'06" N., longitude 106°41'57" W. C.P. for a new station on frequencies 6226.9 MHz toward Mayoworth, Wyo., a new station and 6226.9 MHz toward Sheridan Junction, Wyo., a new station.

6721-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), 12.3 miles south of Sheridan, Wyo. Latitude 44°36'29" N., longitude 106°55'23" W. C.P. for a new station on frequencies 5974.8 MHz toward Fort McKinney, Wyo., and 6019.3 MHz toward Sheridan, Wyo., via passive reflector.

6722-C1-P-72—The Mountain States Telephone & Telegraph Co. (KTQ79), 4 North Brooks Street, Sheridan, Wyo. Latitude 44°47'51" N., longitude 106°57'25" W. C.P. to add 6271.4 MHz toward Sheridan, Wyo., on latitude 44°47'45" N., longitude 106°56'25" W. via passive reflector.

INFORMATIVE: Applicant, MCI Pacific Coast, Inc., is proposing 36 new point-to-point microwave sites for specialized common carrier service in the States of California and Oregon. These applications are in compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and Informative guidelines published regarding frequency coordination report No. 562 FCC Common Carrier Service Information released September 20, 1971.

6731-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 4 miles south-southwest of Summit, Calif., at latitude 34°23'13" N. and longitude 118°49'09" W. Frequency 6083.5 MHz on azimuth 149°47'. Frequency 6063.8 MHz on azimuth 60°18'.

6732-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 1.5 miles east of Vincent, Calif., at latitude 34°29'54" N. and longitude 118°04'58" W. Frequency 6345.5 MHz on azimuth 240°23'. Frequency 3750.0 MHz on azimuth 318°28'.

6733-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 1 mile southwest of Quartz Hill, Calif., at latitude 34°38'39" N. and longitude 118°14'21" W. Frequency 3710.0 MHz on azimuth 138°23'. Frequency 3710.0 MHz on azimuth 309°4'.

6734-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 18 miles southwest of Tehachapi, Calif., at latitude 34°55'14" N. and longitude 118°39'13" W. Frequency 3750.0 MHz on azimuth 128°50'. Frequency 3750.0 MHz on azimuth 265°48'. Frequency 3850.0 MHz on azimuth 305°18'.

6735-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 0.5 mile southwest of Lakeview, Calif., at latitude 35°11'06" N. and longitude 119°06'36" W. Frequency 3810.0 MHz on azimuth 125°2'. Frequency 11625.0 MHz and 11225.0 MHz on azimuth 20°58'.

6736-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 15.5 miles south-southeast of Maricopa, Calif., at latitude 34°53'05" N. and longitude 119°13'26" W. Frequency 3710.0 MHz on azimuth 85°29'. Frequency 3710.0 MHz on azimuth 264°59'.

6737-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 5.5 miles south-southeast of Cuyama, Calif., at latitude 34°51'22" N. and longitude 119°36'39" W. Frequency 3750.0 MHz on azimuth 84°46'. Frequency 3850.0 MHz on azimuth 299°8'.

6738-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 21 miles east-northeast of Santa Maria, Calif., at latitude 35°03'10" N. and longitude 120°02'30" W. Frequency 3810.0 MHz on azimuth 118°53'. Frequency 3810.0 MHz on azimuth 2°41'.

6739-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 12.2 miles southwest of Blackwells Corner, Calif., at latitude 35°29'16" N. and longitude 120°01'00" W. Frequency 3850.0 MHz on azimuth 182°42'. Frequency 3750.0 MHz on azimuth 326°30'.

6740-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 6.8 miles north-northeast of Parkfield, Calif., at latitude 35°55'34" N. and longitude 120°22'26" W. Frequency 3710.0 MHz on azimuth 146°17'. Frequency 3850.0 MHz on azimuth 334°10'.

6741-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 4.4 miles southeast of Idria, Calif., at latitude 36°22'10" N. and longitude 120°38'22" W. Frequency 3810.0 MHz on azimuth 154°1'. Frequency 3850.0 MHz on azimuth 305°15'. Frequency 3710.0 MHz on azimuth 29°53'.

6742-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 8.5 miles south-southwest of Mendota, Calif., at latitude 36°38'51" N. and longitude 120°26'28" W. Frequency 3750.0 MHz on azimuth 210°0'. Frequency 3850.0 MHz on azimuth 86°41'.

6743-C1-P-72—MCI Pacific Coast, Inc. (New), A new station 4.8 miles south-southwest of Kerman, Calif., at latitude 36°39'45" N. and longitude 120°06'35" W. Frequency 3810.0 MHz on azimuth 266°53'. Frequency 3810.0 MHz on azimuth 43°48'.



- 6744-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 2 miles northwest of Pinedale, Calif., at latitude 36°51'58" N. and longitude 119°49'11" W. Frequency 3850.0V MHz on azimuth 228°59'. Frequency 10,775.0V MHz and 11,175.0V MHz on azimuth 169°37'.
- 6745-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 8 miles west of Llamada, Calif., at latitude 36°36'46" N. and longitude 121°04'04" W. Frequency 3810.0V MHz on azimuth 125°0'. Frequency 3710.0H MHz on azimuth 337°25'.
- 6746-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 9.7 miles northeast of Hollister, Calif., at latitude 36°54'33" N. and longitude 121°13'17" W. Frequency 3750.0H MHz on azimuth 157°19'. Frequency 3750.0V MHz on azimuth 350°39'.
- 6747-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 13.2 miles southwest of Patterson, Calif., at latitude 37°21'37" N. and longitude 121°18'52" W. Frequency 3710.0V MHz on azimuth 170°36'. Frequency 3710.0H MHz on azimuth 18°27'.
- 6748-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 1.5 miles northwest of Ripon, Calif., at latitude 37°45'03" N. and longitude 121°09'01" W. Frequency 3750.0H MHz on azimuth 198°38'. Frequency 3750.0H MHz on azimuth 356°27'. Frequency 6063.8V MHz on azimuth 253°8'.
- 6749-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 6.2 miles southwest of Midway, Calif., at latitude 37°38'11" N. and longitude 121°37'16" W. Frequency 6256.5V MHz on azimuth 72°51'. Frequency 6345.5H MHz on azimuth 295°3'.
- 6750-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 4.5 miles southwest of Danville, Calif., at latitude 37°47'06" N. and longitude 122°01'25" W. Frequency 6004.5H MHz on azimuth 114°48'. Frequency 11665.0V MHz and 11265.0V MHz on azimuth 282°7'.
- 6751-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 0.5 mile northeast of Oakland, Calif. (city limits), at latitude 37°48'37" N. and longitude 122°10'21" W. Frequency 10735.0V MHz and 11135.0V MHz on azimuth 102°2'. Frequency 6256.5V MHz on azimuth 280°20'.
- 6752-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 2.5 miles east of Stockton, Calif., at latitude 37°57'36" N. and longitude 121°10'00" W. Frequency 3710.0H MHz on azimuth 176°26'. Frequency 3710.0V MHz on azimuth 46°9'.
- 6753-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 5.5 miles southwest of Bursen, Calif., at latitude 38°07'19" N. and longitude 120°57'11" W. Frequency 3750.0V MHz on azimuth 226°17'. Frequency 3750.0V MHz on azimuth 41°30'. Frequency 3850.0V MHz on azimuth 328°44'.
- 6754-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 3 miles north of Clay, Calif., at latitude 38°19'15" N. and longitude 121°06'23" W. Frequency 3810.0V MHz on azimuth 148°39'. Frequency 3810.0V MHz on azimuth 296°21'.
- 6755-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 3.5 miles south of Florin, Calif., at latitude 38°26'15" N. and longitude 121°24'25" W. Frequency 3850.0V MHz on azimuth 116°9'. Frequency 10775.0H MHz and 11175.0H MHz on azimuth 333°4'.
- 6756-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 3.2 miles southeast of Nevada City, Calif., at latitude 39°14'45" N. and longitude 120°57'52" W. Frequency 6301.0H MHz on azimuth 149°11'. Frequency 6256.5V MHz on azimuth 305°27'.
- 6757-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 3.3 miles southeast of Rack-erby, Calif., at latitude 39°25'06" N. and longitude 121°16'39" W. Frequency 6152.8V MHz on azimuth 125°15'. Frequency 6019.3H MHz on azimuth 310°51'.
- 6758-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 5.1 miles north of Oroville, Calif., at latitude 39°35'34" N. and longitude 121°32'19" W. Frequency 6301.0H MHz on azimuth 130°42'. Frequency 6271.4H MHz on azimuth 348°29'.
- 6759-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 2.5 miles northwest of Lomo, Calif., at latitude 40°03'29" N. and longitude 121°39'43" W. Frequency 6049.0H MHz on azimuth 168°25'. Frequency 6019.3H MHz on azimuth 328°11'.
- 6760-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 2.3 miles west of Paynes Creek, Calif., at latitude 40°20'32" N. and longitude 121°56'25" W. Frequency 6301.0H MHz on azimuth 143°0'. Frequency 6271.4V MHz on azimuth 358°24'.
- 6761-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 0.8 mile north-northwest of Round Mountain, Calif., at latitude 40°48'19" N. and longitude 121°57'26" W. Frequency 6049.0V MHz on azimuth 178°24'. Frequency 6019.3V MHz on azimuth 63°45'.
- 6762-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 5.5 miles west-southwest of Burrey, Calif., at latitude 40°52'30" N. and longitude 121°46'14" W. Frequency 6301.0V MHz on azimuth 243°52'. Frequency 6271.4V MHz on azimuth 38°20'.

- 6763-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 2 miles south of Dana, Calif., at latitude 41°04'28" N. and longitude 121°33'43" W. Frequency 6019.3V MHz on azimuth 218°28'. Frequency 6034.2H MHz on azimuth 351°57'.
- 6764-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 13.3 miles east of Tenant, Calif., at latitude 41°34'44" N. and longitude 121°39'25" W. Frequency 6286.2H MHz on azimuth 171°33'. Frequency 6271.4H MHz on azimuth 318°1'.
- 6765-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 3 miles east of Beswick, Calif., at latitude 41°58'26" N. and longitude 122°08'04" W. Frequency 5989.7H MHz on azimuth 137°42'. Frequency 6019.3V MHz on azimuth 284°44'.
- 6766-C1-P-72—MCI Pacific Coast, Inc. (New). A new station 3.2 miles northeast of Medford, Oreg., at latitude 42°21'14" N. and longitude 122°47'34" W. Frequency 6049.0V MHz on azimuth 165°40'. Frequency 10775.0V MHz and 11175.0V MHz on azimuth 245°23'.
- (INFORMATIVE. Applicant proposes to add two new stations to its pending proposal to provide video programming to television stations in the States of Minnesota and Wisconsin. See also file nos. 3654 through 3667-C1-P-71, this Public Notice.)
- 6768-C1-P-72—Midwestern Relay Co. (New). Application for construction permit to construct a new station at University of Wisconsin (WHA-TV), Madison, Wis. (latitude 43°04'30" N., longitude 89°26'37" W.), on frequency 11385V MHz toward Madison (5727 Tokay Boulevard), Wis., on azimuth 228°20'.
- 6769-C1-P-72—Midwestern Relay Co. (New). Application for construction permit to construct a new station at studio of WMVS-TV, 1015 North Sixth Street, Milwaukee, Wis. (latitude 43°02'36" N., longitude 87°55'18" W.), on frequency 10735V MHz toward Milwaukee (WTMJ-TV), Wis., on azimuth 15°56'.
- The following Applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.
- 6578-C1-P-72—Golden Peso (New), 302 East Carson Street, Las Vegas, NV. Latitude 36°10'03" N., longitude 115°08'33" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural), toward points of system.
- 6579-C1-P-72—Fresno Mobile Radio, Inc. (New), 1060 Fulton Street, Fresno, CA. Latitude 36°44'06" N., longitude 119°47'24" W. C.P. to add 2150.20 (Aural), 2152.325 (Visual), toward various receiving points of system and 2154.00 (Aural), 2158.50 (Visual), toward various receiving points of system.
- 6581-C1-P-72—Microwave Relay Services, Inc. (New), 1520 Senate Street, Columbia, SC. Latitude 34°0'3" N., longitude 81°1'38" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural), toward various receiving points of system.
- 6582-C1-P-72—Microwave Relay Services, Inc. (New), 200 S. Tryon Street, Charlotte, NC. Latitude 35°13'35" N., longitude 80°50'41" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural), toward various receiving points of system.
- 6583-C1-P-72—Microwave Relay Services, Inc. (New), northwest corner of King and Calhoun Streets, Charleston, S.C. Latitude 32°47'9" N., longitude 79°56'11" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural), toward various receiving points of system.
- 6584-C1-P-72—Microwave Relay Services, Inc. (New), Montgomery, Ala. Latitude 32°22'43" N., longitude 86°18'37" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural), toward various receiving points of system.
- (INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's Rules regarding ex parte presentations, reasons of potential electrical interference.
- Nevada—Las Vegas: Golden Peso (New), File No. 6578-C1-P-72; Tekkom, Inc. (New), File No. 4975-C1-P-72.
- California—Fresno: Fresno Mobile Radio, Inc. (New), File No. 6579-C1-P-72; Century Cable Communications, Inc. (New), File No. 4973-C1-P-72.



*North Carolina*—Charlotte: Microwave Relay Services, Inc. (New), File No. 6852-C1-P-72; Two-Way Radio of Carolina, Inc. (New), File No. 4639-C1-P-72; Midwest Corporation (New), File No. 5047-C1-P-72.

**INFORMATIVE:** It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of economic competition:

*Oklahoma:* Microrelay of New Mexico, Inc., File Nos. 5859/5860-C1-P-72; United Videlo, Inc., File No. 3516-C1-P-72.

**Applicant,** MCI Texas-East Microwave, Inc., is amending 34 of its previously filed applications for authority to construct new specialized common carrier systems in a two State area from Dallas, Tex., to New Orleans, and Shreveport, La. The applications now being amended were originally filed on April 10, 1970, and June 26, 1970. They appeared on Public Notice, April 20, 1970, and July 6, 1970. Each application now amended is referred to the date originally filed. In addition 23 new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding Frequency Coordination Report No. 562, Common Carrier Services Information released September 20, 1971.

6066-C1-P-70 and 8902-C1-P-71—MCI Texas-East Microwave, Inc. (New), Site 1, Dallas, Tex. Change proposed station location to 2001 Bryan Street, Dallas, TX at latitude 32°47'07" N., longitude 96°47'47" W. Correct frequencies and azimuths to 10775.0H, 11175.0H MHz on azimuth 295°03' toward Irving, Tex., and 10715.0V, 11115.0V MHz on azimuth 78°38' toward Forney, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 213°06' and 10875.0, 11115.0 MHz on azimuth 78°29'.

6067-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 4, Burleson, Tex. Change proposed station location to 1.5 miles south of Burleson, Tex. at latitude 32°30'56" N., longitude 97°19'32" W. Correct frequencies and azimuths to 6034.2V MHz on azimuth 43°42' toward Arlington, Tex., 5945.2V MHz on azimuth 358°55' toward Fort Worth, Tex., and 5945.2V MHz on azimuth 166°40' toward Covington, Tex. Delete Dallas, Tex., and Italy, Tex., as points of communication. Delete frequencies 6256.5, 6375.2 MHz on azimuth 33°01', 6226.9, 6345.5 on azimuth 238°39' and 6226.9, 6345.5 MHz on azimuth 183°00'. 6068-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 5, Fort Worth, Tex. C.P. for a new station at Seventh and Throckmorton Streets, Fort Worth, Tex., at latitude 32°45'08" N., longitude 97°19'51" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 178°55' toward Burleson, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 5974.8, 6093.5 MHz on azimuth 118°27'.

6069-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 7, Milford, Tex. Change proposed station location to 3.6 miles southwest of Milford, Tex., at latitude 32°05'42" N., longitude 97°00'21" W. Correct frequencies and azimuth to 5974.8H MHz on azimuth 305°41' toward Covington, Tex., and 5945.2V MHz on azimuth 162°57' toward Mount Calm, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 03°00' and 5974.8, 6093.5 MHz on azimuth 169°21'.

6070-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 8, Mount Calm, Tex. C.P. for a new station located at 1.5 miles north-northwest of Mount Calm, Tex., at latitude 31°44'14" N., longitude 96°52'39" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 343°01' toward Milford, Tex., 11685.0V, 11285.0V MHz on azimuth 230°23' toward Waco, Tex., and 6226.9V MHz on azimuth 160°04' toward Koose, Tex. Delete Italy, Tex., as a point of communication. Delete frequencies 6197.2, 6315.9 MHz on azimuth 349°24', 6226.9, 6345.5 MHz on azimuth 162°27' and 11445, 11685 MHz on azimuth 230°23'.

6071-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 9, Waco, Tex. C.P. for a new station at the Amicable Life Insurance Building, 425 Austin Avenue, Waco, TX, at latitude 31°33'23" N., longitude 97°07'56" W. Correct frequencies and azimuths to 10755.0V, 11155.0V MHz on azimuth 50°15' toward Mount Calm, Tex., and 6286.2H MHz on azimuth 244°39' toward Oglesby, Tex. Delete frequencies 10995.0 MHz on azimuth 50°15' and 6404.8 MHz on azimuth 244°39'.

6072-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 10, Oglesby, Tex. C.P. for a new station at 1.2 miles south-southwest of Oglesby, Tex., at latitude 31°24'09" N., longitude 97°30'34" W. Correct frequencies and azimuths to 5974.8H MHz on azimuth 64°27' toward Waco, Tex., and 5974.8V MHz on azimuth 230°49' toward Kempner, Tex. Delete frequencies 6093.5 MHz on azimuth 64°27' and 6152.8 MHz on azimuth 230°49'.

6073-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 11, Kempner, Tex. C.P. for a new station at 2 miles east-northeast of Kempner, Tex., at latitude 31°04'56" N., longitude 97°57'53" W. Correct frequencies and azimuths to 6226.9V MHz on azimuth 50°34' toward Oglesby, Tex., and 6197.2V MHz on azimuth 186°20' toward Liberty Hill, Tex. Delete frequencies 6345.5 MHz on azimuth 50°34' and 6315.9 MHz on azimuth 186°20'.

6074-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 12, Liberty Hill, Tex. C.P. for a new station at 6.8 miles west-southwest of Liberty Hill, Tex., at latitude 30°37'00" N., longitude 98°01'28" W. Correct frequencies and azimuths to 5945.2V MHz on azimuth 06°18' toward Kempner, Tex., and 6034.2H MHz on azimuth 146°10' toward Austin West, Tex. Delete frequencies 6063.8 MHz on azimuth 06°18' and 6152.8 MHz on azimuth 146°10'.

6075-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 13, Austin West, Tex. C.P. for a new station at 2.5 miles west-northwest of Austin, Tex., at latitude 30°19'31" N., longitude 97°47'58" W. Correct frequencies and azimuths to 6226.9H MHz on azimuth 326°17' toward Liberty Hill, Tex., 10775.0V, 11175.0V on azimuth 138°54' toward Austin, Tex., and 6226.9V MHz on azimuth 238°35' toward Spring Branch, Tex. Delete frequencies 6256.5, 6375.2 MHz on azimuth 325°39', 10755, 10995 on azimuth 138°54' and 6345.5 MHz on azimuth 238°35'.

6076-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 14, Austin, Tex. C.P. for a new station at Capital National Bank, 114 West Seventh Street, Austin, TX at latitude 30°16'09" N., longitude 97°44'35" W. Correct frequencies and azimuths to 11665.0V, 11345.0V MHz on azimuth 318°55' toward Austin West, Tex. Delete frequencies 11685.0, 11445.0 MHz on azimuth 318°55'.

6077-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 15, Spring Branch, Tex. C.P. for a new station at 6.4 miles northwest of Spring Branch, Tex., at latitude 29°58'55" N., longitude 98°26'32" W. Correct frequencies and azimuths to 5974.8V MHz on azimuth 58°16' toward Austin West, Tex., and 6004.5V MHz on azimuth 151°07' toward Marion, Tex. Delete frequencies 6093.5 MHz on azimuth 58°16' and 6123.1 MHz on azimuth 151°07'. 6078-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 16, Marion, Tex. C.P. for a new station at 4.4 miles northwest of Marion, Tex., at latitude 29°36'34" N., longitude 98°12'26" W. Correct frequencies and azimuths to 6256.5V MHz on azimuth 331°14' toward Spring Branch, Tex., and 6197.2H MHz on azimuth 234°06' toward San Antonio, Tex. Delete frequencies 6375.2 MHz on azimuth 331°14' and 6315.9 MHz on azimuth 234°06'.

6079-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 17, San Antonio, Tex. C.P. for a new station at National Bank of Commerce, 430 Soledad Street, San Antonio, TX, at latitude 29°25'40" N., longitude 98°29'38" W. Correct frequencies and azimuths to 5945.2H MHz on azimuth 53°57' toward Marion, Tex. Delete frequencies 6063.8 MHz on azimuth 53°57'.

6080-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 18, Kosse, Tex. Change proposed station location to 5.5 miles northwest of Kosse, Tex., at latitude 31°21'09" N., longitude 96°42'54" W. Correct frequencies and azimuths to 5974.8V MHz on azimuth 340°09' toward Mount Calm, Tex., and 5974.8H MHz on azimuth 150°46' toward Franklin, Tex. Delete frequencies 6034.2, 6152.8 MHz on azimuth 342°32' and 5945.2, 6063.8 MHz on azimuth 146°59'.

6081-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 19, Franklin, Tex. Change proposed station location to 3 miles south of Franklin, Tex., at latitude 30°59'34" N., longitude 96°28'53" W. Correct frequencies and azimuth to 6226.9H MHz on azimuth 330°53' toward Kosse, Tex., and 6197.2H MHz on azimuth 147°52' toward Bryan, Tex. Delete College Station, Tex., as a point of communication. Delete frequencies 6197.2, 6315.9 MHz on azimuth 327°06' and 6226.9, 6345.5 MHz on azimuth 148°59'.

6082-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 20, Bryan, Tex. Change proposed station location to 6.8 miles east of Bryan, Tex., at latitude 30°40'13" N., longitude 96°14'50" W. Correct frequencies and azimuths to 5945.2H MHz on azimuth 327°59' toward Franklin, Tex., and 5945.2V MHz on azimuth 136°22' toward Plantersville, Tex. Delete frequencies 6034.2, 6152.8 MHz on azimuth 392°08' and 5974.8, 6093.5 MHz on azimuth 132°56'.

## NOTICES



- 6083-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 21, Plantersville, Tex. Change proposed station location to 5.9 miles northwest of Plantersville, Tex., at latitude 30°23'25" N., longitude 95°56'23" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 316°32' toward Bryan, Tex., and 6226.9V MHz on azimuth 128°02' toward Mostyn, Tex. Delete College Station, Tex., and Pinehurst, Tex., as points of communication. Delete frequencies 6286.2, 6404.8 MHz on azimuth 313°05' and 6256.5, 6375.2 MHz on azimuth 122°27'.
- 6084-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 22, Mostyn, Tex. Change proposed station location to 1.2 miles south-southeast of Mostyn, Tex., at latitude 30°12'46" N., longitude 95°40'44" W. Correct frequencies and azimuths to 5945.2V MHz on azimuth 308°10' toward Plantersville, Tex., to 5945.2H MHz on azimuth 64°30' toward Beach, Tex., and 5945.2V MHz on azimuth 137°43' toward Westfield, Tex. Delete Houston, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 302°36' and 5945.2, 6063.8 MHz on azimuth 153°42'.
- 6087-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 24, Kinwood, Tex. Change proposed station location to 3 miles east-southeast of Kinwood, Tex., at latitude 29°54'00" N., longitude 95°15'05" W. Correct frequencies and azimuths to 5974.8V MHz on azimuth 299°08' toward Westfield, Tex., 5974.8H MHz on azimuth 128°14' toward Baytown, Tex., and 5945.2V MHz on azimuth 215°42' toward Houston, Tex. Delete Fannett, Tex., as a point of communication. Delete frequencies 6197.2, 6375.2 MHz on azimuth 248°26' and 6226.9, 6404.8 MHz on azimuth 77°27'.
- 6085-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 25, Houston, Tex. C.P. for a new station at 1 Shell Plaza, Houston, Tex., at latitude 29°45'31" N., longitude 95°22'04" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 35°38' toward Kinwood, Tex. Delete Baytown, Tex., and Pinehurst, Tex., as points of communication. Delete frequencies 6197.2, 6315.9 MHz on azimuth 333°49' and 6226.9, 6404.8 MHz on azimuth 94°59'.
- 6086-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 26, Baytown, Tex. C.P. for a new station at the corner of Havor and Market Streets, Baytown, Tex., at latitude 29°43'50" N., longitude 95°00'19" W. Correct frequencies and azimuths to 6226.9H MHz on azimuth 308°21' toward Kinwood, Tex. Delete Houston, Tex., and Hankamer, Tex., as points of communication. Delete frequencies 5974.8, 6152.8 MHz on azimuth 275°09' and 5945.2, 6123.1 MHz on azimuth 68°15'.
- 6088-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 31, Silsbee, Tex. Change proposed station location to 9.1 miles south-southwest of Silsbee, Tex., at latitude 30°13'12" N., longitude 94°14'36" W. Correct frequencies and azimuths to 6286.2H MHz on azimuth 299°03' toward Thicket, Tex., and 6197.2H MHz on azimuth 137°28' toward Beaumont, Tex. Delete Hankamer, Tex., as a point of communication. Delete frequencies 5974.8, 6152.8 MHz on azimuth 257°38' and 5945.2, 6123.1 MHz on azimuth 43°01'.
- 6089-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 32, Beaumont, Tex. C.P. for a new station at the San Jacinto Building, Beaumont, Tex., at latitude 30°04'56" N., longitude 94°05'53" W. Correct frequencies and azimuths to 5945.2H MHz on azimuth 317°32' toward Silsbee, Tex. Delete Fannett, Tex., and Deweyville, Tex., as points of communication. Delete frequencies 6197.2, 6375.2 MHz on azimuth 233°06' and 6226.9, 6404.8 MHz on azimuth 56°46'.
- 6098-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 43, Baton Rouge, La. Change proposed station location to 5700 Florida Boulevard, Baton Rouge, La., at latitude 30°27'02" N., longitude 91°07'57" W. Correct frequencies and azimuths to 11,665.0H, 11,265.0H MHz on azimuth 337°15' toward Scottlandville, La., and 6197.2V MHz on azimuth 87°16' toward Denham Springs, La. Delete Maringoulin, La., and Frost, La., as points of communication. Delete frequencies 5945.2, 6063.8 MHz on azimuth 271°07' and 5974.8, 6093.5 MHz on azimuth 100°18'.
- 6098-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 49, Marrero, La. Change proposed station location to 2.5 miles south of Marrero, La., at latitude 29°51'38" N., longitude 90°06'07" W. Correct frequencies and azimuths to 6241.7H MHz on azimuth 291°29' toward Luling, La., and 6212.0H MHz on azimuth 14°47' toward New Orleans, La. Delete Frost, La., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 350°41' and 5974.8, 6093.5 MHz on azimuth 80°11'.
- 6099-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 50, New Orleans, La. Change proposed station location to 1010 Howard at Loyola, New Orleans, La., at latitude 29°56'45" N., longitude 90°04'34" W. Correct frequencies and azimuths to 5989.7H MHz on azimuth 194°48' toward Marrero, La. Delete Kraemer, La., as a point of communication. Delete frequencies 6226.9, 6345.5 MHz on azimuth 260°27'.
- 8903-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 51, Forney, Tex. C.P. for a new station location at 6.0 miles north of Forney, Tex., at latitude 32°50'29" N., longitude 96°27'47" W. Correct frequencies and azimuths to 11645.0V MHz on azimuth 258°49' toward Dallas, Tex., and 6256.5H MHz on azimuth 124°51' toward Cedarvale, Tex. Delete frequencies 11325 MHz on azimuth 258°49' and 6375.2 MHz on azimuth 124°51'.
- 8904-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 52, Cedarvale, Tex. C.P. for a new station at 5.4 miles east of Cedarvale, Tex., at latitude 32°34'04" N., longitude 96°00'02" W. Correct frequencies and azimuths to 6004.5H MHz on azimuth 305°06' toward Forney, Tex., and 6034.2V MHz on azimuth 96°22' toward Lindale, Tex. Delete frequencies 6123.1 MHz on azimuth 305°06' and 6152.8 MHz on azimuth 96°22'.
- 8905-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 53, Lindale, Tex. C.P. for a new station at 3.5 miles west of Lindale, Tex., at latitude 32°31'02" N., longitude 95°28'36" W. Correct frequencies and azimuths to 6286.2V MHz on azimuth 276°38' toward Cedarvale, Tex., 6197.2H on azimuth 104°16' toward Kilgore, Tex., and 6256.5V MHz on azimuth 138°07' toward Tyler, Tex. Delete frequencies 6404.8 MHz on azimuth 276°38', 6375.2 on azimuth 138°07', and 6226.9, 6345.5 MHz on azimuth 104°16'.
- 8906-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 54, Tyler, Tex. C.P. for a new station at intersection of College and Erwin Streets, Tyler, Tex., at latitude 32°21'09" N., longitude 95°18'10" W. Correct frequencies and azimuths to 6004.5H MHz on azimuth 318°13' toward Lindale, Tex. Delete frequencies 6123.1 MHz on azimuth 318°13'.
- 8907-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 55, Kilgore, Tex. C.P. for a new station at 6.1 miles west of Kilgore, Tex., at latitude 32°24'39" N., longitude 94°59'18" W. Correct frequencies and azimuths to 5945.2H MHz on azimuth 284°32' toward Lindale, Tex., and 5945.2V MHz on azimuth 92°34' toward Gill, Tex. Delete frequencies 5974.8, 6093.5 MHz on azimuth 284°32' and 6063.8 MHz on azimuth 92°34'.
- 8908-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 56, Gill, Tex. C.P. for a new station at 4.9 miles east of Gill, Tex., at latitude 32°22'56" N., longitude 94°17'10" W. Correct frequencies and azimuths to 6197.2H MHz on azimuth 272°56' toward Kilgore, Tex., and 6226.9V MHz on azimuth 73°41' toward Shreveport, La. Delete frequencies 6197.2, 6315.9 MHz on azimuth 73°41' and 6286.2, 6404.8 MHz on azimuth 272°56'.
- 8909-C1-P-70—MCI Texas-East Microwave, Inc. (New), Site 57, Shreveport, La. C.P. for a new station at 400 Travis Street, Shreveport, La., at latitude 32°30'51" N., longitude 93°44'58" W. Correct frequencies and azimuths to 5974.8H MHz on azimuth 253°58' toward Gill, Tex. Delete frequencies 6094.2, 6152.8 MHz on azimuth 253°58'.
- 3854-C1-P-71—Midwestern Relay Co. (New), studio of WLS-TV, 190 North State Street, Chicago, Ill.: Application amended to change frequencies to 11265V MHz and 11345V MHz toward Chicago (Merchandise Mart), Ill., on azimuth 301°05'.
- 3855-C1-P-71—Midwestern Relay Co. (New), studio of WBBM-TV, 630 North LaSalle Court, Chicago, Ill.: Application amended (a) to change station coordinates to latitude 41°53'39" N., longitude 87°37'02" W.; and (b) to change frequencies to 11505V MHz and 11585V MHz toward passive reflector at Chicago (Furniture Mart), Ill., on azimuth 65°45' and thence to Chicago (Merchandise Mart) on azimuth 245°45'.
- 3856-C1-P-71—Midwestern Relay Co. (New), Chicago (Merchandise Mart), Ill.: Application amended (a) to change frequency to 1135V MHz toward studio of WLS-TV, Chicago, Ill., on azimuth 121°05'; (b) to change frequency to 10895V MHz toward passive reflector at Chicago (Furniture Mart), Ill., on azimuth 65°45' and thence to studio of WBBM-TV, Chicago, Ill., on azimuth 245°45'; (c) to delete Cloverdale, Ill., as point of communications; and (d) to propose new point of communication at Glendale Heights, Ill., on frequencies 10735H, 10855V, 10975H, 11095V and 11175V MHz, and azimuth of 273°15'.
- 3857-C1-P-71—Midwestern Relay Co. (New), Glendale Heights, Ill.: Application amended (a) to change station location to Glendale Heights, Ill., at latitude 41°54'25" N., longitude 88°05'48" W.; (b) to change frequencies to 11265V, 11305H, 11345V, 11505V and 11545V MHz toward Crystal Lake, Ill., on azimuth 338°14'; and (c) to change frequencies to 11425H and 11665H MHz toward Chicago (Merchandise Mart), Ill., on azimuth 92°57'.



3658-C1-P-71—Midwestern Relay Co. (New). Crystal Lake, 1.90 miles east of Crystal Lake, Ill.: Application amended (a) to change frequencies to 5945.2V, 5974.3H, 6004.5V, 6034.2H and 6063.8V MHz toward Lake Geneva, Wis., on azimuth 351°15'; and (b) to change frequencies to 10815V and 11135V MHz toward Glendale Heights, Ill., on azimuth 158°07'.

3659-C1-P-71—Midwestern Relay Co. (New), 3.0 miles east of Lake Geneva, Wis.: Application amended (a) to change frequencies to 6197.2H, 6226.9V, 6256.5H, 6286.2V and 6315.6H MHz toward North Prairie, Wis., on azimuth 00°31'; (b) to change frequencies to 6197.2V and 6256.5V MHz toward Crystal Lake, Ill., on azimuth 171°15'; and (c) to change station coordinates to latitude 42°35'49" N., longitude 88°21'30" W.

3660-C1-P-71—Midwestern Relay Co. (New), 2.50 miles east of North Prairie, Wis.: Application amended (a) to change frequencies to 5945.2H, 5974.3V, 6004.5H, 6034.2V, 6063.8H, 6093.8H, and 6123.1H MHz toward Rubicon, Wis., on azimuth 348°13'; (b) to change frequencies to 5945.2V, 5974.3H, 6004.5V, 6034.2H, 6063.8V, and 6093.8H MHz toward Milwaukee (WMTJ-TV), Wis., on azimuth 63°51'; and (c) to change frequencies to 5945.2H and 6004.5H MHz toward Lake Geneva, Wis., on azimuth 180°31'.

3661-C1-P-71—Midwestern Relay Co. (New), 720 East Capitol Drive, Milwaukee (WTMJ-TV), Wis.: Application amended (a) to change frequencies to 11265H and 11345H MHz and azimuth to 206°32' toward Milwaukee (WISN-TV), Wis.; (b) to change azimuth toward Milwaukee (WITI-TV), Wis., to 307°22'; (c) to propose a second frequency (6226.9H) toward North Prairie, Wis., on revised azimuth of 243°51'; (d) to propose new point of communication at Milwaukee (WVTV-TV), Wis., on azimuth of 288°27' and frequencies 11265V and 11585V MHz; (e) to propose new point of communication at Milwaukee (WMVS-TV), Wis., on frequency 11425V MHz and azimuth of 195°56'.

3662-C1-P-71—Midwestern Relay Co. (New), 1 mile northwest of Rubicon, Wis.: Application amended (a) to change station location to Rubicon, Wis., at latitude 43°20'53" N., longitude 88°28'15" W.; (b) to change frequency 6197.2H to frequencies 6345.5V and 6404.8V MHz toward North Prairie, Wis., on azimuth 168°13'; (c) to change frequencies to 6197.2V, 6256.5V, 6286.2H, 6315.9V and 6375.2V MHz toward Graham Corner, Wis., on azimuth 30°02'; and (d) to propose frequencies 6197.2V, 6226.9H, 6315.9V and 6286.2H MHz toward new point of communication at Jefferson, Wis., on azimuth 221°07'.

3663-C1-P-71—Midwestern Relay Co. (New), 1 mile northeast of Graham Corner, Wis.: Application amended (a) to change frequencies to 5945.2H, 5974.3V, 6034.2V, 6063.8H, and 6004.5H MHz toward Stockbridge, Wis., on azimuth 348°03'; and (b) to change point of communication from Slinger to Rubicon, Wis., on azimuth 210°02'.

3664-C1-P-71—Midwestern Relay Co. (New), 2 miles east of Stockbridge, Wis.: Application amended (a) to change frequencies to 6197.2H, 6226.9V, 6375.2H, 6404.8V, and 6286.2V MHz toward DePere, Wis., on azimuth 28°10'; and (b) to change frequency 6315.9H to 6315.9V MHz toward Graham Corner, Wis., on azimuth 168°03'.

3665-C1-P-71—Midwestern Relay Co. (New), 3 miles southeast of DePere, Wis.: Application amended (a) to change azimuth toward Green Bay (WFRV-TV), Wis., to 358°11'; (b) to change azimuth toward Green Bay (WLUK-TV), Wis., to 337°02'; (c) to change azimuth toward Green Bay (WBAY-TV), Wis., to 355°00'; (d) to change frequency 6093.5V to 6093.5H MHz toward Stockbridge, Wis., on azimuth 208°10'; and (e) to propose frequency 11,015V MHz toward new point of communication at Green Bay (WFNE-TV), Wis., on azimuth 21°28'.

3666-C1-P-71—Midwestern Relay Co. (New), Jefferson, Wis.: Application amended (a) to change station location to Jefferson, Wis., at latitude 42°59'38" N., longitude 88°53'49" W.; (b) to change frequencies to 5945.2V, 6004.5V, 6063.8V, and 6123.1V MHz toward Madison, Wis., on azimuth 277°39'; and (c) to propose frequencies 6152.8H and 6152.8V MHz toward new points of communication at Rubicon and North Prairie, Wis., on azimuths of 41°07' and 98°45', respectively.

3667-C1-P-71—Midwestern Relay Co. (New), 5727 Tokay Boulevard, Madison, Wis.: Application amended (a) to change station location to Madison, Wis., at latitude 43°03'09" N., longitude 89°28'42" W.; (b) to change frequencies to 10775H and 10885H MHz toward Madison (WISC-TV), Wis., on azimuth 135°11'; (c) to change frequencies to 10775V and 11015V MHz toward Madison (WMTV-TV), Wis., on azimuth 251°51'; (d) to propose frequency 6375.2V MHz toward new point of communication at Jefferson, Wis., on azimuth 97°39'; and (e) to propose frequency 10775V MHz toward new point of communication at Madison (WHA-TV), Wis., on azimuth 48°20'.

3665-C1-P-71—Midwestern Relay Co. (New), 3 miles southeast of DePere, Wis.: Application amended to change station coordinates to latitude 44°24'30" N., longitude 87°59'57" W. (See same file number above.)

3357-C1-P-72—CPI Microwave, Inc. (New), San Antonio, Tex.: Change frequency 6271.4H MHz toward Beeville, Tex., to 6301.0V MHz.

3359-C1-P-72—CPI Microwave, Inc. (New), 6.4 miles north of Pawnee, Tex.: Change frequency 6271.4H MHz toward Beeville, Tex., to 6301.0V MHz.

3360-C1-P-72—CPI Microwave, Inc. (New), change station location to 9 miles west of Beeville, Tex.: Latitude 28°26'54" N., longitude 97°55'40" W.

All other particulars same as reported on Public Notice dated 12-13-71.

Informative: Applicant, MCI Mid-South, Inc., is amending 32 point-to-point microwave sites for specialized common carrier service between New Orleans, La., Memphis, Tenn., Atlanta, Ga., and Columbus, Ga. The amendments are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and Informative Guidelines published regarding frequency coordination report No. 563 FCC Common Carrier Services Information released September 20, 1971.

2462-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 1813 H Street, Bakersfield, CA. Delete frequencies 3970.0 MHz and 4130.0 MHz on azimuth 27°59'. Add frequency 10735.0V MHz and 11135.0V MHz on azimuth 201°1'.

2465-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 1058 Fulton Mall, Fresno, CA. Delete frequencies 5960.0 MHz and 6078.6 MHz on azimuth 42°23'. Add frequency 11665.0V MHz and 11265.0V MHz on azimuth 349°38'.

2468-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 1.6 miles south-southeast of Pine Grove, Calif. Delete frequencies 6271.4 MHz and 6390.0 MHz on azimuth 143°33' and 6241.7 MHz and 6360.3 MHz on azimuth 294°31'. Delete frequencies 6212.0 MHz and 6330.7 MHz on azimuth 229°4'. Add frequency 3710.0V MHz on azimuth 221°41'. Add frequency 3710.0H MHz on azimuth 355°26'. Relocate site to latitude 38°23'24" N. and longitude 120°39'5" W.

2471-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: Fourth and J Street, Sacramento, Calif. Delete frequencies 11385.0 MHz and 11625.0 MHz on azimuth 96°13', and 6212.0 MHz and 6330.7 MHz on azimuth 248°1'. Add frequency 11665.0H MHz and 11265.0H MHz on azimuth 153°0'.

8727-C1-P-70—MCI Mid-South, Inc. (New). Station location: 3 miles northeast of Brandon, Miss. Delete frequencies 5945.2H MHz and 6063.8H MHz on azimuth 42°48', and 6004.5V MHz and 6123.1V MHz on azimuth 139°46'. Add frequency 6004.5V MHz on azimuth 162°18', and 6152.8H MHz on azimuth 73°30' and 11015.0V MHz and 11095.0V MHz on azimuth 271°18'. Relocate site to latitude 32°17'46" N. and longitude 89°53'39" W.

8726-C1-P-70—MCI Mid-South, Inc. (New). Station location: 127 South Roach, Jackson, Miss. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 61°0', and 6286.2H MHz and 6404.8H MHz on azimuth 222°53'. Add frequency 11425.0V MHz and 11345.0V MHz on azimuth 91°11'.

8702-C1-P-70—MCI Mid-South, Inc. (New). Station location: 2.5 miles south of Newburg, Ala. Delete frequencies 6049.0H MHz and 6167.5H MHz on azimuth 253°35', and 6019.3V MHz and 6137.9V MHz on azimuth 347°12'. Add frequency 6004.5H MHz on azimuth 224°14', and 6049.0V MHz on azimuth 85°47' and 6123.1V MHz on azimuth 351°20'.

Relocate site to latitude 34°26'50" N. and longitude 87°34'58" W.

8719-C1-P-70—MCI Mid-South, Inc. (New). Station location: 8 miles south-southeast of Opelika, Ala. Delete frequencies 6241.7H MHz and 6360.3H MHz on azimuth 233°06', and 6212.0V MHz and 6330.7V MHz on azimuth 102°42'. Add frequency 6226.9H MHz on azimuth 218°06', and 6226.9V MHz on azimuth 102°42'.

8720-C1-P-70—MCI Mid-South, Inc. (New). Station location: 1 mile east-southeast of Ladonla, Ala. Delete frequencies 5989.7V MHz and 6108.3V MHz on azimuth 282°50', and 5960.0V MHz and 6078.6V MHz on azimuth 87°16'. Add frequency 5945.2V MHz on azimuth 282°50' and 11625.0V MHz and 11225.0V MHz on azimuth 87°16'.

8721-C1-P-70—MCI Mid-South, Inc. (New). Station location: No. 19 12th Street, Columbus, GA. Delete frequencies 6241.7H MHz and 6360.3V MHz on azimuth 267°18'. Add frequency 10735.0V MHz and 11135.0V MHz on azimuth 267°18'.



## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 8697-C1-P-70—MCI Mid-South, Inc. (New), station location: 2 miles southeast of Ramsey, Tenn. Delete frequencies 6197.2V MHz and 6315.9V MHz on azimuth 328°18', and 6241.7H MHz and 6360.3H MHz on azimuth 166°48'. Add frequency 6063.8H MHz on azimuth 90°26', and 11625.0V MHz and 11225.0V MHz on azimuth 188°16' and 6034.2H MHz on azimuth 277°12'. Relocate site to latitude 35°16'30" N. and longitude 90°01'38" W.
- 8694-C1-P-70—MCI Mid-South, Inc. (New), station location: 1.9 miles south of Casscoe, Ark. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 67°20', and 6256.5V MHz and 6375.2V MHz on azimuth 303°37'. Add frequency 6256.5V MHz on azimuth 28°55' and 6256.5H MHz on azimuth 303°33'.
- 8695-C1-P-70—MCI Mid-South, Inc. (New), station location: 2 miles east of Lonoke, Ark. Delete frequencies 6034.2V MHz and 6152.8V MHz on azimuth 123°19', and 5974.8H MHz and 6093.5H MHz on azimuth 263°28'. Add frequency 6004.5V MHz on azimuth 123°15' and 6123.1H MHz on azimuth 263°28'. Relocate site to latitude 34°47'07" N. and longitude 91°51'08" W.
- 8696-C1-P-70—MCI Mid-South, Inc. (New), station location: 200 West Capital, Little Rock, AR. Delete frequencies 6226.9H MHz and 6345.5H MHz on azimuth 83°13'. Add frequency 6375.2V MHz on azimuth 83°13'.
- 8704-C1-P-70—MCI Mid-South, Inc. (New), station location: 1.2 miles south of Brooksville, Ala. Delete frequencies 6301.0H MHz and 6419.6H MHz on azimuth 247°04', and 6212.0H MHz and 6330.7H MHz on azimuth 75°10', and 6271.4V MHz and 6390.0V MHz on azimuth 126°09'. Add frequency 6152.8V MHz on azimuth 239°37', and 6152.8V MHz on azimuth 148°18' and 5974.8V MHz on azimuth 54°26'. Relocate site to latitude 34°31'20" N. and longitude 86°51'21" W.
- 8705-C1-P-70—MCI Mid-South, Inc. (New), station location: 1.2 miles southeast of Huntsville, Ala. Delete frequencies 6049.0H MHz and 6167.6H MHz on azimuth 255°25'. Add frequency 6375.2V MHz on azimuth 234°37'.
- 8706-C1-P-70—MCI Mid-South, Inc. (New), station location: 5 miles northwest of Baileyton, Ala. Delete frequencies 5989.7V MHz and 6108.3V MHz on azimuth 139°29', and 5960.0H MHz and 6078.6H MHz on azimuth 306°20'. Add frequency 6256.5V MHz on azimuth 328°23' and 6404.8V MHz on azimuth 126°43'. Relocate site to latitude 34°18'50" N. and longitude 86°42'03" W.
- 8707-C1-P-70—MCI Mid-South, Inc. (New), station location: 1 mile northwest of Walnut Grove, Ala. Delete frequencies 6271.4H MHz and 6390.0H MHz on azimuth 100°20', and 6301.0V MHz and 6419.6V MHz on azimuth 319°41'. Add frequency 6004.5V MHz on azimuth 306°56', and 6152.8H MHz on azimuth 86°38' and 5945.2V MHz on azimuth 207°09'.
- 8708-C1-P-70—MCI Mid-South, Inc. (New), station location: 7 miles northeast of Gadsden, Ala. Delete frequencies 5989.7V MHz and 6167.6V MHz on azimuth 163°58', and 6019.3V MHz and 6137.9V MHz on azimuth 280°30'. Add frequency 6256.5H MHz on azimuth 266°52' and 6256.5H MHz on azimuth 78°44'. Relocate site to latitude 34°05'52" N. and longitude 85°55'25" W.
- 8712-C1-P-70—MCI Mid-South, Inc. (New), station location: 4 miles southwest of Mableton, Ga. Delete frequencies 11685.0H MHz and 11365.0H MHz on azimuth 120°55', and 6049.0H MHz and 6167.6H MHz on azimuth 198°15'. Add frequency 6004.5H MHz on azimuth 316°13' and 6152.8V MHz on azimuth 90°44'. Relocate site to latitude 33°45'33" N. and longitude 84°36'21" W.
- 8713-C1-P-70—MCI Mid-South, Inc. (New), station location: 100 Peachtree Street, Atlanta, Ga. Delete frequencies 11155.0H MHz and 10915.0H MHz on azimuth 301°03'. Add frequency 6404.8V MHz on azimuth 270°51'. Relocate site to latitude 33°45'24" N. and longitude 84°23'19" W.
- 8709-C1-P-70—MCI Mid-South, Inc. (New), station location: 2.8 miles southeast of Springville, Ala. Delete frequencies 5960.0V MHz and 6078.6V MHz on azimuth 259°05', and 6301.0H MHz and 6419.6H MHz on azimuth 88°27', and 6271.4V MHz and 6390.0V MHz on azimuth 344°02'. Add frequency 6226.9V MHz on azimuth 27°03' and 6256.5V MHz on azimuth 192°23'. Relocate site to latitude 33°48'56" N. and longitude 86°29'05" W.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 8714-C1-P-70—MCI Mid-South, Inc. (New), station location: 1.8 miles south-southwest of Leeds, Ala. Delete frequencies 6241.7V MHz and 6360.3V MHz on azimuth 78°42', and 6212.0V MHz and 6330.7V MHz on azimuth 151°17', and 6301.0V MHz and 6419.6V MHz on azimuth 272°38'. Add frequency 6004.5V MHz on azimuth 12°21', and 6152.8V MHz on azimuth 125°10' and 10735.0V MHz and 11135.0V MHz on azimuth 272°38'.
- 8715-C1-P-70—MCI Mid-South, Inc. (New), station location: 1900 Fifth Avenue, Birmingham, AL. Delete frequencies 6049.0V MHz and 6167.6V MHz on azimuth 92°30'. Add frequency 11625.0V MHz and 11225.0V MHz on azimuth 92°30'.
- 8716-C1-P-70—MCI Mid-South, Inc. (New), station location: 2.4 miles west of Hanover, Ala. Delete frequencies 5989.7H MHz and 6108.3H MHz on azimuth 331°28', and 6019.3H MHz and 6137.9H MHz on azimuth 183°49'. Add frequency 6123.1V MHz on azimuth 34°54' and 6093.5H MHz on azimuth 174°45'.
- 8717-C1-P-70—MCI Mid-South, Inc. (New), station location: 60 Commerce Street, Montgomery, AL. Delete frequencies 6212.0H MHz and 6330.7H MHz on azimuth 08°47', and 6301.0H MHz and 6419.6H MHz on azimuth 119°08'. Add frequency 11625.0V MHz and 11225.0V MHz on azimuth 41°42'.
- 8718-C1-P-70—MCI Mid-South, Inc. (New), station location: 11 miles southeast of Thompson, Ala. Delete frequencies 6049.0H MHz and 6167.6H MHz on azimuth 299°22', and 5960.0H MHz and 6078.6H MHz on azimuth 52°48'. Add frequency 6093.5V MHz on azimuth 323°32' and 5974.8H MHz on azimuth 37°52'. Relocate site to latitude 32°01'30" N. and longitude 85°46'30" W.
- 8734-C1-P-70—MCI Mid-South, Inc. (New), station location: 2.8 miles north of Cedar Lake, Miss. Delete frequencies 5945.2V MHz and 6063.8V MHz on azimuth 253°49', and 6604.5H MHz and 6123.1H MHz on azimuth 190°52', and 5974.8H MHz and 6093.5H MHz on azimuth 87°26'. Add frequency 6286.2H MHz on azimuth 267°55', and 6404.8V MHz on azimuth 216°32' and 6315.9V MHz on azimuth 95°25'. Relocate site to latitude 30°31'42" N. and longitude 88°57'22" W.
- 8735-C1-P-70—MCI Mid-South, Inc. (New), station location: 2505 14th Street, Gulfport, MS. Delete frequencies 6226.9H MHz and 6345.5H MHz on azimuth 10°49'. Add frequency 6152.8V MHz on azimuth 36°26'.
- 8737-C1-P-70—MCI Mid-South, Inc. (New), station location: Jefferson and Second Street, Pascagoula, Miss. Delete frequencies 5945.2V MHz and 6063.8V MHz on azimuth 04°27'. Add frequency 6256.5V MHz on azimuth 323°19'.
- 8736-C1-P-70—MCI Mid-South, Inc. (New), station location: 1 mile west of Cottage Hill, Ala. Delete frequencies 6256.5H MHz and 6375.2H MHz on azimuth 267°42', and 6286.2V MHz and 6404.8V MHz on azimuth 184°28', and 6256.5V MHz and 6375.2V MHz on azimuth 94°37'. Add frequency 6375.2V MHz on azimuth 260°54' and 6375.2V MHz on azimuth 67°10'. Relocate site to latitude 30°38'19" N. and longitude 88°11'22" W.
- 8738-C1-P-70—MCI Mid-South, Inc. (New), station location: 31 North Royal Street, Mobile, AL. Delete frequencies 5945.2V MHz and 6063.8V MHz on azimuth 274°51'. Add frequency 6123.1V MHz on azimuth 247°14'.
- 8703-C1-P-70—MCI Mid-South, Inc. (New), station location: 0.1 mile north of Florence, Ala. Delete frequencies 6212.0V MHz and 6330.7V MHz on azimuth 167°08'. Add frequency 6404.8V MHz on azimuth 171°18'.

INFORMATIVE: Applicant, MCI Pacific Coast, Inc., is amending 11 point-to-point microwave sites for specialized common carrier service from Los Angeles, Calif., to Medford, Ore., and intermediate points. The amendments are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 16, 1971, and Informative Guidelines published regarding frequency coordination report No. 562 FCC Common Carrier Services Information released September 20, 1971.

2455-C1-P-70—MCI Pacific Coast, Inc. (New), station location: 515 South Flower Street, Los Angeles, CA. Delete frequencies 11505.0 MHz and 11265.0 MHz on azimuth 225°43', and 11345.0 MHz and 11505.0 MHz on azimuth 4°22'. Add frequency 6093.5V MHz on azimuth 4°22'.



## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- 2458-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 5.3 miles north of La Crescenta, Calif. Delete frequencies 11075.0 MHz and 10835.0 MHz on azimuth 184°23', and 5960.0 MHz and 6078.6 MHz on azimuth 254°19'. Delete frequencies 3910.0 MHz and 4070.0 MHz on 310°5'. Add frequency 6345.5V MHz on azimuth 184°23'. Add frequency 6345.5V MHz on azimuth 329°50'.
- 8691-C1-P-70—MCI Mid-South, Inc. (New). Station location: 100 North Main Street, Memphis, TN. Delete frequencies 6004.5H MHz and 6123.1H MHz on azimuth 244°44'. Add frequency 10,735.0V MHz and 11,135.0V MHz on azimuth 8°15'. Relocate site to latitude 35°08'46" N. and longitude 90°03'00" W.
- 8732-C1-P-72—MCI Mid-South, Inc. (New). Station location: 1010 Howard Street, New Orleans, LA. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 5°17'. Add frequency 5960.0V MHz on azimuth 194°48'. Relocate site to latitude 29°56'45" N. and longitude 90°04'34" W.
- 8731-C1-P-70—MCI Mid-South, Inc. (New). Station location: 2.5 miles south of Marrero, La. Delete frequencies 5974.8H MHz and 6093.5H MHz on azimuth 4°45', and 6004.5H MHz and 6123.1H MHz on azimuth 66°43', and 5945.2V MHz and 6063.8V MHz on azimuth 185°19'. Add frequency 6241.7V MHz on azimuth 14°47' and 6212.0V MHz on azimuth 291°29'. Relocate site to latitude 29°51'38" N. and longitude 90°06'07" W.
- 2474-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 44 Montgomery Street, San Francisco, CA. Delete frequencies 11175.0 MHz and 10935.0 MHz on azimuth 331°56' and 10815.0 MHz and 11055.0 MHz on azimuth 83°11'. Delete frequencies 6049.0 MHz and 6167.6 MHz on azimuth 150°21'. Add frequency 6256.5V MHz and 10895.0H MHz on azimuth 73°58'. Relocate site to latitude 37°47'26" N. and longitude 122°24'03" W.
- 2475-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 3505 Broadway, Oakland, CA. Delete frequencies 11505.0 MHz and 11265.0 MHz on azimuth 263°16'. Add frequency 6034.2V MHz on azimuth 100°17'. Add frequency 6034.2V MHz and 11345.0H on azimuth 254°3'. Relocate site to latitude 37°49'22" N. and longitude 122°15'33" W.
- 2478-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 7.1 miles east of Georgetown, Calif. Delete frequencies 6212.0 MHz and 6330.7 MHz on azimuth 326°0' and 6271.4 MHz and 6360.0 MHz on azimuth 217°53'. Add frequency 3750.0H MHz on azimuth 175°24'. Add frequency 6019.3H MHz on azimuth 329°21'.
- 2483-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 4 miles northwest of Colestin, Oreg. Delete frequencies 5960.0 MHz and 6078.6 MHz on azimuth 160°58', and 5974.8 MHz and 6093.5 MHz on azimuth 327°25'. Delete frequencies 5989.7 MHz and 6108.3 MHz on azimuth 332°33'. Add frequency 6301.0V MHz on azimuth 104°22'. Add frequency 6271.4V MHz on azimuth 345°44'. Relocate site to latitude 42°05'00" N. and longitude 122°42'00" W.
- 2484-C1-P-70—MCI Pacific Coast, Inc. (New). Station location: 33 North Central Avenue, Medford, OR. Delete frequencies 6197.2 MHz and 6315.9 MHz on azimuth 152°26'. Add frequency 11625.0V MHz and 11225.0V MHz on azimuth 65°20'. Relocate site to latitude 42°19'37" N. and longitude 122°52'19" W.

[FR Doc. 72-5314 Filed 4-6-72; 8:45 am]

## DEPARTMENT OF LABOR

Employment Standards  
AdministrationMINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTION

## Modification and/or Supersedeas Decisions to Area Wage Determination Decisions for Specified Localities

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Arizona, Colorado, Connecticut, Georgia, Kansas, Kentucky, Minnesota, Mississippi, Missouri, New Jersey, New York, Tennessee, West Virginia.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1594	Aug. 6, 1971
AM-1708, AM-1713, AM-1724,	
AM-1732	Aug. 11, 1971
AM-2377, AM-2378	Aug. 13, 1971
AM-469, AM-478, AM-489,	
AM-490, AM-501, AM-502,	
AM-503	Aug. 20, 1971
AM-3616, AM-3624 (AM-6708)	Aug. 25, 1971
AM-3630, AM-3631, AM-3632	Aug. 27, 1971
AM-2529, AM-2530	Sept. 3, 1971
AM-8583	Feb. 11, 1972
AM-9690	Mar. 24, 1972

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modification and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 31st day of March 1972.

HORACE E. MENASCO,  
Administrator, Employment  
Standards Administration.



## MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Others
WD No. AM-2,529-36 F.R. 17685, Phoenix-Glendale-Mesa-Scottsdale-Tempe-Luke-ADB, and Williams AFB, Maricopa County, Ariz., Modification No. 2						
ADD:						
Painters:						
Spray (steel and bridge)	\$6.80	\$0.275	\$0.20	\$0.15	\$0.02	
CHANGE:						
Description of work:						
Building construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.						
WD No. AM-2,530-36 F.R. 17689, AJO-Station M-181 (adjacent to AJO)-Organ Pipe Cactus National Monument Area-Tucson Area, Pima County, Ariz., Modification No. 1						
CHANGE:						
Description of work:						
Building construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.						
WD No. AM-3,630-36 F.R. 17667, Adams, Arapahoe, Southeastern portion of Boulder (including city of Boulder), Denver, Northern portion of Douglas and Elbert, Jefferson and the Southwestern portion of Weld Counties, Colo., Modification No. 6						
CHANGE:						
Building construction:						
Electricians:						
Electricians	7.72	.20+.02d	1%		2/10%	
Cable splicers	7.97	.20+.02d	1%		2/10%	
Sheet metal workers	7.57	\$0.30	\$0.30		\$0.07	
Soft floor layers	6.70	.25	.30	.25	.03	
WD No. AM-3,631-36 F.R. 17074, El Paso County, Colo., Modification No. 7						
CHANGE:						
Building construction:						
Painters:						
Brush-tapers-texture-roller	6.00	.20				
Paperhangers	6.50	.20				
Spray	6.50	.20				
Sheet metal workers	7.57	.30	.30		.07	
Soft floor layers	6.70	.25	.30	.25	.03	
WD No. AM-3632-36 F.R. 17070, Statewide Counties, Colo., Modification No. 4						
CHANGE:						
Electricians:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington, Weld Counties	7.72	.20+.02a	1%		2/10%	
Cable Splicers:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington, Weld Counties	7.97	.20+.02a	1%		2/10%	
Painters:						
Alamosa, Archuleta, Chaffee, Cheyenne, Conejos, El Paso, Gunnison, Hinsdale, Lincoln, Mineral, Park, Pitkin, Kit Carson, Saguache, Teller, Southern Parts of Eagle, Elbert, and Summit Counties:						
Brush	6.00	.20				
Spray and steel	6.50	.20				
WD No. AM-1504-36 F.R. 14304, New London County, Conn., Modification No. 2						
CHANGE:						
Building, heavy and highway construction:						
Bricklayers, cement masons-finishers, stonemasons (heavy and highway only)	7.70	.35	\$0.15	.1		
Carpenters, soft floor layers, pile-drivers (building only) remainder of county	7.20	.35	.20	.25	.005	
Electricians:						
Remainder of county	8.15	.35	1%+.20		1/2%	
Plumbers:						
Groton, Lyme, Merville, New London, Old Lyme, Salem, Stonington, Waterford	8.75	.20	\$0.20			
Sheet metal workers	8.25	.25	.26		\$0.02	
WD No. AM-469-36 F.R. 16413, Fulton, Cobb, De Kalb Counties, Ga., Modification No. 4						
CHANGE:						
Building Construction:						
Ironworkers:						
Structural, ornamental and reinforcing	6.40	.40	.27		.05	
Terrazzo workers' helpers	3.95					
Tile and marble setters' helpers	3.95					
Sheet metal workers	7.75	.20	.25		.03	
WD No. AM-8583-37 F.R. 3153, Chatham County, Ga., Modification No. 2						
CHANGE:						
Modification No. 4 published in 37 F.R. 6130, on March 24, 1972, WD No. AN-470, to read WD No. AM-8583-37 F.R. 3153, Chatham County, Ga., Modification No. 1.						
Ironworkers:						
Structural and Sheeter	6.25	.40	.30		.01	
Ornamental and reinforcing	6.25	.40	.30		.01	
Painters:						
Brush	5.00					
Rollers	5.25					
Steel, brush	5.50					
Tapers	5.25					
Stage work and window jack work	5.50					
Paperhangers	5.25					
Paint burners	5.25					
Spray painting and sandblasting	5.75					
Plumbers and Pipefitters:						
Plumbing, heating, and piping contracts \$2,000 or less	6.52	.25	.30		.02	
Plumbing, heating and piping contracts, over \$2,000	7.17	.25	.30		.02	
OMIT:						
Dredging schedule issued in original decision.						



## NOTICES

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## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-478—36 F.R. 16427, Boyd County, Ky., Modification No. 4						
CHANGE: Painter:						
Commercial:						
Brush	5.10					
Spray	5.60					
Industrial:						
Brush	6.00					
Spray	6.55					
WD No. AM-2,377—36 F.R. 15392, Hennepin County, Minn., Modification No. 2						
CHANGE: Building construction:						
Cement masons	7.65	.30		.25		
WD No. AM-2,378—36 F.R. 15397, Ramsey County, Minn., Modification No. 2						
CHANGE: Building construction:						
Cement masons	7.65	.30		.25		
WD No. AM-489—36 F.R. 16461, Harrison and Pearl River Counties, Miss., Modification No. 7						
OMIT: Schedule for Power Equipment Operators, Building and Heavy Construction issued in original decision.						
ADD: Schedule for Power Equipment Operators, Building and Heavy Construction.						
CHANGE: Plumbers and steamfitters	\$6.55	.18		.20		.01
Roofers:						
Roofers	5.15					
Helpers	3.85					
Kettlemen	4.35					
Sheet metal workers	7.105	.20		.30	.25	.04
Truck drivers:						
Up to 1½ tons	5.04	.28		.25		
1½ to 5 tons	5.51	.28		.25		
5 tons or over	6.55	.28		.25		
Miss. 2 PEO H						
Building and heavy construction:						
Power equipment operators:						
Engineer, operating under air pressure	\$7.25			.20		
Mechanic	6.30			.20		
Air tugger (2 drum); asphalt plant; backhoe; blacksmith; boom tractor; bulldozer; central mixing plant; cherrypicker; clamshell; crane; Derrick; Derrick Boat; Derrick Car; dragline; dredge; elevating grader; excavator (power belt); forklift; hoist (2 drum); locomotive engineer; marine engineer (chief); master pilot; mixermobile; motor patrol and similar type equipment; paver (21 c.f. or larger); piledriver; re-charger; roaming greaser (1st); scoop (skimmer); scraper; shovel; trenching machine (over 18" bucket line width); Turnapull; DW-10 and similar pulltype scrapers; Traxeavator and similar endloaders; welder; welding machines or S/W pumps (2 to 6); well driller; well point pumps.	6.05			.20		
Air tugger; asphalt spreader (bituminous distributor); asphalt spreader (bituminous mixer); backfilling machine; conveyor; drill (earth); finishing machine; fireman; heating plant; hoist; marine engineer (assistant); mixer; payload, and similar end-loaders; pilot; power generating plant; pump (concrete); roller; scoomobile; tractor (with power take-off); trenching machine (18" or smaller bucket line width); tug-boat; well driller (1st helper); winch truck	5.80			.20		
Air compressor; form grader; locomotive hostler; mechanic helper; oiler (truck crane); pump; roughneck; tractor (without attachments); welding machine.	5.25			.20		
Batch scale; deckhand; motorboat (in or outboard); oiler; scowman.	5.00			.20		
WD No. AM-490—36 F.R. 16464, Hinds County, Miss., Modification No. 6						
CHANGE: Building and heavy construction:						
Electricians:						
Electricians	6.15		1%+.25		1/10 of 1%	
Cable splicers	6.50		1%+.25		1/10 of 1%	
Glaziers	4.70					\$0.01
Soft floor layers	5.60	.20				.02
WD No. AM-5,616—36 F.R. 16863, Clay, Jackson, Platte and Ray Counties, Mo., Modification No. 7						
CHANGE: Building construction:						
Marble, terrazzo, and tile workers	8.675	3.65%	3.25%			
Marble and tile helpers	6.68					
Soft floor layers	6.59	\$0.275	\$0.25	7%		.05
WD No. AM-1,708—36 F.R. 14812, Burlington County, N.J., Modification No. 4						
CHANGE: Building construction:						
Sheet metal workers	8.43	.50		.30		
WD No. AM-1,713—36 F.R. 14848, Mercer County, N.J., Modification No. 5						
CHANGE: Building construction:						
Sheet metal workers	8.43	.50		.30		
WD No. AM-1,724—36 F.R. 14921, Dutchess County, N.Y., Modification No. 3						
CHANGE: Building construction:						
Lead burners	6.90	.30				.01
Line construction:						
Lineman, cable splicer helper, and material man	8.60	.35	1%+.25		f	1 1/4%
Groundman	7.50	.35	1%+.25		f	1 1/4%
Groundman digging machine operator	8.45	.35	1%+.25		f	1 1/4%
Groundman mobile equipment operator	8.00	.35	1%+.25		f	1 1/4%
Groundman truck driver and mechanic	7.65	.35	1%+.25		f	1 1/4%
Groundman dynamite man	8.00	.35	1%+.25		f	1 1/4%
Cable splicer	9.35	.35	1%+.25		f	1 1/4%

Footnote:

a. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.



## MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other

*WD No. AM-1732—36 F.R. 14965, Orange County, N.Y., Modification No. 3*

CHANGE:

Building construction:						
Lead burners.....	6.90	.30			d	\$0.01
Line construction:						
Linemen, cable splice helper, and material man.....	8.60	.35	1% + .25		e	1 1/2%
Groundman.....	7.50	.35	1% + .25		e	1 1/2%
Groundman digging machine operator.....	8.45	.35	1% + .25		e	1 1/2%
Groundman mobile equipment operator.....	8.00	.35	1% + .25		e	1 1/2%
Groundman truck driver and mechanic.....	7.65	.35	1% + .25		e	1 1/2%
Groundman dynamite man.....	8.00	.35	1% + .25		e	1 1/2%
Cable splicer.....	9.35	.35	1% + .25		e	1 1/2%

Footnote:

d. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

*WD No. AM-501—36 F.R. 10482, Hamilton County, Tenn., Modification No. 4*

CHANGE:

Cement masons.....	5.60					
Power machine operator.....	5.80					
Swinging scaffold and boatswain chair.....	5.80					
Truck drivers:						
Up to 3 tons.....	4.58		f			
3 to 5 tons.....	4.73		f			
5 to 7 tons.....	4.88		f			
Helpers.....	4.58		f			
Special equipment.....	4.98		f			

*WD No. AM-502—36 F.R. 10486, Knox County, Tenn., Modification No. 4*

CHANGE:

Asbestos workers.....	7.10	\$0.24	\$0.15			\$0.03
Bricklayers, and stonemasons.....	7.07					.02
Carpenters.....	6.05					.02
Cement masons.....	5.40					.02
Ironworkers:						
Structural and ornamental.....	6.95	.125	.10			.02
Reinforcing.....	6.07	.125	.10			.02
Fence erector.....	6.95	.125	.10			.02
Lathers.....	6.20		.20			.01
Leadburners.....	6.90	.30		e		.01
Marble masons.....	7.07					.02
Millwrights.....	6.475					.02
Piledrivermen.....	6.30					.02
Plasters.....	6.50					
Plumbers and steamfitters.....	6.65	.25	.45	\$0.30 + e		.05
Roofers:						
Composition.....	5.25		.15			
Slate and tile.....	5.30		.15			
Helpers.....	3.94		.15			
Soft Floor layers.....	6.05					.02
Terrazzo workers and tile setters.....	7.07					.02

Footnote:

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday; and the regular scheduled work days immediately preceding and following the holiday.

*WD No. AM-503—36 F.R. 10489, Shelby County, Tenn., Modification No. 3*

CHANGE:

Building construction:						
Carpenter, soft floor layer and piledrivermen:						
Inside Shelby County.....	6.60	.25				.03
Outside Shelby County.....	6.75	.25				.03
Cement masons.....	6.55	.25	.15			.06
Ironworkers:						
Structural, ornamental and reinforcing:						
Inside Shelby County.....	7.00	.25	.25			.075
Outside Shelby County.....	7.05	.25	.25			.075

*WD No. AM-9090—37 F.R. 6140, statewide, West Virginia, Modification No. 1*

ADD:

Heavy construction:						
Cement masons:						
A counties only.....	6.86					
Piledrivers—A counties except Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties.....	6.71	.20	.25			.04
Truck drivers—B counties only:						
Mechanics (truck).....	6.22	a	b			



## NOTICES

7031

## SUPERSEDES DECISIONS

State: Kansas; County: Leavenworth.

Decision No. AM-6,708; date of decision: Apr. 7, 1972. Supersedes decision No. AM-3,624, dated Aug. 25, 1971; in vol. 36, page 16853.

Description of work: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
11-Kans-1-a						
Building construction:						
Asbestos workers	7.95	\$0.30	\$0.30			.02
Boilermakers	7.80	.30	.85			.02
Boilermakers' helpers	7.55	.30	.85			.02
Bricklayers; stonemasons	6.325	.20	.30			
Carpenters	7.55	.23	.15			.04
Cement masons	6.025	.10	.15			
Electricians (Delaware, Kickapoo, High Prairie, and Leavenworth Townships):						
Electricians	8.00	.25	1%+.30			2/10%
Cable splicers	8.80	.25	1%+.30			2/10%
Electricians (remainder of county):						
Electricians; technicians	7.95	.15	1%+.20	\$0.70	\$0.03	
Elevator constructors	7.25	.175	\$0.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	\$7.41	.35	.20	7%+c		.01
Ironworkers:						
Structural; ornamental	8.50	.25	.25	\$0.25		.05
Reinforcing	8.50	.25	.25	.25		.05
Laborers:						
Laborers unskilled	5.65	.20	.20			
Plasterers' tenders; mason tenders; stonemasons' tenders; mortar mixers; mixer operator smaller than 10-sack; concrete puddler vibrators; spreading concrete; tampers (mechanical); wackers; drill operator; jackhammer man; tile layer sewer; asphalt raker; burner, cutting torch, chain saw power; manually or mechanically operated Georgia buggy	5.90	.20	.20			
Powderman	5.975	.20	.20			
Rubbing concrete	6.075	.20	.20			
Guniting sandblasting	6.11	.20	.20			
Form setters and liners, concrete paving	6.16	.20	.20			
Lathers	6.75	.20				
Marble setters	8.425	3.65%	3.25%			
Millwrights	7.55	\$0.23	\$0.15			.04
Painters:						
Brush	6.00					
Spray	6.50					
Swing stage	6.25					
Structural steel	6.25					
General painting over 40' on ladders	6.25					
Piledriverman	7.55	.23	.15			.04
Pipefitters	8.02	.38	.75			.06
Plasterers	6.90	.20				
Plumbers	8.45	.30	.40			.06
Roofers	6.51	.18	.40			.04
Sheet metal workers	8.225	.25	.25			
Sprinkler fitters	8.00	.25	.40			.05
Terrazzo workers	8.425	3.65%	3.25%			
Terrazzo workers' helpers	4.55					
Terrazzo workers' base machine grinders	4.90					
Tile setters	8.425	3.65%	3.25%			
Cement mason (heavy and highway construction)	8.905	\$0.20	\$0.45	.50		.05
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						
Paid Holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. First 6 months—none; 6 months to 5 years—2%; over 5 years—4% of basic hourly rate.						
b. Paid holidays: A through F.						
c. Paid holidays: A through F, plus Friday after Thanksgiving Day.						
KAN-10-PEO-1-h						
Building construction:						
Power equipment operators:						
"A" frame trucks; boilers (1); brooms power operated (all types); chip spreader (front man); clef plane operator; compressor (1) 105 feet or over; concrete saws, self-propelled; conveyor operator; crab-power operated; curb finishing machine; elevator; finishing machine; firemen on rigs; flex plane; floating machine; form grader; fork lift, all types and sizes; greaser; hoist, endless chain, power operated; hopper, power operated; Hydra Hammer (all types); Lad-A-Vator; mixers (with side loaders); pumps (with well points); pump (water) rollers (all types); siphons, jets and jennys; sub grader; tractors over 50 h.p.	6.90	.25	.25			.02
Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator back fillers; back hoe, all types; Barber-Greene loader; Blade-Power, all types; boats, power; boiler (2); boring machine (all types); cableways; cherry pickers (all types); chip spreader; clamshells; combination concrete hoist and mixer, such as mixer-mobile (with tower, 50¢ per hour additional) compressors (2) 105 feet or over not more than 20 feet apart; compressors, tandem (any sizes); concrete mixers, single, truck mounted; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane or rigs (all types); crane, overhead; crusher, rock; derricks and derrick cars (power operated); ditching machines; dozers; draglines; dredges, any type power; Gradall; hoist, Endless chain-power operated with power travel; loaders, all types; locomotives, all types; mechanic and welder; mucking machine; orange peels; pile drivers; pumps, material, all types; push cats; scoops (all types); self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man.	7.15	.25	.25			.02
Crane-tower or climbing	7.65	.25	.25			.02
Clamshells, crane or rigs, draglines and pile drivers with 80 feet of boom or over (including jib)	7.40	.25	.25			.02
Crane or rigs over 200 feet	7.65	.25	.25			.02
Hoists, each additional drum over 1 drum	7.15	.25	.25			.02
Master mechanic	8.15	.25	.25			.02
Master mechanic, assistant	7.90	.25	.25			.02
Oiler; tractors (except when hauling material) less than 50 h.p.	6.35	.25	.25			.02
Oiler driver, all types	6.60	.25	.25			.02
Ready-Mixed Concrete Plants:						
Crane operator	6.83	.25	.25			.02
Conveyor; loader operator; plant man	6.63	.25	.25			.02



## SUPERSEDEAS DECISIONS—Continued

		Basic hourly rates	Fringe benefits payments				
			H. & W.	Pensions	Vacation	App. Tr.	Other
<b>KAN-1-TD-1-h</b>							
Building construction:							
Truck drivers:							
Warehousemen and stock man		4.175					
Flat beds		4.225					
Pickups		4.225					
Dump trucks, under 10 yards		4.225					
Dump trucks, 10 yards and over		4.30					
Straddle trucks		4.425					
Wheel tractors (when used for towing)		4.425					
Steel trucks		4.30					
Hydro lift trucks		4.425					
Hydraulically operated serial lifts		4.425					
Distributor truck drivers and operators		4.425					
Semitruck drivers		4.30					
Heavy hauling, "A" frame winch and forklifts		4.425					
Heavy excavating (dumper, Euclid, etc.)		4.425					
Oilers, greasers and mechanics' helpers		4.325					
Mechanics		4.625					
Transit mix, 5 yards and over		4.375					
Transit mix, under 5 yards		4.275					
Double bottom units (30 tons cap and over)		4.425					
<b>Kan-3-LAB-2-3</b>							
Site preparation and grading							
Laborers:							
Board mat weaver and cable tier; carpenter tender; form setter helpers; Georgie Buggies (manually operated); mixerman, no skip lift; naller; powderman helpers; salamander tender; truck man; truck dumper; water pumps up to 4 inches; all other construction and general laborers		3.60	.15	.20			
Air tool operator; asphalt raker and ironer; barco tamper; bricklayer tender; cement handler, bulk; chain saw-cement saw, concrete feeder; Georgie Buggies (mechanically operated); hot mastic kettleman; material batch hopper and scale man; mortar mixers; nozzle burner (cutting torch); signal man (crane); storm sewer pipe layer; tile layer; sewer; vibrator operator; wagon and churn drill operator; wood, concrete block and brick setter		3.75	.15	.20			
Form setter and liner; concrete paving; gunniting and sand blasting; powderman		3.85	.15	.20			
<b>100-KAN-PEO 2-3-h</b>							
Site preparation and grading:							
Power equipment operators:							
Group I:							
Asphalt paver and spreader; auto grader; back hoe; blade operator, all types; boilers, 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator, 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader, forklift; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; Pitman crane operator; pump, 2; quad-trac; scoop operator, all types; scoops in tandem; self-propelled rotary drill (Leroy or equal, not Air Trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; throttle man; truck crane; welding machine maintenance operator, 2		8.00	.40	.40	.50	.10	
Group II:							
"A" frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant operator; asphalt roller operators; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine, 1 drum; LaTourneau roofer; multiple compactor; pavement breaker, self-propelled, of the Hydra-Hammer or similar type; power shield; stump cutting machine; towboat operator; tractor operator, over 50 hp		7.75	.40	.40	.50	.10	
Group III:							
Boilers, 1; chip spreader (front man); churn drill operator; compressor maintenance operator, 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; oiler driver, all types; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt, screening and washing plant operator		7.50	.40	.40	.50	.10	
Self-propelled street broom or sweeper; siphons and jets; subgrading machine operator; tank car heater operator, combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator, 1		7.50	.40	.40	.50	.10	
Group IV:							
Mechanic's helper; oiler		7.25	.40	.40	.50	.10	
Clamshells, 3 yards or over		8.25	.40	.40	.50	.10	
Crane or rigs, 80 feet of boom or over (including jib)		8.25	.40	.40	.50	.10	
Crane or rigs, 200 feet of boom or over		8.50	.40	.40	.50	.10	
Dragline, 3 yards or over		8.25	.40	.40	.50	.10	
Hoisting engine, each additional drum over 1 drum		8.00	.40	.40	.50	.10	
Pile drivers, 80 feet of boom or over (including jib)		8.25	.40	.40	.50	.10	
Shovels, 3 yards or over		8.25	.40	.40	.50	.10	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.							
<b>100-Kan-TD 2, 3 d</b>							
Site preparation and grading:							
Truck drivers:							
One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle		7.39	.25	.50	.50		
Material trucks, tandem; two teams; semitrailers; winch truck—fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, tandem or semitrailer; Insley Wagons; dump trucks excavation 5 cu. yds. and over; dumpsters; half-trucks; Speedace; Euclids and other similar excavating equipment		7.59	.25	.50	.50		
"A" frame, Low Boy, boom truck drivers		7.90	.25	.50	.50		
Mechanics and welders		8.05	.25	.50	.50		
Mechanics' helpers, oilers and greasers		7.165	.25	.50	.50		



## SUPERSEDED DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Kansas Line Construction No. 1						
Southwest 3/4 of Leavenworth County:						
Line construction:						
Lineman	6.40	.25	1%		1%	
Cable splicers	6.72	.25	1%		1%	
Groundman, over 1 year	4.04	.25	1%		1%	
Groundman, 1st year	3.19	.25	1%		1%	
Powderman	5.35	.25	1%		1%	
Line truck and equipment operator:						
1st year	4.14	.25	1%		1%	
2d year	4.92	.25	1%		1%	
Over 2 years experience	5.35	.25	1%		1%	
Kansas Line Construction No. 2						
Remainder of Leavenworth County:						
Line construction:						
Lineman	7.10	.10	1% + .15		1%	
Lineman operator	6.70	.10	1% + .15		1%	
Lineman mechanic	5.69	.10	1% + .15		1%	
Groundman jackhammer operator	4.625	.10	1% + .15		1%	
Groundman driver	4.625	.10	1% + .15		1%	
Groundman powderman	4.88	.10	1% + .15		1%	
Groundman	4.625	.10	1% + .15		1%	
Groundman (1st year)	4.28	.10	1% + .15		1%	

[FR Doc.72-5202 Filed 4-8-72;8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 23941]

**AIR HAITI, S.A.****Application for Amendment of Foreign Air Carrier Permit To Authorize New York Service; Notice of Postponement of Hearing**

Notice is hereby given that the hearing in the above-entitled matter is postponed from April 7, 1972 (37 F.R. 6702, April 1, 1972), to April 14, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., April 3, 1972.

[SEAL] JOSEPH L. FITZMAURICE,  
Hearing Examiner.

[FR Doc.72-5352 Filed 4-6-72;8:48 am]

[Docket No. 22967]

**EASTERN AIR LINES, INC.****Deletion of Bowling Green, Kentucky; Notice of Oral Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on April 26, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., April 4, 1972.

[SEAL] RALPH L. WISER,  
Chief Examiner.

[FR Doc.72-5354 Filed 4-6-72;8:48 am]

[Docket No. 20522]

**INTERNATIONAL AIR TRANSPORT ASSOCIATION****Agreements Adopted by IATA Relating to North Atlantic Cargo Rates; Notice of Oral Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on April 19, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., April 3, 1972

[SEAL] RALPH L. WISER,  
Chief Examiner.

[FR Doc.72-5353 Filed 4-6-72;8:48 am]

**FEDERAL MARITIME COMMISSION**

[Docket No. 72-13; Independent Ocean Freight Forwarder License 850]

**R. G. HOBELMANN & CO., INC.****Order of Investigation and Hearing**

R. G. Hobelmann & Co., Inc. is a licensed independent ocean freight forwarder, License FMC 850.

One hundred percent of the capital stock of R. G. Hobelmann & Co., Inc. is owned by Vico Corp. of St. Louis, Mo. (VICO). Forty-eight percent of the stock of Vico is owned by Volkswagen of America, which in turn is wholly owned by Volkswagen of Germany. Both of these latter corporations are engaged as shippers or consignees in the exportation of cargoes in the foreign commerce of the United States by oceangoing common carriers. It therefore appears that the relationship now existing between R. G. Hobelmann & Co., Inc., Vico, Volkswagen

of America, and Volkswagen of Germany, creates a control and affiliation between a forwarder and shipper interests which is barred by sections 1 and 44 of the Shipping Act, 1916, and § 510.8(b) of Commission General Order 4.

R. G. Hobelmann & Co., Inc. has made proposals to divest itself of its freight forwarder business which have retained many elements of continuing affiliation and control between the freight forwarder and shipper interests. It therefore does not appear that the proposed divestiture plans would satisfy the requirements of the Shipping Act and the Commission's General Order 4.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 831, 841b) that a proceeding is hereby instituted to determine whether R. G. Hobelmann & Co., Inc. continues to qualify for a license as an independent ocean freight forwarder, and whether its license should be continued in effect or be revoked pursuant to sections 1 and 44 of the Shipping Act, 1916 (46 U.S.C. 801, 841b).

It is further ordered, That R. G. Hobelmann & Co., Inc. be made respondent in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondent, R. G. Hobelmann & Co., Inc.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with a copy to respondent.

It is further ordered, That all future notices issued by or on behalf of the



Commission in this proceeding, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-5323 Filed 4-6-72;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. RP72-110]

### ALGONQUIN GAS TRANSMISSION CO.

#### Order Accepting for Filing and Suspending Revised Tariff Containing Purchased Gas Adjustment Provision, Providing for Hearing Procedures, and Permitting Interventions

MARCH 31, 1972.

On March 1, 1972, Algonquin Gas Transmission Co. (Algonquin) tendered for filing two sets of revised sheets to its FPC Gas Tariff, Original Volumes Nos. 1 and 2<sup>1</sup> to become effective on April 1, 1972. The Company proposes an increase in rates which would add \$10,619,713 annually to its jurisdictional revenues based on sales for the 12 months ended December 31, 1971, as adjusted. One set of tariff sheets includes a purchased gas adjustment provision; the second, or alternative set excludes such a provision. Algonquin requests waiver of § 154.38(d)(3) of the Commission's regulations to permit the submitted tariff sheets containing the purchased gas adjustment provision to be filed. In the event the waiver is not granted, Algonquin requests that the alternative set be considered to have been filed.

Algonquin states that the principal reason for its proposed rate increase is to track the increased purchase gas costs associated with the increased rates filed by Texas Eastern Transmission Corp. (Texas Eastern) in Docket No. RP72-98. The total purchased gas cost component, as adjusted, represents approximately 75 percent of the test period cost of service. Other adjustments to base period costs are attributed to increased labor costs, increased regulatory expense, Federal, State and local taxes and an 8.75 percent rate of return. Algonquin also proposes several changes in the provisions of its presently effective tariff including (1) elimination of its interruptible Rate Schedule ERS-1, (2) expansion of the force majeure provisions of its tariff and (3) inclusion of a

purchase gas adjustment clause in the tariff.

The reasonableness of including a purchased gas adjustment provision in a pipeline's tariff is before us in rule-making Docket No. R-406. Under these circumstances, we deem it appropriate and proper at this time to waive § 154.38(d)(3) of our regulations to permit the filing of tariff sheets containing such a provision subject to such future modification as may be required to conform such provision with § 154.38(d)(4)(vi) of the Commission's proposed regulations, or any substitution or modification thereof adopted by the Commission in Docket No. R-406.

The following parties filed timely petitions to intervene or notices of intervention:

Boston Gas Co.  
Bristol and Warren Gas Co.  
Brockton Taunton Gas Co.  
Buzzards Bay Gas Co.  
Commonwealth Gas Co.  
The Connecticut Gas Co.  
Connecticut Natural Gas Corp.  
Fall River Gas Co.  
The Hartford Electric Light Co.  
Town of Middleborough, Municipal Gas and Electric Department.  
Providence Gas Co.  
New Bedford Gas and Edison Light Co.  
The Newport Gas Light Co.  
North Attleboro Gas Co.  
City of Norwich, Department of Public Utilities.  
Pequot Gas Co.  
South County Gas Co.  
The Southern Connecticut Gas Co.  
Tiverton Gas Co.  
Orange and Rockland Utilities, Inc.  
Rhode Island Consumers' Council.  
Central Hudson Gas and Electric Corp.  
New Jersey Natural Gas Co.

Review of Algonquin's rate filing indicates that the issues which it raises require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

Algonquin requests that the suspension period, if any, of the revised tariff sheets tendered for filing, be made coterminous with the suspension period involved in Texas Eastern's Docket No. RP72-98, which has been suspended by Commission order issued February 11, 1972, until July 14, 1972. Accordingly, in order to allow the proposed rates to become effective July 14, 1972, we would have to suspend Algonquin's proposed rate increase for 3½ months. Since a substantial portion of Algonquin's rate increase is a result of a claimed increase in costs other than purchase gas costs, we find that good cause does not exist to warrant waiver of the 5-month statutory suspension period with respect to the total requested rate increase. Therefore, we will suspend Algonquin's proposed rate until September 1, 1972. However, this action is not intended to preclude Algonquin from filing for increased rates to track Texas Eastern's increase for the 1½ months during which Texas Eastern's increase can be made effective while Algonquin's rate increase is under suspension.

The Commission finds:

(1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Algonquin's FPC Gas Tariff, as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above-named persons in this proceeding may be in the public interest.

(5) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) Section 154.38(d)(3) of the Commission's regulations under the Natural Gas Act is waived to permit the filing of Algonquin's tariff sheets containing the proposed purchase gas adjustment clause as conditioned herein.

(B) Algonquin's tariff sheets, as filed March 1, 1972, containing the proposed purchased gas adjustment clause, are accepted for filing, subject to such modification as may be required to conform with § 154.38(d)(4) of the Commission's proposed regulations or any substitution or modification thereof, should such be adopted by the Commission in Docket No. R-406.

(C) The proposed tariff sheets which exclude the purchase gas adjustment provision are hereby rejected.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held commencing with a prehearing conference on July 18, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classification, and services contained in Algonquin's FPC Gas Tariff, as proposed to be amended.

(E) At the prehearing conference on July 18, 1972, Algonquin's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference fully prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure,

<sup>1</sup> Original Volume No. 1. Original Sheets Nos. 3-A, 26-A, 30-C, 30-D, and 30-E, Fourth Revised Sheets Nos. 1, 15-M, and 15-O; First Revised Sheet No. 15-Q.1; Second Revised Sheets Nos. 8-A, 15-K.1 and 27; Fifth Revised Sheet No. 15-Q; Seventh Revised Sheet No. 6; Eighth Revised Sheet No. 7; 24th Revised Sheet No. 15-J; 28th Revised Sheets Nos. 5, 10, and 14; 29th Revised Sheets Nos. 11-A and 12.

Original Volume No. 2. 29th Revised Sheet No. 4; 26th Revised Sheet No. 57.



including a useful discussion of all problems and involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(F) On or before July 11, 1972, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before July 25, 1972. Any rebuttal evidence by Algonquin shall be served on or before August 8, 1972. Cross-examination on the evidence filed will commence on August 22, 1972.

(G) A Presiding Examiner to be designated by the Chief Examiner for the purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) Pending such hearing and decision thereon, Algonquin's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until September 1, 1972. Algonquin shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 7 percent per annum, from the date of payment of Algonquin until refunded; shall bear all costs of all refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of September 1, 1972, for each billing period, and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and transported, under the above-described substitute tariff sheets, and the revenue immediately prior to September 1, 1972, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(I) As a condition of this order, Algonquin shall execute and file in triplicate with the Secretary of this Commission within 20 days of the date of this order, its written agreement and undertaking to comply with the terms of paragraph (H) hereof, signed by a responsible officer of the corporation evidenced by proper authority from its Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the FPC Gas Tariff, Original Volume Nos. 1 and 2 and upon all parties of record in this proceeding as follows:

AGREEMENT AND UNDERTAKING OF ALGONQUIN GAS TRANSMISSION COMPANY TO COMPLY WITH THE TERMS AND CONDITIONS OF PARAGRAPH (H) OF THE FEDERAL POWER COMMISSION'S ORDER ISSUED \_\_\_\_\_, 1972 AT DOCKET NO. RP72-110

In conformity with the requirements of the order issued \_\_\_\_\_, 1972, at Docket

No. RP72-110 Algonquin Gas Transmission Co. hereby agrees and undertakes to comply with the terms and conditions of paragraph (H) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this \_\_\_\_\_ day of \_\_\_\_\_, 1972.

ALGONQUIN GAS TRANSMISSION COMPANY  
By \_\_\_\_\_

Attest:

Secretary

(J) The parties named above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-5363 Filed 4-6-72; 8:48 am]

[Docket No. CP72-231]

## EL PASO NATURAL GAS CO.

### Notice of Application

APRIL 3, 1972.

Take notice that on March 23, 1972, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79978, filed in Docket No. CP72-231 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by removal its Ramsey Compressor Station located in Reeves County, Tex., and its Winkler Purchase Meter Station located in Winkler County, Tex. The Ramsey Compressor Station consists of a 125 horsepower skid mounted electric motor-driven reciprocating compressor unit and appurtenances. Lower operating pressures on applicant's "A" line, extending from applicant's Jal No. 1 Plant near Jal, N. Mex., to the city of El Paso, Tex., have made the abandonment of this unit possible. The Winkler Purchase Meter Station is comprised of a 6½-inch o.d. standard orifice meter station with appurtenances. Applicant states that, due to the decline in gas reserves available to the suppliers of this station, an agreement has been reached whereby the deliveries of surplus residue gas now available and previously delivered to applicant at the Winkler Purchase Meter Station will now be made at an alternate delivery point. Applicant proposes to abandon in place approximately 17.1 miles of 4½-inch o.d. pipeline in Pinal

County, Ariz., known as the Magma Line. Applicant states that since 1967 this line has been used only as a standby facility for emergency use. Applicant further states that pipeline is presently in poor physical condition and that the cost of removal would exceed the salvage value.

Applicant states that the total cost of the abandonments herein proposed is \$2,250.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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.72-5357 Filed 4-6-72; 8:48 am]

[Docket No. CP72-125]

## MICHIGAN-WISCONSIN PIPE LINE CO.

### Notice of Availability of Environmental Statement for Inspection

APRIL 4, 1972.

Notice is hereby given that on April 7, 1972, as required by § 2.82(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 the proceeding of the Michigan-Wisconsin Pipe Line Co. for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act. This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Lacassine Project involves construction of 22.1 miles of 30-inch natural gas pipeline through a marshland area in Louisiana near Lake Arthur, Cameron Parish. Approximately 3.4 miles of the route passes through the Lacassine National Wildlife Refuge. Use of selected pipeline construction techniques and schedules, and routing within existing pipeline corridor will minimize any impact on the environment. The net result of this project, making additional supplies of natural gas available for domestic consumption, will be environmental enhancement through improved air quality in the areas of end use.

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 differences 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 May 19, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-5356 Filed 4-6-72; 8:48 am]

[Project 77]

#### PACIFIC GAS & ELECTRIC CO.

##### Notice of Issuance of Annual License

APRIL 3, 1972.

On May 1, 1970, Pacific Gas & Electric Co., Licensee for Potter Valley Project No. 77 located in the vicinity of Lake and Mendocino Counties, Calif., on the Eel and Russian Rivers filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 77 was issued effective April 15, 1972, for a period ending April 14, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pacific Gas & Electric Co. for continued operation and maintenance of Project No. 77.

Take notice that an annual license is issued to Pacific Gas & Electric Co. (Licensee) under section 15 of the Federal Power Act for the period April 15, 1972 to April 14, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Potter Valley Project No. 77 subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-5358 Filed 4-6-72; 8:48 am]

[Docket No. E-7718]

#### PENNSYLVANIA ELECTRIC CO.

##### Notice of Proposed Rate Schedule Changes

APRIL 5, 1972.

Take notice that on March 20, 1972, the Pennsylvania Electric Co. (applicant) filed rate schedule changes for wholesale service to municipal utilities and investor-owned utilities. The changes are proposed to become effective on June 1, 1972.

The new schedule designated FPC Electric Tariff, Original Volume No. 1, Rate RP, will supersede FPC Schedules Nos. 50, 51, 34, 52, 12, 53, 36, 54, and 55. Concurrently with the new rate schedules, applicant also requests investigation of its contract rate for supplemental service to Allegheny Electric Cooperative, Inc., and filed cost of service materials to provide information as to whether the present rate for supplemental power service to Allegheny should be terminated. Copies of a proposed rate schedule for service to Allegheny and supporting testimony were also filed. Applicant further requests that the Commission permit the proposed tariff to become effective without suspension, or, in the event of suspension, that the Commission select a suspension period of, at most, 30 days.

Applicant states that the proposed FPC Electric Tariff, Original Volume No. 1 and Rate RP will increase revenues by \$383,838 on a 1970 test year basis. The proposed tariff changes add a fuel cost adjustment clause and standardize the proposed general terms and conditions of service. Applicant further states that its proposed rates produce a rate of return of 7.77 percent on sales to the municipal customers and 7.46 percent on sales to the investor-owned companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or 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. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to

intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-5381 Filed 4-6-72; 8:49 am]

[Docket No. RP71-41, etc.]

#### UNITED GAS PIPE LINE CO.

##### Notice of Motion Filed With Respect to Pending Stipulation and Agreement

APRIL 3, 1972.

Take notice that on March 28, 1972, United Gas Pipe Line Co. (United) filed with the Commission a motion with respect to the stipulation and agreement filed November 22, 1971, pending at Docket No. RP71-41, et al.

The March 28, 1972, motion provides for millage rate adjustments to permit recovery of increases in gas cost experienced by United. The subject motion further provides for a demand charge adjustment of \$3,279,201. United states that if however, the demand charge adjustment issue is set for trial then United would retain the \$3,279,201 subject to trial of the issue.

Copies of United's motion were served upon all parties to the captioned proceeding.

Answer or comments relating to United's motion may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 14, 1972.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-5359 Filed 4-6-72; 8:48 am]

[Project No. 733]

#### WESTERN COLORADO POWER CO.

##### Notice of Issuance of Annual License

APRIL 3, 1972.

On February 27, 1969, Western Colorado Power Co., Licensee for Ouray Project No. 733 located in the vicinity of Ouray County, Colo., on the Uncompahgre River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on November 13, 1969.

The license for Project No. 733 was issued effective April 13, 1960 for a period ending April 12, 1970. Since that time, the project has been operated under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Western Colorado Power Co. for continued operation and maintenance of Project No. 733.

Take notice that an annual license is issued to Western Colorado Power Co. (Licensee) under section 15 of the Federal Power Act for the period April 13,



1972 to April 12, 1973 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No. 733, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-5360 Filed 4-6-72; 8:48 am]

[Docket No. E-7705]

# OHIO EDISON CO.

## Order Providing for Hearing, Suspending Revised Rate Schedules and Granting Intervention

MARCH 31, 1972.

Ohio Edison Co. (Ohio Edison), on January 27, 1972, tendered for filing revised rate schedules applicable to sales to 21 municipal wholesale customers,<sup>1</sup> which would increase its revenues by approximately \$2,218,025 (29.3 percent) annually based upon estimated sales for the 12 months ending March 31, 1973. The increase, which is applicable to both primary and transmission voltage, is proposed to become effective April 1, 1972.

The revised rate schedules include the following proposed changes: (i) The increase in rates and charges described above; (ii) the addition of a new fuel adjustment clause which would increase charges by approximately \$1.1 million of the \$2.2 million increase described above; (iii) the addition of a provision for load shedding during underfrequency system conditions; and (iv) delete provisions relating to rendering service in certain areas by either Ohio Edison or the municipality.

In support of the proposed rate changes, in summary, Ohio Edison states: That the return on plant and property devoted to the service of its municipal wholesale customers has been declining and is no longer just and reasonable; that the addition of a fuel adjustment clause is to reflect the increases and decreases in the cost of coal and to smooth out the significant effects of such changes upon earned return; that the load shedding provision is intended to share with municipal customers the burden Ohio Edison has undertaken with other interconnected electric systems to enhance the reliability of coordinated systems in meeting operating problems; that the reason for the elimination of the service area provisions is that they are not justified in view of the small number of customers involved in extensions of service by the municipal customers or the Company.

<sup>1</sup> The revised rate schedules are listed in Appendix A below.

Notice of the filing was issued on February 23, 1972, and published in the FEDERAL REGISTER on March 1, 1972 (37 F.R. 4309). On March 9, 1972, 20 of the municipal customers filed a joint petition for leave to intervene in these proceedings.<sup>2</sup> These petitioners also requested that the Commission provide for hearing and suspend the proposed rate changes for the full statutory period of 5 months, pending such hearing and decision thereon.

In their joint petition, the municipal customers contend, inter alia, that the magnitude of the rate increase raises a presumption of unreasonableness, that it would work a severe hardship upon them, and that the full 5 months' suspension is required to enable petitioners to adjust their operating budgets and rates and to investigate the basis for the rate filing. They also assert that the impact upon Ohio Edison would be insignificant due to the small ratio of wholesale revenues to Ohio Edison's total revenues from all sales.

Ohio Edison, on March 21, 1972, filed a motion and an answer to its customers' petition, complaint and request for suspension of the rate changes, denying specific allegations of the petitioners. Ohio Edison avers that the burden of a 5-month suspension is real and that there is no basis in law for suspending any increase merely because the amount is small when compared to overall revenues of the company or that the size of municipal customers is relevant to the suspension issue.

A review of the subject rate filing indicates that the issues therein raised require development in evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

We note that the company's filing is based upon a 1970 test period. In view of the fact that data for the year 1971 should now be available the Presiding Examiner should consider the use of a more current test period. In this connection our regulations under the Federal Power Act do not require the use of a calendar year test period and we prefer the use of the latest actual data available.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Ohio Edison's FPC electric rate schedules, as proposed to be amended by the revised rate schedules tendered for filing on January 27, 1972.

<sup>2</sup> Cities of Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Gallon, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth, and Wellington, all of Ohio.

(2) The participation of the petitioners named above may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the lawfulness of the rates, charges, classifications, and services contained in Ohio Edison's FPC electric rate schedules, as proposed to be revised herein, commencing with a prehearing conference to be held on April 20, 1972.

(B) Pending hearing and decision thereon, Ohio Edison's revised rate schedules, filed on January 27, 1972, are hereby suspended and the use thereof deferred until September 1, 1972.

(C) The Commission Staff will serve its direct case no later than September 1, 1972. Intervenor will serve their direct cases no later than September 15, 1972. Ohio Edison may serve rebuttal evidence no later than October 6, 1972. The public hearing shall convene on October 17, 1972, at 10 a.m., e.d.s.t. Thereupon, all testimony and exhibits, including Ohio Edison's entire rate filing, as supplemented, shall be admitted to the record, subject to appropriate motions by parties to the proceedings. Cross-examination shall commence immediately thereafter.

(D) Unless otherwise ordered by the Commission, Ohio Edison shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the terms of this order, the Commission's rules of practice and procedure, and the Federal Power Act.

(F) The afore-mentioned joint petitioners for intervention are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided however*, That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene: *And provided further*, That the admission of such joint intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.



## APPENDIX A

## RATE SCHEDULE DESIGNATIONS

Filing date: January 27, 1972.

FPC rate schedule designation Nos.	Contract date	Customer
75	Dec. 30, 1965	City of Amherst.
76	Jan. 24, 1966	Village of Beach City.
77	Dec. 20, 1965	Village of Brewster.
78	Dec. 21, 1965	Village of Columbiana.
79	Dec. 30, 1965	City of Cuyahoga Falls.
80	Dec. 29, 1965	City of Gallon.
81	Jan. 17, 1966	Village of Grafton.
82	Dec. 20, 1965	City of Hubbard.
83	Dec. 30, 1965	Village of Hudson.
84	Dec. 28, 1965	Village of Lodi.
85	Dec. 22, 1965	Village of Lucas.
86	Dec. 14, 1965	Village of Milan.
87	Mar. 9, 1966	City of Monroeville.
88	Dec. 30, 1965	City of Niles.
89	Dec. 29, 1965	Village of Seville.
90	Dec. 27, 1965	Village of South Vienna.
91	Dec. 21, 1965	City of Wadsworth.
92	Dec. 27, 1965	Village of Wellington.
93	July 25, 1960	Village of Prospect.
94	Mar. 2, 1970	City of Oberlin.
95	Apr. 14, 1971	City of Norwalk.

[FR Doc. 72-5333 Filed 4-6-72; 8:46 am]

[Docket No. E-7706]

## SIERRA PACIFIC POWER CO.

## Order Providing for Hearing, Suspending Revised Tariff Sheets and Granting Intervention

MARCH 31, 1972.

Sierra Pacific Power Co. (Sierra Pacific), on January 27, 1972, tendered for filing revised tariff sheets<sup>1</sup> in its FPC electric tariff, Original Volume No. 1. The revised tariff sheets, which are proposed to become effective on April 1, 1972, contain increased rates and charges which would increase Sierra Pacific's annual revenues by approximately \$324,208 (40.7 percent) based upon service for the 12-month period ending March 31, 1972, rendered to four wholesale customers<sup>2</sup> under Rate Schedules R-1 and R-2. The revised tariff sheets also contain a proposed new fuel adjustment clause.

Sierra Pacific states that the increase in rates is necessitated by increases in operating expenses, particularly in fuel costs; increases in cost of plant additions, and higher capital costs, particularly claiming a need for a rate of return allowance of 8.35 percent on overall investment.

The Commission issued public notice of the rate filing on February 24, 1972, which was published in the FEDERAL REGISTER on March 4, 1972 (37 F.R. 4748). Petitions for leave to intervene asserting their interests in these proceedings were timely filed by the four wholesale customers which are affected by the filing. (supra, footnote 2) The Public Service Commission of Nevada untimely filed notice of intervention.

Truckee-Donner Public Utilities District (Truckee-Donner), in its petition,

also requests the Commission to deny Sierra Pacific's increase on the grounds that: (1) Its contractual agreement with Sierra Pacific provides for a fixed rate which may not be terminated without its consent prior to May 18, 1977; (2) the portion of the agreement providing "all rates are subject to such changes and modifications as may be required and/or approved by the Federal Power Commission from time to time", only recognizes the rule that parties may not deprive the Commission of its jurisdiction by agreement; and (3) the proposed fuel adjustment clause would deprive purchasers of the opportunity for full consideration of all cost factors at the time of proposed increases. Truckee-Donner also requests that the Commission enter upon a hearing and suspend the operation of such rates for the maximum 5-month period.

The paragraph which includes the phrase quoted by Truckee-Donner, reads:

It is understood and agreed by Company and Customer that the rates herein shall go into effect subject to all necessary filings with, and approval by, the Federal Power Commission, and shall be subject to such changes and modifications as may be required and/or approved by the Federal Power Commission from time to time. If said rates are increased, Customer shall have option to discontinue purchasing by giving one (1) year's notice of such intention.

The language in the above provision that the rates " \* \* \* shall be subject to such changes and modifications as may be required and/or approved by the Federal Power Commission from time to time" clearly indicates that changes in the rates contained in the subject contract were contemplated by or with the approval of the Federal Power Commission.

The language in these contracts is, in substance, to the same effect as that in the Memphis case<sup>3</sup> which permits a public utility unilaterally to modify its rate by filing a tariff increase under section 4 of the Natural Gas Act (and thus under the companion section 205 of the Federal Power Act) if the utility's contract with its customers provides for such change. The provision in Truckee-Donner's agreement, moreover, is substantially similar to that in certain of Carolina Power & Light Co.'s contracts with municipalities which we found to authorize unilateral rate filings by the Company.<sup>4</sup> See Opinion No. 608, Carolina Power & Light Company, Docket No. E-7564, issued January 3, 1972, ----- FPC -----.

We conclude that this rate agreement provides for, in effect, a "going rate" rather than a fixed rate, and accordingly that the request for denial of Sierra Pacific's rate increase should be denied.

<sup>3</sup> United Gas Pipeline Company v. Memphis Light, Gas and Water Division, et al., 358 U.S. 103 (1958).

<sup>4</sup> See also the Commission orders issued May 19, 1971, and Jan. 7, 1972, in Central Telephone & Utilities Corporation, Western Power Division, Docket No. E-7602, ----- FPC -----.

Review of the rate filing indicates that the issues therein raised require development in evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates, classifications, services, and provisions of Sierra Pacific's FPC Electric Tariff, as proposed to be modified by the subject rate filing on January 27, 1972, and that the subject rate filing be suspended as herein provided.

(2) The participation of the above-named petitioners for leave to intervene in these proceedings may be in the public interest.

(3) Although the Public Service Commission of Nevada's notice of intervention was not timely filed, good cause exists for permitting such intervention.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the lawfulness of the rates, charges, classifications, services, and provisions of Sierra Pacific's FPC Electric Tariff, as proposed to be modified herein.

(B) Pending such hearing and decision thereon Sierra Pacific's tariff sheets filed on January 27, 1972, are hereby suspended and the use thereof deferred until September 1, 1972.

(C) On or before July 14, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all interveners shall be served on or before July 28, 1972. Any rebuttal evidence by Sierra Pacific shall be served on or before August 18, 1972. The public hearing herein ordered shall convene on September 6, 1972, at 10 a.m., e.d.t. Thereupon, all testimony and exhibits, including Sierra Pacific's entire rate filing as submitted on January 27, 1972, as supplemented, shall be admitted to the record subject to appropriate motions of the parties to the proceedings. Cross-examination shall commence immediately thereafter.

(D) Unless otherwise ordered by the Commission, Sierra Pacific shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has terminated or until the suspension period has expired.

(E) Truckee-Donner's request for denial of the proposed rate increase is denied.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18

<sup>1</sup> First Revised Sheets Nos. 2, 8; Second Revised Sheets Nos. 1, 6; Third Revised Sheet No. 4; and Fourth Revised Sheet No. 15.

<sup>2</sup> City of Fallon, Nev., and Pacific Gas and Electric Co., under R-1; and California Pacific Utilities Co. and Truckee-Donner Public Utilities District, under R-2.



CFR 3.5(d)), shall preside at the hearing in this proceeding; shall describe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the provisions of this order, the Commission's rules of practice and procedure, and of the Federal Power Act.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided however*, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene: *And provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) The Public Service Commission of the State of Nevada is hereby permitted to intervene in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-5334 Filed 4-6-72;8:46 am]

## OFFICE OF ECONOMIC OPPORTUNITY

### PILOT POLICE PROJECT, WASHINGTON, D.C.

#### Notice of Availability of Reported Findings

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, it is announced that as a result of OEO Contract No. B00-5133, American Institutes for Research, Kensington, Md., has furnished to the Agency a final report entitled "The Pilot Police Project: A Description and Assessment of a Police-Community Relations Experiment in Washington, D.C."

The major finding is that positions of various factions previously considered polarized can be reconciled and that objective criteria for choosing among alternative ways of improving police-community relations can be established. The evaluators conclude that the likelihood of improving police-community relations will be greater if policymakers will do the following: (1) Recognize that inservice police training is not necessarily the best program to emphasize in efforts to improve police-community relations; (2) Involve the community in police-community relations programs. Involve the community intensively in services currently connected with the police, but not being performed at all or well by them; (3) View police-community relations from a long term point of view; short term training and other experimental programs are likely to be trampled in the political contro-

versy over who will control and operate them; (4) Examine what the community people are saying. Emphasize changing the power relationship through influencing policies connected with police recruitment, residence, and promotions, with particular stress on recruitment; (5) Concentrate on citizens as well as the police. Educate citizens to assume responsibility in law enforcement. Specific recommendations in this area include the establishment of a police science scholarship program within each police subdivision of a city and the institutionalization of community based police-community relations units comparable to, but more encompassing than, existing police-community relations units within police departments. The core of the latter program would be civilian-selected and civilian-staffed liaisons between local civic associations and the police.

A Summary Abstract, a Summary of Findings, and the technical evaluation final report is available from OEO directly, or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

WESLEY L. HJORNEVIK,  
Deputy Director.

[FR Doc.72-5317 Filed 4-6-72;8:45 am]

## OFFICE OF EMERGENCY PREPAREDNESS

### WEST VIRGINIA

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of West Virginia, dated February 28, 1972, and published March 3, 1972 (37 F.R. 4477), and amended March 14, 1972, and published March 28, 1972 (37 F.R. 6355), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 27, 1972:

The Counties of:

Boone. Lincoln.  
Kanawha. Wyoming.

Dated: April 4, 1972.

G. A. LINCOLN,  
Director,  
Office of Emergency Preparedness.

[FR Doc.72-5349 Filed 4-6-72;8:47 am]

## PRICE COMMISSION

### ECONOMIC STABILIZATION PROGRAM

#### Notice of Public Hearing

Notice is hereby given that the Price Commission will hold a public hearing on April 21, 1972, in Boston, Mass.

The purpose of the hearing is to receive input from various sectors of the Nation, including industry, commerce, labor, consumers, and others. The Commission is seeking a general review of policy; an evaluation of its approach to curbing inflation; comments upon recommended policy changes; identification of specific problem areas; and discussion of the causes of inflation and the application of policies to control it.

The hearing will be held from 9 a.m. to 2:30 p.m. in Faneuil Hall, Merchants Row, Dock Square, Boston, Mass.

The public hearing hereby scheduled reflects the Commission's intention to comport with the stated desire to 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, before April 14, 1972, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation. Oral presentations may be supplemented by written submissions filed with the Commission before the oral presentation or before April 19, 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 before April 19, 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 April 3, 1972.

C. JACKSON GRAYSON JR.,  
Chairman, Price Commission.

[FR Doc.72-5332 Filed 4-6-72;8:47 am]

## ENVIRONMENTAL PROTECTION AGENCY

### MOTOR VEHICLE POLLUTION CONTROL

#### Suspension Request; Notice of Public Hearing

Notice of public hearing on the suspension request of Volvo, Inc., pursuant to section 202(b) (5) (D) of the Clean Air



Act, as amended, was published on March 30, 1972, at 37 F.R. 6516. That notice advised that requests received from any other motor vehicle manufacturers on or before April 5, 1972, would also be considered at that hearing which will commence at 10 a.m. on April 10, 1972, at the Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C.

Suspension requests were received from International Harvester Co. on March 31, 1972, and Ford Motor Co., Chrysler Corp., and General Motors Corp. on April 5, 1972. Those applications will be considered at the above described hearing.

Dated: April 6, 1972.

WILLIAM D. RUCKELSHAUS,  
Administrator.

[FR Doc.72-5474 Filed 4-6-72; 10:39 am]

## SECURITIES AND EXCHANGE COMMISSION

[70-5179]

### POTOMAC EDISON CO.

#### Notice of Proposed Amendment of Charter and Issue and Sale of Cumulative Preferred Stock at Competitive Bidding

MARCH 31, 1972.

Notice is hereby given that The Potomac Edison Co. (Potomac), Downsville Pike, Hagerstown, Md. 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Potomac proposes to amend its charter to increase the authorized shares of its Cumulative Preferred Stock by 100,000 shares and to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its authorized but unissued \$----- Cumulative Preferred Stock, Series G, par value \$100 per share. The dividend rate (which shall be a multiple of 4 cents) and the price (exclusive of accrued dividends) to be paid to Potomac (which shall be not less than \$100 or more than \$102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock include a 5-year prohibition against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stock at a lower effective dividend cost.

The net proceeds from the issue and sale of the stock will be used for the construction program of Potomac and its subsidiary companies (including payment of \$10 million of short-term borrowings incurred therefor). Construction expenditures for the years 1972 and 1973 are currently estimated at \$42 million and \$48 million, respectively.

It is stated that the Maryland Public Service Commission has jurisdiction over the proposed issue and sale of the preferred stock by Potomac and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions are estimated at \$41,000, including legal fees of \$9,000. The fees of counsel for the successful bidders, which are to be paid by such bidders, will be filed by amendment.

Notice is further given that any interested person may, not later than April 24, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.72-5325 Filed 4-6-72; 8:45 am]

[70-5180]

### UTAH POWER & LIGHT CO.

#### Notice of Proposed Issue and Sale of First Mortgage Bonds and Common Stock at Competitive Bidding

MARCH 31, 1972.

Notice is hereby given that Utah Power & Light Co. (Utah), 1407 West North

Temple Street, Post Office Box 899, Salt Lake City, UT 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$25 million principal amount of First Mortgage Bonds, ----- percent Series due 2002. The interest rate of the bonds (which shall be a multiple of  $\frac{1}{8}$  of 1 percent) and the price, exclusive of accrued interest, to be paid to Utah (which shall be not less than 99 percent nor more than 102 percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds are to be dated as of May 1, 1972, will mature on May 1, 2002, and will be issued under a mortgage and deed of trust dated as of December 1, 1943, between Utah and Morgan Guaranty Trust Company of New York (formerly Guaranty Trust Company of New York) and H. H. Gould (successor co-trustee), as trustees, and indentures supplemental thereto including a 20th Supplemental Indenture to be dated as of May 1, 1972, and which includes a prohibition until May 1, 1977, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

Utah also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 715,000 shares of its common stock, par value \$12.80 per share. The sale of the bonds and the sale of the common stock are separate transactions, not contingent one upon the other.

The proceeds from the sale of the bonds and common stock will be applied to the payment of outstanding short-term notes (estimated at \$40 million) evidencing borrowings made for construction purposes and the remaining proceeds will be used to finance its construction program. The construction program for Utah and its subsidiary company, The Western Colorado Power Co., for the years 1972-1974, inclusive, is estimated at \$191 million of which \$63 million is expected to be used in 1972.

Utah has applied to the Public Service Commission of Wyoming and the Idaho Public Utilities Commission for requisite authority to effectuate the proposed transactions. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than April 28,



1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-5326 Filed 4-6-72; 8:46 am]

## TARIFF COMMISSION

[332-60]

### TARIFF PREFERENCES FOR LESS DEVELOPED COUNTRIES

#### Notice of Termination of Probable Effects Study and Publication of Staff Research Study

Notice is hereby given that the U.S. Tariff Commission has terminated its study of the probable effects on U.S. trade of a system of preferential tariff reductions applicable to the products of less-developed countries. The Commission has published a staff research paper, in two volumes, containing the results of the research done in the study. The study was conducted under the provisions of section 332 of the Tariff Act of 1930.

Issued: April 3, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.72-5345 Filed 4-6-72; 8:47 am]

## TENNESSEE VALLEY AUTHORITY CONTROL OF EURASIAN WATERMILFOIL IN TVA RESERVOIRS

### Notice of Availability of Draft Environmental Statement

Notice is hereby given that a document entitled "Environmental Statement, Control of Eurasian Watermilfoil (*Myriophyllum Spicatum* L.) in TVA Reservoirs" has been prepared in draft pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and became available to the public on February 16, 1972. Copies of the document are accessible for public examination in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets, Washington, D.C. 20444. This statement covers the environmental impact of the control of Eurasian Watermilfoil in the TVA reservoir system through water level management and the application of herbicides.

Single copies of the draft statement will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tenn., this the 30th day of March 1972, for the Tennessee Valley Authority.

LYNN SEEGER,  
General Manager.

[FR Doc.72-5327 Filed 4-6-72; 8:46 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

APRIL 4, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136132, BOAT MOVING ENGINEERS, INC., application dismissed.  
FD 26983, The Baltimore and Ohio Railroad Co. abandonment Fairmont Branch between Board Tree and Moundsville, in Marshall County, W. Va., now assigned May 1, 1972, at Moundsville, W. Va., canceled and reassigned to May 1, 1972, in the Civil Service Room, New Post Office Building, 2501 Chapline Street, Wheeling, W. Va.

MC 117940 Sub 61, Nationwide Carriers, Inc., now assigned May 8, 1972, at Washington, D.C., canceled and application dismissed.  
MC 31879 Sub 32, Exhibitors Film Delivery & Service Co., Inc., continued to May 18, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.  
MC 135110, Wood's Trucking Co., Ltd., application dismissed.

MC 107496 Sub 827, Ruan Transport Corp., and MC 108449 Sub 334, Indianhead Truck Line, Inc., now assigned May 3, 1972, at Chicago, Ill., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-5367 Filed 4-6-72; 8:49 am]

[Rev. S.O. 994; Supplemental ICC Order 67<sup>1</sup>]

## CENTRAL RAILROAD COMPANY OF NEW JERSEY

### Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, is unable to transport traffic over its lines in Pennsylvania because of a cessation of operations ordered by the Federal District Court in Newark, N.J.

It is ordered, That:

(a) Rerouting traffic: The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, being unable to transport traffic over its lines in Pennsylvania because of a cessation of operations ordered by the Federal District Court in Newark, N.J., this railroad and its connections are hereby authorized to reroute or divert such traffic by substituting the Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, Trustees, for the Central Railroad of New Jersey for movement over that line in the State of Pennsylvania, thence over such other necessary lines of the Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, Trustees, for interchange to connections at any junction, wherever located, as will best facilitate the flow of traffic, and/or to and from those stations of The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, located in the State of Pennsylvania. No other changes in routing shall be made unless authorized by the shipper; or, if the shipment was originally unrouted, unless authorized by the origin carrier. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

<sup>1</sup> This supplement is issued for purpose of clarifying the intent to permit interchange to connections at any junction, wherever located, as will best facilitate the flow of traffic.



[Notice 41]

# **MOTOR CARRIER TRANSFER PROCEEDINGS**

APRIL 4, 1972.

(c) Inasmuch as the diversion or re-routing of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(d) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Effective date: This order shall become effective at 12:01 a.m., April 1, 1972.

(f) Expiration date: This order shall expire at 11:59 p.m., May 30, 1972, unless otherwise modified, changed, or suspended.

*It is further ordered,* 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., April 4, 1972.

INTERSTATE COMMERCE  
COMMISSION,

[SEAL]

R. D. PFAHLER,  
Agent.

[FR Doc.72-5368 Filed 4-6-72;8:49 am]

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73317. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Tyler Consolidators, Inc., Richmond, Calif., of the operating rights in Certificate No. MC-64719 issued September 14, 1940, to Pierce-Rodolph Storage Co., Ltd., San Francisco, Calif., authorizing the transportation of household goods, between points within 100 miles of San Francisco, Calif., including San Francisco. Marshall G. Berol, 100 Bush Street, San Francisco, CA 94104, attorney for applicants.

No. MC-FC-73345. By order of March 22, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to Tyler Consolidators, Inc., Richmond, Calif., of Certificate No. MC-109989 issued to Harry W. Hamilton, Jr., doing business as Pioneer Truck & Storage Co., and Ventura Transfer &

Storage, Oxnard, Calif., authorizing the transportation of: Household goods as defined by the Commission and various specified commodities, between named points and areas in California. Marshall G. Berol, attorney, 100 Bush Street, San Francisco, CA 94104.

No. MC-FC-73436. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Madison River Terminal, Inc., Madison, Ind., of the operating rights in Certificate No. MC-133139 issued May 15, 1969, to Madison Coal and Oil, Inc., Madison, Ind., authorizing the transportation of dry bulk commodities, with exceptions, in dump vehicles, from river terminals at Madison, Ind., to specified areas in Indiana, Ohio, and Kentucky, and pig iron and ferro alloys, from river terminals at Madison, Ind., to specified areas in Indiana, Ohio, and Kentucky. Robert W. Loser II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-73481. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Gary Lee Meyer, doing business as Meyer Truck Line, 2 North Dakota Street, Aberdeen, SD 57401, of the operating rights in Certificate No. MC-108189, issued July 2, 1970, to Mills Truck Line, Inc., 2 North Dakota Street, Aberdeen, SD 57401, authorizing the transportation of mail and general commodities, with exceptions, over regular routes, between specified points in South Dakota.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-5366 Filed 4-6-72;8:49 am]



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# **federal register**

FRIDAY, APRIL 7, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 68

PART II



---

## **DEPARTMENT OF AGRICULTURE**

**Consumer and Marketing  
Service**

■

**Milk for Manufacturing  
Purposes and its Production  
and Processing**

**Recommended Requirements**



## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING

##### Requirements Recommended for Adoption by State Regulatory Agencies

*Statement of consideration leading to the recommended requirements.* Proposed requirements for milk for manufacturing purposes and its production and processing recommended for adoption by States were published by USDA under notices in the FEDERAL REGISTER on October 25, 1969. The purpose of publishing the proposed requirements was to invite comment from State regulatory officials, the dairy industry and all other interested parties. Written data, views, or arguments in connection with the aforesaid recommendations were requested to be sent to the Hearing Clerk, U.S. Department of Agriculture, by no later than March 31, 1970.

Ninety-two letters of comment were received. The letters were reviewed and the views and opinions considered by both the Department of Health, Education, and Welfare and the U.S. Department of Agriculture. Of the 13 States commenting, a majority agreed on the following items:

- (a) Use of a farm permit system rather than the proposed farm certification system.
- (b) Delete the provisions for an automatic drop in the maximum bacterial level for No. 2 (acceptable) milk from individual farms from 3 million to 1 million per milliliter in 3 years after adoption by a State.
- (c) Permit the continued use of the Methylene Blue test to estimate bacteria.
- (d) Eliminate requirement that producers check strength of sanitizing solutions.
- (e) Make requirements for farm water supplies less stringent.
- (f) Require that laboratory test records on milk quality only be maintained for review by inspectors.
- (g) Eliminate the recommendation that commingled milk in plant storage tanks have a bacteria count no greater than 3 million per milliliter.

The remaining 79 letters of comment were from producers, processors, and trade organizations. In general, their views supported those of the States who commented.

Careful consideration has been given to the sum and substance of each letter of comment received. The views and opinions expressed were then weighed in light of what is known of industry capability, and in light of the proportion of the industry now meeting the recommended requirements. The fact that certain States and areas are unable presently to adopt and apply these recommended requirements should not alter the significance nor the need for uniformity in the sanitary quality of

manufacturing milk and its products. Instead, such areas should assess their situation and use all means necessary to systematically improve conditions step by step, to the point where the recommended requirements can be met.

Actions taken on the views and comments received are as follows: The use of either term, whether it be farm certification or farm permit, would not alter the basic concept in the recommended requirements that an established criteria must be complied with as a basis for issuance and continuance of either a permit or certification. For these reasons, the term certification was retained in the text.

Considerable apprehension was expressed in the provision to automatically reduce the maximum level of bacteria in acceptable milk from 3 million to 1 million in 3 years after adoption of the requirements. Certain areas may not have a sufficient basis by which to judge whether they could meet this drop in the specified time. Therefore, this recommended requirement is being footnoted to indicate that it will be reviewed in 3 years and, if warranted, a further extension may be granted.

The Methylene Blue test for estimating the bacterial content of milk has been demonstrated to be the least conclusive test when compared with the standard plate count, the direct microscopic count, and the resazurin reduction test. Because of its poor correlation with the other three test procedures, the Methylene Blue test will not be included as a recommended test. This is not to say that some benefit could not be derived from its use in upgrading the quality of milk. Those who are using it now will receive the full benefits of the test itself. From that point on, a more definitive test procedure will be needed.

The recommendation to have producers check the strength of their sanitizing solutions has been dropped, as it is felt that proper use of sanitizing solutions can be achieved by following the directions of the manufacturer.

Dairy farm water supply requirements were changed slightly. For reasons of public health significance and for safety of the farm family and the public in general it was felt that (1) farm water supplies should at least for the present meet the State requirements, (2) that in cases where they did not meet the State requirements, such sources of farm water supplies should be upgraded to meet the requirements any time that unsatisfactory test samples were obtained, when repairs or reconstruction was necessary or when any new source was constructed. States should be able to upgrade farm water supplies so that they could comply with the construction requirements.

The only test records which are recommended to be kept for routine review by inspectors are those which pertain to sediment and bacterial tests on milk from producers, pasteurization recorder charts, and water supply and health certificates. This recognizes privacy of in-

plant quality control tests and other test results, from routine surveillance.

The recommended requirement that when milk from individual farms is commingled in dairy plant storage tanks, the commingled milk shall not have a bacterial count higher than 3 million per milliliter, is being retained. The reason is that some means is necessary to determine if the milk after being received from the farm is properly refrigerated and promptly handled in a sanitary manner until processed.

In addition, editorial changes have been made in the text for the purpose of greater clarity of intent.

The purpose and intent of the recommended requirements now being published is to promote, through State adoption and enforcement, uniformity in State dairy laws and regulations as well as national uniformity in the sanitary manner in which milk for manufacturing purposes is produced and processed.

The U.S. Department of Agriculture has no legal responsibility for the enforcement of these recommended requirements within a State. This is the responsibility of each State when the requirements are adopted by a State. However, under authority granted it by the Agricultural Marketing Act of 1946, USDA will continue to assist the States in an advisory and interpretive capacity in order to promote the purpose and intent for which these requirements have been published. In addition, USDA will continue to review the progress being made toward adoption of these recommendations and if necessary will amend the recommendations to include additional time limitations for implementation.

A sample State Enabling Act to facilitate the enactment of the proposed requirements for those States not having the present authority, together with the recommended requirements, is included.

##### Subpart A—Sample State Enabling Act

##### Subpart B—Definitions

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E 1.5	Personnel cleanliness.
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E 1.11	Cleaning and sanitizing treatment.
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E 1.14	Packaging and general identification.
E 1.15	Storage of finished product.
E 1.16	Qualifications for plant licensing.
E 2.	Supplemental requirements for plants manufacturing, processing, and packaging instant nonfat dry milk, nonfat dry milk, dry whole milk, dry buttermilk, dry whey, and other dry milk products.
E 2.1	Rooms and compartments.
E 2.1.1	Dry storage of product.
E 2.1.2	Packaging room for bulk products.
E 2.1.3	Hopper or dump room.
E 2.1.4	Repackaging room.
E 2.2	Equipment and utensils.
E 2.2.1	General construction, repair and installation.
E 2.2.2	Preheaters.
E 2.2.3	Hotwells.
E 2.2.4	Evaporators and/or vacuum pans.
E 2.2.5	Surge tanks.
E 2.2.6	High pressure pumps and lines.
E 2.2.7	Dryers.
E 2.2.8	Collectors and conveyors.
E 2.2.9	Dry dairy product cooling equipment.
E 2.2.10	Special treatment equipment.
E 2.2.11	Sifters.
E 2.2.12	Portable and stationary bulk bins.
E 2.2.13	Automatic sampling device.
E 2.2.14	Dump hoppers, screens, mixers and conveyors.
E 2.2.15	Filler and packaging equipment.
E 2.2.16	Heavy duty vacuum cleaners.
E 2.3	Clothing and shoe covers.
E 2.4	Operations and operating procedures.
E 2.4.1	Pasteurization.
E 2.4.2	Condensed surge supply.
E 2.4.3	Condensed storage tanks.
E 2.4.4	Drying.
E 2.4.5	Cooling dry products.
E 2.4.6	Packaging, repackaging, and storage.
E 2.4.7	Product adulteration.
E 2.4.8	Checking quality.
E 2.4.9	Requirements for instant nonfat dry milk.
E 2.4.10	Cleaning of dryers, conveyors, sifters, and storage bins.
E 2.4.11	Insect and rodent control program.
E 3.	Supplemental requirements for plants manufacturing, processing, and packaging butter and related products.
E 3.1	Rooms and compartments.
E 3.1.1	Coolers and freezers.
E 3.1.2	Churn rooms.
E 3.1.3	Print and bulk packaging rooms.
E 3.2	Equipment and utensils.
E 3.2.1	General construction, repair, and installation.
E 3.2.2	Continuous churn.
E 3.2.3	Conventional churn.
E 3.2.4	Bulk butter trucks, boats, and packers.
E 3.2.5	Butter, frozen or plastic cream melting machines.
E 3.2.6	Printing equipment.

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E 3.2.7	Brine tanks.
E 3.2.8	Starter vats.
E 3.3	Operations and operating procedures.
E 3.3.1	Pasteurization.
E 3.3.2	Composition and wholesomeness.
E 3.3.3	Containers.
E 3.3.4	Printing and packaging.
E 3.3.5	General identification.
E 3.3.6	Storage of finished product in coolers.
E 3.3.7	Storage of finished product in freezer.
E 4.	Supplemental requirements for plants manufacturing and packaging cheese.
E 4.1	Rooms and compartments.
E 4.1.1	Starter room.
E 4.1.2	Make room.
E 4.1.3	Drying room.
E 4.1.4	Paraffining room.
E 4.1.5	Rindless block wrapping area.
E 4.1.6	Coolers or curing rooms.
E 4.1.7	Cutting and packaging rooms.
E 4.2	Equipment and utensils.
E 4.2.1	General construction, repair, and installation.
E 4.2.2	Starter vats.
E 4.2.3	Cheese vats.
E 4.2.4	Mechanical agitators.
E 4.2.5	Curd mill and miscellaneous equipment.
E 4.2.6	Hoops and followers.
E 4.2.7	Press.
E 4.2.8	Rindless cheese press.
E 4.2.9	Paraffin tanks.
E 4.3	Operations and operating procedures.
E 4.3.1	Cheese from pasteurized milk.
E 4.3.2	Cheese from unpasteurized milk.
E 4.3.3	Whey disposal.
E 4.3.4	Packaging and repackaging.
E 4.3.5	General identification.
E 5.	Supplemental requirements for plants manufacturing and packaging cottage cheese.
E 5.1	Rooms and compartments.
E 5.1.1	Processing rooms.
E 5.1.2	Starter room.
E 5.1.3	Coolers.
E 5.2	Equipment and utensils.
E 5.2.1	General construction, repair, and installation.
E 5.2.2	Cheese vats.
E 5.2.3	Agitators.
E 5.2.4	Container fillers.
E 5.2.5	Mixers.
E 5.2.6	Starter vats.
E 5.3	Operations and operating procedures.
E 5.3.1	Pasteurization.
E 5.3.2	Reconstituting nonfat dry milk.
E 5.3.3	Packaging and general identification.
E 5.3.4	Storage of finished product.
E 6.	Supplemental requirements for plants manufacturing, processing, and packaging pasteurized process cheese and related products.
E 6.1	Equipment and utensils.
E 6.1.1	General construction, repair, and installation.
E 6.1.2	Conveyors.
E 6.1.3	Grinders or shredders.
E 6.1.4	Cookers.
E 6.1.5	Fillers.
E 6.2	Operations and operating procedures.
E 6.2.1	Trimming and cleaning.
E 6.2.2	Cooking the batch.
E 6.2.3	Forming containers.
E 6.2.4	Filling containers.
E 6.2.5	Closing and sealing containers.
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E 7.1	Equipment and utensils.
E 7.1.1	General construction, repair, and installation.
E 7.1.2	Evaporators and vacuum pans.
E 7.1.3	Fillers.
E 7.1.4	Batch or continuous in-container sterilizers.
E 7.1.5	Homogenizer.
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E 7.2.1	Pre-heat, pasteurization.
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## Subpart A—Sample State Enabling Act

An act to provide for the establishment of requirements for milk for manufacturing purposes and its production and processing.

SECTION 1. It is the intent of the Act to encourage the sanitary production of good quality milk, to promote the sanitary processing of milk for manufacturing purposes, and to assure wholesome, stable, and high-quality dairy products.

Sec. 2. The [regulatory agency of the State] shall administer the provisions of this Act and is hereby authorized: to establish and promulgate rules and regulations for milk for manufacturing purposes, its production, transportation, grading, use, processing, and the packaging, labeling, and storage of dairy products made therefrom; to inspect dairy farms and dairy plants; to certify dairy farms for the production and sale of milk for manufacturing purposes and to license dairy plants to handle and process milk for manufacturing purposes, in conformity with basic requirements and specifications prescribed by such rules and regulations as may be issued hereunder in effectuation of the intent hereof; to require the keeping of appropriate books and records by plants licensed hereunder; and to license qualified milk graders and bulk milk collectors.

Sec. 3. The [regulatory agency of the State] may for good cause, after notice and opportunity for hearing, suspend or revoke certifications and licenses issued hereunder. Provided, that nothing in this Act shall be construed to prevent the suspension of the operation of any plant

<sup>1</sup> Insert name of appropriate regulatory agency, official, or department.



prior to a hearing, when such action is authorized by any applicable and valid law or regulation.

Sec. 4. Twenty-four months from and after the effective date of the rules and regulations issued pursuant to this Act, no person, firm, or corporation shall produce, sell, offer for sale, or process milk for the manufacture of human food except in accordance with the provisions of this Act and the rules and regulations issued pursuant hereto.

Sec. 5. Any person, firm, or corporation that willfully violates any provision of this Act or the rules and regulations issued pursuant hereto shall be fined not more than \$\_\_\_\_\_, and each and every violation shall constitute a separate offense.

Sec. 6. This Act shall become effective

### Subpart B—Definitions

SECTION B 1. *Meaning of words.* Words used in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Sec. B 2. *Terms defined.* Unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Act.* (The State Act to provide for the establishment of Requirements for Milk for Manufacturing Purposes and Its Production and Processing.)<sup>1</sup>

(b) *Regulatory agency.* (Insert the name of the State agency, official, or department) is authorized by law to administer the Act.

(c) *Rules and regulations.* The provisions of Subpart B to F herein.

(d) *License.* A license issued under the Act by (the regulatory agency).

(e) *Fieldman.* A person qualified and trained in the sanitary methods of production and handling of milk as set forth herein, and generally employed by a processing or manufacturing plant for the purpose of making dairy farm surveys and doing quality control work.

(f) *Fieldman, approved.* A fieldman qualified, trained, and approved by the (regulatory agency) to perform farm inspections and raw milk grading.

(g) *Inspector.* A qualified, trained person employed by (the regulatory agency) to perform dairy farm or plant inspections and raw milk grading.

(h) *Milk grader or bulk milk collector.* A person licensed by [the regulatory agency] as described in F 2.4(b) who is qualified and trained for the grading of raw milk in accordance with the quality standards and procedures of Subparts C and F.

(i) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and those who receive payment for this product. A "new producer" is one who has only recently entered the production of milk for the market. A "transfer producer" is one who has been shipping milk to one plant

and transfers his shipments to another plant.

(j) *Dairy farm or farm.* A place or premise where one or more milking cows are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a plant for manufacturing purposes.

(k) *Dairy plant or plant.* Any place, premise, or establishment where milk or dairy products are received or handled for processing or manufacturing and/or prepared for distribution. When "plant" is used in connection with the production, transportation, grading, or use of milk, it means any plant that handles or purchases milk for manufacturing purposes; when used in connection with requirements for plants or licensing of plants, it means only those plants that manufacture dairy products.

(l) *Milk.* The normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. The word "milk" used herein includes only milk for manufacturing purposes.

(m) *Milk for manufacturing purposes.* Milk produced for processing and manufacturing into products for human consumption but not subject to Grade A or comparable requirements.

(n) *Acceptable milk.* Milk that qualifies under sec. C 2 as to sight and odor and that is classified No. 1 or No. 2 for sediment content (sec. C 3) and No. 1 or No. 2 for bacterial estimate (sec. C 4).

(o) *Probational milk.* Milk classified No. 3 for sediment content (sec. C 3) or milk classified "Undergrade" for bacterial estimate (sec. C 4) that may be accepted by plants for specific time periods.

(p) *Reject milk.* Milk that does not qualify under sec. C 2 as to sight and odor, or that is classified No. 4 for sediment content (sec. C 3), which is rejected by the plant by the provisions of sec. C 5.

(q) *Excluded milk.* All of a producer's milk excluded from the market by the provisions of sec. C 7.

(r) *Dairy products.* Butter, cheese (natural or processed), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole milk and condensed skim milk (plain or sweetened), and such other products, for human consumption, as may be otherwise designated.

(s) *Farm certification.* Certification by an inspector or approved fieldman that a producer's herd, milking facility and housing, milking procedure, cooling, milkhouse or milkroom, utensils and

equipment and water supply have been found to meet the applicable requirements of subpart D for the production of milk to be used for manufacturing purposes.

(t) *Official methods.* Official Methods of Analysis of the Association of Official Agricultural Chemists, a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC.

(u) *Standard methods.* Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1790 Broadway, New York, N.Y.

(v) *3-A Sanitary Standards.* The standards for dairy equipment formulated by the 3-A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the U.S. Public Health Service, and the Dairy Industry Committee. Published by the International Association of Milk, Food and Environmental Sanitarians, Box 437, Shelbyville, IN 46176.

(w) *C-I-P or cleaned-in-place.* The procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation.

(x) *Atmosphere relatively free from mold.* No more than 10 mold colonies per cubic foot of air as determined in Standard Methods.

(y) *Sanitizing treatment.* Application of any effective method or sanitizing agent to a clean surface for the destruction of pathogens and other organisms as far as is practicable. The sanitizing agents used shall comply with the Federal Food, Drug, and Cosmetic Act.

### Subpart C—Quality Requirements for Milk for Manufacturing Purposes

Sec. C 1. *Basis.* The classification of raw milk for manufacturing purposes shall be based on organoleptic examination (sight and odor) and quality control tests for sediment content and bacterial estimate.

Sec. C 2. *Sight and odor.* The flavor and odor of acceptable raw milk shall be fresh and sweet. The milk shall be free from objectionable feed and other off-flavors and off-odors that would adversely affect the finished product, and it shall not show any abnormal condition (including, but not limited to, curdled, ropy, bloody, or mastitic condition), as indicated by sight or odor.

Sec. C 3. *Sediment content classification.* Milk in cans and in farm bulk tanks shall be classified for sediment content as follows: (See Table 1).

TABLE 1  
SEDIMENT CONTENT<sup>1</sup>

Sediment-content classification	Milk in cans (off-the-bottom method, 1½-inch diameter disc)	Milk in farm bulk tanks (mixed sample, 0.40-inch diameter disc)
No. 1 (acceptable).....	Not to exceed 0.50 mg.....	Not to exceed 0.50 mg. equivalent.
No. 2 (acceptable).....	Not to exceed 1.50 mg.....	Not to exceed 1.50 mg. equivalent.
No. 3 (probational).....	Not to exceed 2.50 mg.....	Not to exceed 2.50 mg. equivalent.
No. 4 (reject).....	Over 2.50 mg.....	Over 2.50 mg. equivalent.

<sup>1</sup> Insert title and code sections of State Enabling Act.

<sup>1</sup> Sediment content based on comparison with applicable charts of Sediment Standards prepared by the U.S. Department of Agriculture. (7 CFR 58.2728 through 58.2731)



(a) *Method of testing.* Methods for determining sediment content of milk shall be those described in the latest edition of Standard Methods. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed 1-pint sample shall be tested. Sediment content shall be based on comparison with official USDA Sediment Standards. (7 CFR 58.2728 through 58.2731)

(b) *Frequency of tests.* At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

(1) *Milk in cans.* One or more cans of milk selected at random from each producer.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(c) *Acceptance or rejection of milk.* If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: *Provided*, That if the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined at the farm before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be

accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(d) *Retests.* (1) On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3, may be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment tested.

This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not to exceed 10 calendar days. If at the end of this time all of the producer's milk does not meet the acceptable sediment content classification (No. 1 or No. 2) it shall be excluded from market.

Sec. C 4. *Bacterial estimate classification.* Milk shall be classified for bacterial estimate as follows by one of the listed methods: (See Table 2).

TABLE 2

Bacterial estimate classification	Direct microscopic clump count or standard plate count	Resazurin reduction time to Munsell color standard 5 P 7/4 <sup>1</sup>
No. 1 can (acceptable) bulk.....	Not over 500,000 per ml.....	Not less than 2½ hours.
.....do.....	.....do.....	Not less than 3¼ hours.
No. 2 can (acceptable) bulk.....	Not over 3,000,000 per ml.....	Not less than 1½ hours.
.....do.....	.....do.....	Not less than 2½ hours.
No. 2 <sup>1</sup> can (acceptable) bulk.....	Not over 1,000,000 per ml.....	Not less than 2 hours.
.....do.....	.....do.....	Not less than 3 hours.
Undergrade can (probation—bulk at 4 weeks).....	Over 3,000,000 per ml.....	Less than 1½ hours.
Undergrade <sup>1</sup> can (probation—bulk at 4 weeks).....	Over 1,000,000 per ml.....	Less than 2½ hours.
.....do.....	.....do.....	Less than 2 hours.
.....do.....	.....do.....	Less than 3 hours.

<sup>1</sup> Effective 3 years after adoption: *Provided*, That this standard will be reviewed at that time and, if warranted a further extension may be granted.

<sup>2</sup> For enforcement purposes this test must be read at the times shown in the table.

(a) *Method of testing.* Methods for determining the bacterial estimate of milk shall be those described in the latest edition of Standard Methods for the Examination of Dairy Products. However, in reporting the results, the test shall be read at the times indicated in the table.

(b) *Frequency of tests.* At least once a month at irregular intervals, a mixed sample of each producer's milk shall be tested.

(c) *Acceptance of milk.* If the sample of milk is classified as No. 1 or No. 2, the producer's milk may be accepted without qualification. If the sample is classified as "Undergrade" (probational) the producer's milk may be accepted for a temporary period of 4 weeks. The producer of "Undergrade" milk shall be notified immediately.

(d) *Retests.* Additional samples shall be tested and classified at least weekly and the producer notified immediately of the results. This procedure of testing at least weekly and accepting "Undergrade" milk may be continued for a time period not exceeding 4 weeks. If at the end of this time the producer's milk does not

meet the acceptable bacterial estimate requirements (No. 1 or No. 2), it shall be excluded from market.

Sec. C 5. *Rejected milk.* A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (sec. C 2.), or if it is classified No. 4 for sediment content, or if it fails to meet the provisions of (sec. C 11.).

Sec. C 6. All reject milk shall be identified with a reject tag and colored with harmless food coloring.

Sec. C 7. *Excluded milk.* A plant shall not accept milk from a producer for use in products:

(a) If a new producer's milk does not meet the requirements for acceptable milk (sec. C 3. and C 4.) or;

(b) If the milk has been in a probational (No. 3) sediment content classification for more than 10 calendar days (sec. C 3.); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than 4 successive weeks (sec. C 4.).

Sec. C 8. *Quality testing of milk from producers—(a) New producers.* An examination shall be made on the first

shipment of milk from producers shipping milk to a plant for the first time or after a period of nonshipment. The milk shall meet the requirements for "acceptable milk" (sec. C 3. and C 4.). Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

(b) *Transfer producers.* (1) When a producer discontinues milk delivery at one plant and begins delivery to a different plant for any reason, the new buyer shall not accept the first delivery until he has requested from the previous buyer and received a copy of the record of the producer's milk quality covering the preceding 90 days and a statement of the farm certification status and date of certification, if any. The previous buyer shall furnish the new buyer with such information within 24 hours after receipt of a written request unless the records have been destroyed by means over which he has no control: *Provided*, That the new buyer may accept a producer's milk after making the request for the record by telephone and obtaining assurance from the previous buyer that the producer's milk may be accepted; the new buyer shall then make a written request to the old buyer for the producer's record.

(2) If the new buyer requests and fails to receive the quality record from the previous buyer, he shall report such fact to [the regulatory agency] and shall cause a farm inspection to be made promptly to confirm or establish certification of the transfer producer's farm.

(3) In lieu of the quality record from the previous buyer the producer may furnish the new buyer with a copy of the milk quality tests received with each remittance, monthly or semimonthly, for the preceding 90-day period.

(4) The new buyer shall examine and classify each transfer producer's first shipment of milk and shall subsequently examine shipments in accordance with the provisions of sections C 3. and C 4.

Sec. C 9. *Record of tests.* Accurate records, listing the results of quality tests of each producer, shall be kept on file at the receiving plant where performed and shall be available for examination by the regulatory agency.

Sec. C 10. *Field service.* A representative of the plant should arrange to promptly visit each producer shipping milk which does not meet the requirements for acceptable milk, for the purpose of inspecting the equipment, utensils, and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as practicable to assist in and encourage the production of high quality milk.

Sec. C 11. *Abnormal milk—(a) Mastitic milk.* (1) After (date) required laboratory examination for the presence of unwholesome mammary secretions—whether of an inflammatory, infectious, physiological, or environmental origin—shall be made on all raw milk samples at least four times in each 6 months' period. Samples shall be analyzed at an



official State laboratory or at a laboratory approved by the State regulatory agency.

(2) After (date) when a herd milk sample exceeds any of the following screening test results:

- (i) California Mastitis Test—Weak Positive (CMT1+).
- (ii) Catalase Test—30% oxygen.
- (iii) Modified Whiteside Test—Positive (1+).
- (iv) Wisconsin Mastitis Test—WMT value of 21 mm.

a somatic cell count using the Direct Microscopic Clump Count Method or equivalent, or the Electronic Method shall be made on that sample and the results of the somatic cell direct count shall be the official result.

(3) Whenever the somatic cell count indicates the presence of 1,500,000 or more somatic cells per ml., the following procedures shall be applied:

(i) A notice shall be sent to the producer warning him of the excessive somatic cell count.

(ii) Whenever two of the last four consecutive somatic cell counts exceed 1,500,000 cells per ml. the regulatory authority shall send a written notice thereof to the producer. This notice shall be in effect so long as two of the last four consecutive samples exceed 1,500,000 cells per ml. In addition to the written notice an inspection shall be made of the farm facility by the regulatory authority.

(4) A third milk sample shall be taken after a lapse of 3 days and within 14 days of the inspection required under (2) above. If this sample also indicates a high somatic cell count, the regulatory authority shall proceed with its responsibility to suspend the producers' certification for repeated noncompliance with the provisions of section C 11(a).

(b) *Antibiotics.* At least four times in 6 months, at irregular intervals, a separate or commingled sample of each producer's milk shall be tested for antibiotic residues. When a producer's milk shows a positive test he shall be immediately cut off from all markets. He shall not be reinstated until a subsequent test of the producer's milk is negative.

(c) *Radionuclides.* Composite milk samples should be tested for biologically significant radionuclides from selected areas in each State at a frequency which the regulatory agency determines to be adequate to protect the consumer.

(d) *Pesticides.* Composite milk samples should be tested for pesticides from selected areas in each State at a frequency which the regulatory agency determines to be adequate to protect the consumer.

#### Subpart D—Farm Requirements for Milk for Manufacturing

SEC. D 1. *Health of herd.*—(a) *General health.* All animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept.

(b) *Tuberculin test.* The herd shall be located in an area within the State which meets the requirements of a modified accredited area in which not more than one-half of 1 percent of the cattle have

been found to be infected with tuberculosis as determined by the provisions of the "Uniform Methods and Rules" for establishing and maintaining Tuberculosis-Free Herds of Cattle, and Modified Accredited Areas which are approved by the Animal Disease Eradication Division, Agricultural Research Service, U.S. Department of Agriculture. If the herd is not located in such an area, it shall be tested annually under the jurisdiction of the aforesaid program. All additions to the herd shall be from an area or from herds meeting these same requirements.

(c) *Brucellosis test.* The herd shall be located in an area within the State in which the percentage of cattle affected with brucellosis does not exceed 1 percent and the percentage of herds in which brucellosis is present does not exceed 5 percent, in accordance with provisions of the "Uniform Methods and Rules" for establishing and maintaining Certified Brucellosis-Free Herds of Cattle, Modified Certified Brucellosis Areas and Certified Brucellosis-Free Areas which are approved by the Animal Disease Eradication Division, Agricultural Research Service, U.S. Department of Agriculture. If the area in which the herd is located does not meet these requirements, the herd shall be blood-tested annually or milk-ring-tested semiannually. All additions to the herd shall be from an area or from herds meeting these same requirements. Within 3 years after the effective date of these rules and regulations all milk offered for sale for manufacturing purposes shall be from herds meeting the requirements for the eradication of brucellosis in accordance with the above Uniform Methods and Rules.

(d) *Abnormal milk.* Milk from cows known to be infected with mastitis or milk containing residues of antibiotics or other drugs, or milk containing pesticides or other chemical residues in excess of the established limits shall not be sold or offered for sale for human food. The milk shall be disposed of as the regulatory agency may direct.

SEC. D 2. *Milking facility and housing.* (a) A milking barn or milking parlor of adequate size and arrangement shall be provided to permit normal sanitary milking operations. It shall be well lighted and ventilated, and the floors and gutters in the milking area shall be constructed of concrete or other impervious material. The facility shall be kept clean, the manure removed daily and stored to prevent access of cows to accumulation thereof; and no swine or fowl shall be permitted in any part of the milking area.

(b) If milk is exposed during straining or transferring in the milking areas it shall be protected from falling particles from areas above milking facility.

(c) The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of standing water pools, insofar as practicable, and shall be kept clean.

SEC. D 3. *Milking procedure.* (a) The udders and flanks of all milking cows shall be kept clean. The udders and teats

shall be washed or wiped immediately before milking with a clean, damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitary method.

(b) The milker's outer clothing shall be clean and his hands clean and dry. No person with an infected cut or open sores on their hands or arms shall milk cows, or handle milk or milk containers, utensils or equipment.

(c) Cows which secrete abnormal milk shall be milked last or with separate equipment. This milk shall be excluded from the supply as required in section D 1. (d).

(d) Milk stools, surcings and anti-kickers shall be kept clean and properly stored. Dusty operations should not be conducted immediately before or during milking. Strong flavored feeds should only be fed after milking.

SEC. D 4. *Cooling.* (a) Milk in cans shall be cooled immediately after milking (to 50° F. or lower)<sup>1</sup> unless delivered to the plant within 2 hours after milking. The cooler, tank, or refrigerated unit shall be kept clean.

(b) Milk in farm bulk tanks shall be cooled to 40° F. or lower within 2 hours after milking and maintained at 50° F. or lower until transferred to the transport tank.

SEC. D 5. *Milkhouse or milkroom.* (a) A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk and for washing, handling, and storing the utensils and equipment. Other products shall not be handled in the milkroom which would be likely to contaminate milk, or otherwise create a public health hazard.

(b) It shall be equipped with wash and rinse vat, utensil rack, milk cooling facilities and have an adequate supply of hot water available for cleaning milking equipment. If a part of the barn or other building, it shall be partitioned, screened, and sealed to prevent the entrance of dust, flies, or other contamination. A milking parlor used strictly as a milking facility in combination with a milkhouse or milkroom, when properly equipped, arranged and maintained, need not be partitioned. Concentrates and feed, if stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings shall be constructed of smooth easily cleaned material. All outside doors shall open outward and be self-closing, unless they are provided with tight-fitting screen doors that open outward or unless other effective means are provided to prevent the entrance of flies.

(c) If a farm bulk tank is used, it shall be properly located in the milkhouse or milkroom for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator.

<sup>1</sup> Until 3 years after adoption, the temperature requirement for milk placed in cans will be 60° F.



(d) A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkinghouse, properly centered under a suitable port opening in the wall for milkinghouse connections. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkinghouse or milkingroom shall be properly graded and surfaced to prevent mud or pooling of water at point of loading.

(e) The milkinghouse or milkingroom and appurtenances shall be kept clean and free of trash, animals, and fowl. Pesticides shall not be stored in this room and when used shall be used in accordance with label instructions so as to prevent contamination of the milk.

#### Sec. D 6. Utensils and equipment.

(a) Utensils, milk cans, milking machines (including pipeline systems), and other equipment used in the handling of milk shall be maintained in good condition, shall be free from rust, open seams, milkstone, or any unsanitary condition, and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use with at least 50 p.p.m. chlorine solution or its equivalent. New or replacement can lids shall be umbrella type. All new utensils and equipment shall comply with applicable 3-A Sanitary Standards.

(b) Farm bulk tanks shall meet 3-A Sanitary Standards for construction at the time of installation and shall be installed in accordance with regulations of the regulatory agency.

(c) Single service articles shall be properly stored and shall not be reused.

Sec. D 7. Water supply. The dairy farm water supply shall be properly located, protected, and operated, and shall be easily accessible, ample, and of safe, sanitary quality for the cleaning of dairy utensils and equipment. The water supply shall come from a source which is approved by the State regulatory authority; or from a spring, dug well, driven well, bored well, or drilled well, the water from which complies with the standards of the State regulatory authority. A source that does not conform with the construction requirements of the State regulatory authority, but is tested annually by an approved laboratory and found to be safe and of sanitary quality shall be satisfactory: *Provided*, That after adoption of this regulation any new sources of water supply or any farm water supply requiring repairs or reconstruction or any source from which tested samples have been found unsatisfactory shall meet the construction requirements of the State regulatory authority.

Sec. D 8. Sewage disposal. House, milkinghouse or milkingroom and toilet wastes shall be disposed of in a manner that will not pollute the soil surface, contaminate any water supply, or be exposed to insects.

Sec. D 9. Qualifications for farm certification. Farm certification requires satisfactory compliance with the requirements in Subpart D.

### Subpart E—Requirements for Licensed Dairy Plants

#### Sec. E 1. General requirements—E 1.1

*Premises.* (a) The premises shall be kept in a clean and orderly condition, and shall be free from strong or foul odors, smoke, or excessive air pollution. Construction and maintenance of driveways and adjacent plant traffic areas shall be of concrete, asphalt, or similar material to keep dust and mud to a minimum.

(b) Surroundings: The adjacent surroundings shall be free from refuse, rubbish, and waste materials to prevent harborage of rodents, insects, and other vermin.

(c) Drainage: A suitable drainage system shall be provided which will allow rapid drainage of all water from plant buildings and driveways, including surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

E 1.2 *Buildings.* The building or buildings shall be of sound construction and shall be kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs, and cats. All service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air including doors, windows, skylights, and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust, and dirt. All outside doors opening into processing rooms shall be in good condition and fit properly. All hinged, outside screen doors shall open outward. All doors and windows shall be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans, or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction, window sills should be slanted downward at a 45° angle.

(b) *Walls, ceilings, partitions, and posts.* The walls, ceilings, partitions, and posts of rooms in which milk or dairy products are processed, manufactured, handled, packaged, or stored (except dry storage of packaged finished products and supplies) or in which utensils are washed and stored, shall be smoothly finished with a suitable material of light color, which is substantially impervious to moisture and kept clean. They shall be refinished as often as necessary to maintain a neat, clean surface.

(c) *Floors.* (1) The floors of all rooms in which milk or dairy products are processed, manufactured, packaged, or stored or in which utensils are washed shall be constructed of tile properly laid with impervious joint material, concrete, or other equally impervious material.

The floors shall be smooth, kept in good repair, graded so that there will be no pools of standing water or milk products after flushing, and all openings to the drains shall be equipped with traps properly constructed and kept in good repair. On new construction bell-type traps shall not be used. The plumbing shall be so installed as to prevent the backup of sewage into the drain lines and to the floor of the plant.

(2) Sound, smooth wood floors which can be kept clean, may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(d) *Lighting and ventilation.* (1) Light shall be ample, natural or artificial, or both, of good quality and well distributed. All rooms in which dairy products are manufactured or packaged or where utensils are washed shall have at least 30 foot-candles of light intensity on all working surfaces and at least 50 foot-candles of light intensity in areas where dairy products are graded or examined for condition and quality. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor. Where contamination of product by broken glass is possible, light bulbs, fluorescent tubes, fixtures, skylight, or other glass suspended over the product shall be protected against breakage.

(2) There shall be adequate heating, ventilation, or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions. Exhaust or inlet fans, vents, hoods, or temperature and humidity control facilities shall be provided where and when needed, to minimize or eliminate undesirable room temperatures, objectionable odors, moisture condensation, or mold. Inlet fans should be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets shall be screened or provided with self-closing louvers to prevent the entrance of insects when not in use.

(e) *Rooms and compartments.* Rooms and compartments in which any raw material, packaging, ingredient supplies, or dairy products are handled, manufactured, packaged, or stored shall be so designed, constructed, and maintained as to assure desirable room temperatures and clean and orderly operating conditions free from objectionable odors and vapors. Enclosed bulk milk receiving rooms when present shall be separated from the processing rooms by a partition. Rooms for receiving can milk shall be separated from the processing rooms by a partition (partial or complete) by suitable arrangement of equipment or by allowing enough distance between receiving and processing operations to avoid possible contamination of milk or dairy products during manufacturing and handling. Processing



rooms shall be kept free from equipment and materials not regularly used.

(1) *Coolers and freezers.* Coolers and freezers where dairy products are stored shall be clean, reasonably dry and maintained at the proper uniform temperature and humidity to adequately protect the product, and minimize the growth of mold. Adequate circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. Shelves shall be kept clean and dry. Refrigeration units shall have provisions for collecting and disposing of condensate.

(2) *Supply room.* The supply rooms used for the storing of packaging materials, containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous matter and so arranged on racks, shelves, or pallets to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning compounds, and other nonfood products shall be properly labeled and segregated, and stored in a separate room or cabinet away from milk, dairy products, ingredients, or packaging supplies.

(3) *Boiler and tool rooms.* The boiler and tool rooms shall be separated from other rooms where milk and dairy products are processed, manufactured, packaged, handled, or stored. Such rooms shall be kept orderly and reasonably free from dust and dirt.

(4) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located.

(i) Toilet rooms shall not open directly into any room in which milk or dairy products are processed, manufactured, packaged, or stored; doors shall be self-closing; ventilation shall be provided by mechanical means or screened openings to the outer air; fixtures shall be kept clean and in good repair.

(ii) All employees shall be furnished with a locker or other suitable facility and the lockers and dressing rooms shall be kept clean and orderly. Adequate hand-washing facilities shall be provided and curable, legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(5) *Laboratory.* Consistent with the size and type of plant and the volume of dairy products manufactured, an adequately equipped laboratory shall be maintained and properly staffed with qualified and trained personnel for quality control and analytical testing. A central laboratory serving more than one plant may be acceptable if conveniently located to the dairy plants and if samples and results can be transmitted without undue delay.

(6) *Starter facilities.* Adequate sanitary facilities shall be provided for the handling of starter cultures.

#### E 1.3 Facilities—(a) *Water supply.*

(1) There shall be an ample supply of both hot and cold water of safe and

sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protection against contamination and pollution. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water provided that such waterlines are completely separated from the waterlines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There is no cross connection between the safe water supply and any unsafe or questionable water supply, or any other source of pollution through which contamination of the safe water supply is possible. Bacteriological examination shall be made of the sanitary water supply at least twice a year, or as often as necessary to determine purity and suitability for use in manufacturing dairy products. Such tests shall be made by the State regulatory agency except for supplies that are regularly tested for purity and bacteriological quality, and approved by the appropriate regulatory officer. The results of all water tests shall be kept on file at the plant for which the test was performed.

(2) The location, construction and operation of any well shall comply with regulations of the appropriate agency.

(b) *Drinking water facilities.* Drinking water facilities of a sanitary type shall be provided in the plant and shall be conveniently located.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap or other detergents, and sanitary single-service towels or air dryers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Self-closing metal or plastic containers shall be provided for used towels and other wastes.

(d) *Steam.* Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only nontoxic boiler compounds shall be used, or a secondary steam generator shall be used in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers, and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with the recommended practices for "Producing Culinary Steam for Processing Milk and Milk Products" as published by the National Association of Dairy Equipment Manufacturers, Washington, D.C., April 1963 or latest revision thereof.

(e) *Air under pressure.* The method for supplying air under pressure which comes in contact with milk or dairy products or any product contact surface shall comply with the 3-A Accepted Practices

for Supplying Air Under Pressure. The air used at the point of application shall be free from volatile substances, volatiles which may impart any flavor or odor to the products, and extraneous or harmful substances.

(f) *Disposal of wastes.* Dairy wastes shall be properly disposed of from the plant and premises. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with tight-fitting lids and placed outside the plant on a concrete slab or on a rack raised at least 12 inches. Alternatively waste containers may be kept inside a suitably enclosed, clean and flyproof room. Solid wastes shall be disposed of regularly and the containers cleaned before reuse. Accumulation of dry wastepaper and cardboard shall be kept to a minimum. The paper shall be burned at the plant in a properly constructed incinerator, or compressed or bagged and hauled away.

E 1.4 *Equipment and utensils—(a) General construction, repair, and installation.* (1) The equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable where necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping, and fittings or any specialized equipment shall be constructed of stainless steel, or other equally corrosion-resistant material. Nonmetallic parts other than glass having product contact surfaces shall meet 3-A Sanitary Standards for Plastic or Rubber and Rubberlike Materials.

(2) All equipment and piping shall be designed and installed so as to be easily accessible for cleaning, and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment shall be set away from any wall or spaced in such a manner as to facilitate proper cleaning and to maintain good housekeeping. All parts or interior surfaces of equipment, pipes (except certain piping cleaned in place) or fittings, including valves and connections, shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved construction to allow effective cleaning in place.

(3) All CIP systems shall comply with the 3-A Sanitary Practices for Permanently Installed Sanitary Product, Pipelines, and Cleaning Systems.

(b) *Weigh cans and receiving tanks.* Weigh cans and receiving tanks shall meet the 3-A Sanitary Standards and shall be easily accessible for cleaning both inside and outside and shall be elevated above the floor and protected sufficiently with the necessary



covers or baffles to prevent contamination from splash, condensate, and dripage. Where necessary to provide easy access for cleaning of floors and adjacent wall areas, the receiving tank shall be equipped with wheels or casters to allow easy removal.

(c) *Can washers.* Can washers shall have sufficient capacity and ability to discharge a clean, dry can and cover and shall be kept properly timed in accordance with the instructions of the manufacturer. The water and steam lines supplying the washer shall maintain a reasonably uniform pressure and if necessary be equipped with pressure regulating valves.

(d) *Product storage tanks or vats.* Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil, or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be so designed that moisture or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3-A Accepted Practices for Supplying Air Under Pressure. Storage tanks or vats intended to hold product for longer than approximately 8 hours shall be equipped with adequate refrigeration and/or have adequate insulation. All new storage tanks or vats shall meet the appropriate 3-A Sanitary Standards and shall be equipped with thermometers in good operating order.

(e) *Separators.* All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(f) *Coil or dome-type batch pasteurizers.* Coil or dome-type batch pasteurizers shall be stainless steel lined and if the coil is not stainless steel or other equally noncorrosive metal it shall be properly tinned over the entire surface. Sanitary seal assemblies at the shaft ends of coil vats shall be of the removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable packing glands. Dome-type pasteurizer agitators shall be stainless steel except that any nonmetallic parts shall meet 3-A Sanitary Standards for Plastic or Rubber and Rubberlike Materials, as applicable. Each pasteurizer used for heating product at 165° F. or lower for 30 minutes or less shall be equipped with space heating equipment and the necessary thermometers to insure a temperature at least 5° F. above that required for pasteurization of the product. There shall be adequate means of controlling

the temperature of the heating medium. Batch pasteurizers shall have temperature indicating and recording devices.

(g) *High-temperature, short-time pasteurizers.* When pasteurization is intended or required, an approved timing pump or device recorder-controller, automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all HTST equipment used for pasteurization, to assure complete pasteurization. The entire facility shall meet the 3-A Accepted Practices for the Sanitary Construction, Installation, Testing, and Operation of High-Temperature, Short-Time Pasteurizers. After the HTST unit has been tested according to the 3-A Accepted Practices, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. Sealing of the HTST unit shall be performed by the control authority having jurisdiction. The HTST pasteurizer shall be tested initially upon installation, and whenever any alteration or replacement is made which affects the proper operation of the instrument or device. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(h) *Thermometers and recorders.* (1) *Indicating thermometers.* (i) Long-stem indicating thermometers which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be provided for checking the temperature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers.

(ii) Short-stem indicating thermometers, which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all HTST, and dome-type pasteurizers. Storage tanks where temperature readings are required shall have thermometers which are accurate within 2.0° F., plus or minus.

(iii) Air-space indicating thermometers, where applicable, which are accurate within 1.0° F., plus or minus, for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* (i) HTST recording thermometers that are accurate within 1° F., plus or minus, for the applicable temperature range, shall be used on each heat treating, pasteurizing, or sterilizing unit to record the heating process.

(ii) Additional use of recording thermometers accurate within 2° F., plus or minus, may be required where a record of temperature or time of cooling and holding is of significant importance.

(i) *Surface coolers.* Surface coolers shall be equipped with hinged or removable covers for the protection of the

product. The edges of the fins shall be so designed as to divert condensate on nonproduct contact surfaces away from product contact surfaces. All gaskets or swivel connections shall be leak proof.

(j) *Plate-type heat exchangers.* Plate-type heat exchangers shall meet the 3-A Sanitary Standards for Construction and Installation. All gaskets shall be tight and kept in good operating order. Plates shall be opened for inspection by the operator at sufficiently frequent intervals to determine if the equipment is clean and in satisfactory condition. A cleaning regimen shall be posted to insure proper cleaning procedures between inspection periods.

(k) *Internal return tubular heat exchangers.* Internal return tubular heat exchangers shall meet the 3-A Sanitary Standards for Construction and Installation.

(l) *Pumps.* Pumps used for milk and dairy products shall be of the sanitary type and constructed to meet 3-A Sanitary Standards. Unless pumps are specifically designed for effective cleaning in place they shall be disassembled and thoroughly cleaned after use.

(m) *Homogenizers.* Homogenizers and high pressure pumps of the plunger type shall meet the 3-A Sanitary Standards.

(n) *New equipment and replacements.* New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, shall meet the then current 3-A Sanitary Standards. If 3-A Sanitary Standards are not available, such equipment and replacements shall meet the general requirements of this section.

(o) *Vacuum chamber.* The vacuum chamber, as used for flavor control, shall be made of stainless steel or other equally noncorrosive metal. The unit shall be constructed to facilitate cleaning and all product contact surfaces shall be accessible for inspection. It shall be equipped with a vacuum breaker and a check valve at the product discharge line. Only steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve of the HTST pasteurizer is not in the forward flow position. Condensers when used shall be equipped with a water level control and an automatic safety shutoff valve.

E 1.5 *Personnel cleanliness.* All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectoration or use of tobacco in any form shall be prohibited in each room and compartment where any milk, dairy product, or supplies are prepared, stored, or otherwise handled. Clean white or light-colored washable outer garments and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing,



processing milk, manufacturing, packaging, or handling dairy products.

**E 1.6 Personnel health.** No person afflicted with a communicable disease shall be permitted in any room or compartment where milk and dairy products are prepared, manufactured, or otherwise handled. No person who has a discharging or infected wound, sore or lesion on hands, arms, or other exposed portion of the body shall work in any dairy processing rooms or in any capacity resulting in contact with milk or dairy products. Each employee whose work brings him in contact with the processing or handling of dairy products, containers, or equipment shall have a medical and physical examination by a registered physician or by the local department of health at the time of employment. In addition an employee returning to work following illness from a communicable disease shall have a certificate from the attending physician to establish proof of complete recovery. Medical certificates attesting the fact that the employee when last examined was free from communicable disease shall be kept on file at the plant office.

**E 1.7 Protection and transport of raw milk and cream—(a) Equipment and facilities—(1) Milk cans.** Cans used in transporting milk from dairy farm to plant shall be of such construction (preferably seamless with umbrella lids) as to be easily cleaned, and shall be inspected, repaired, and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition.

(2) **Farm bulk tanks.** New farm bulk tanks shall meet 3-A Sanitary Standards for construction and shall be installed in accordance with the requirements of the regulatory agency in jurisdiction.

(b) **Transporting milk or cream—(1) Vehicles.** Vehicles used for the transportation of can milk or cream shall be of the enclosed type, constructed and operated to protect the product from extreme temperature, dust, or other adverse conditions and they shall be kept clean. Decking boards or racks shall be provided where more than one tier of cans is carried. Cans, or bulk tanks on vehicles, used for the transportation of milk from the farm to the plant shall not be used for any other purpose.

(2) **Transport tanks.** The exterior shell shall be clean and free from open seams or cracks which would permit liquid to enter the jacket. The interior shell shall be stainless steel and so constructed that it will not buckle, sag, or prevent complete drainage. All product contact surfaces shall be smooth, easily cleaned, and maintained in good repair. The pump and hose cabinet shall be fully enclosed with tight fitting doors and the inlet and outlet shall be provided with dust covers to give adequate protection from road dust. New and replacement transport tanks shall meet 3-A Sanitary Standards for Milk Transport Tanks.

(c) **Facilities for cleaning and sanitizing.** Enclosed or covered facilities shall be available for washing and sani-

tizing of transport tanks, piping and accessories, at central locations or at all plants that receive or ship milk or milk products in transport tanks.

(d) **Transfer of milk to transport tank.** Milk shall be transferred under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing. The sanitary piping and tubing shall be capped when not in use.

**E 1.8 Raw product storage.** (a) All milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers or any other source shall not be used for the manufacture of dairy products. Bulk milk in storage tanks within the dairy plant shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45° F. or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time, where applicable to particular manufacturing or processing practices.

(b) The bacteriological quality of commingled milk in storage tanks shall be 3 million or lower.

**E 1.9 Pasteurization or sterilization.** When pasteurization or sterilization is intended or required, or when a product is designated "pasteurized" or "sterilized" every particle of the product shall be subjected to such temperatures and holding periods as will assure proper pasteurization or sterilization of the product. The heat treatment by either process shall be sufficient to insure public health safety and to assure adequate keeping quality, yet retaining the most desirable flavor and body characteristics of the finished product. The phenol value of test samples of pasteurized finished product shall be no greater than the maximum specified for the particular product as determined and specified by the phosphatase test method prescribed in the latest edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists."

**E 1.10 Composition and wholesomeness.** All necessary precautions shall be taken to prevent contamination or adulteration of the milk or dairy products during manufacturing. All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities. The finished product shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act as to their composition and wholesomeness.

**E 1.11 Cleaning and sanitizing treatment—(a) Equipment and utensils.** (1) The equipment, sanitary piping and utensils used in receiving and processing of the milk, and manufacturing and handling of the product shall be maintained in a sanitary condition. Sanitary seal assemblies shall be removable on all agitators, pumps and vats, and shall be inspected at regular intervals and kept clean. Unless other provisions are recommended in the following supplemental sections, all equipment not designed for

C.I.P. cleaning shall be disassembled after each day's use for thorough cleaning. Dairy cleaners, detergents, wetting agents, sanitizing agents or other similar materials which will not contaminate or adversely affect the products may be used. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils. All product contact surfaces shall be subjected to an effective sanitizing treatment immediately prior to use, except where dry cleaning is permitted. Utensils and portable equipment used in processing and manufacturing operations shall be stored above the floor in clean, dry locations and in a self draining position on racks constructed of impervious corrosion-resistant material.

(2) C.I.P. cleaning, including spray-ball systems, shall be used only on equipment and pipeline systems which have been designed and engineered for that purpose. When such cleaning is used, careful attention shall be given to the proper procedures to assure satisfactory cleaning. All C.I.P. installations and cleaning procedures shall be in accordance with 3-A Suggested Methods for the Installation and Cleaning of Cleaned-In-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. The established cleaning procedure shall be posted and followed. Following the circulation of the cleaning solution the equipment and lines shall be thoroughly rinsed with lukewarm water and checked for effectiveness of cleaning. All caps, plugs, special fittings, valve seats, cross ends, pumps, plates, and tee ends shall be opened or removed and brushed clean. Immediately prior to starting the product flow, the product contact surfaces shall be given bactericidal treatment.

(b) **Milk cans and can washers.** (1) Milk cans and lids shall be cleaned, sanitized, and dried before returning to producers. Inspection, repair, or replacement of cans and lids shall be adequate to substantially exclude from use cans and lids showing open seams, cracks, rust condition, milkstone or any unsanitary condition.

(2) Washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale or debris which will adversely affect the efficiency of the washer.

(c) **Milk transport tanks.** A covered or enclosed wash dock and cleaning and sanitizing facilities shall be available to all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use: *Provided*, That if they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank shall be identified by a tag attached to the outlet valve, bearing the following information: Plant and specific location where cleaned, date and time of day of washing and sanitizing, and name of person who washed and name of person who sanitized the tank. The tag shall



not be removed until the tank is again washed and sanitized.

(d) *Building.* All windows, glass, partitions, and skylights shall be washed as often as necessary to keep them clean. Cracked or broken glass shall be replaced promptly. The walls, ceilings, and doors shall be washed periodically and kept free from soil and unsightly conditions. The shelves and ledges shall be wiped or vacuumed as often as necessary to keep them free from dust and debris. The material picked up by the vacuum cleaners shall be disposed of by burning or other proper methods to destroy any insects that might be present.

E 1.12 *Insect and rodent control program.* In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program. Poisonous substances, insecticides, and rodenticides shall be properly labeled, and shall be handled, stored, and used in such a manner as not to create a public health hazard.

E 1.13 *Plant records.* Adequate plant records shall be maintained of all required tests on all raw milk receipts. Such records shall be available for examination at all reasonable times by the inspector. The following are the records which shall be maintained for examination at the plant or receiving station where performed.

(a) Sediment and bacterial test results on raw milk from each producer: Retain for 12 months.

(1) Routine tests and monthly summary of all producers showing number and percent of total in each class.

(2) Retests, if initial test places milk in probationary status.

(3) Rejections of raw milk over No. 3 in quality.

(b) Pasteurization recorder charts: Retain for 6 months.

(c) Water supply test certificate: Retain current copy for 6 months.

(d) Employee health certificate: Retain most recent copy until employee is no longer employed by plant.

E 1.14 *Packaging and general identification—(a) Containers.* (1) The size, style, and type of packaging used for dairy products shall be commercially acceptable containers and packaging materials which will satisfactorily cover and protect the quality of the contents during storage and regular channels of trade and under normal conditions of handling. The weights and shape within each size or style shall be as nearly uniform as is practical.

(2) Packaging materials for dairy products shall be selected which will provide sufficiently low permeability to air and vapor to prevent the formation of mold growth and surface oxidation. In addition, the wrapper should be resistant to puncturing, tearing, cracking, or breaking under normal conditions of handling, shipping, and storage. When special-type packaging is used, the instructions of the manufacturers shall be followed closely as to its application and methods of closure.

(b) *Packaging and repackaging.* Packaging dairy products or cutting and repackaging all styles of dairy products shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and packaging material shall be practically free from mold and bacterial contamination. Methods for checking the level of contamination shall be as prescribed by the latest edition of Standard Methods.

(c) *General identification.* All commercial bulk packages containing dairy products manufactured under the provisions of this subpart shall be adequately and legibly marked with the name of the product, net weight, name and address of processor or manufacturer or other assigned plant identification, lot number, and any other identification as may be required. Consumer packaged product shall be legibly marked with the name of the product, net weight, name and address of packer, manufacturer, or distributor and such other identification as may be required by the regulatory agency in jurisdiction.

E 1.15 *Storage of finished product—(a) Dry storage.* The product shall be stored at least 18 inches from the wall in aisles, rows, or sections and lots, in such a manner as to be orderly and easily accessible for inspection. Rooms should be cleaned regularly. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment or damage to the dairy product from mold, absorbed odors, or vermin or insect infestation. Control of humidity and temperature shall be maintained at all times, consistent with good commercial practices, to prevent conditions detrimental to the product and container.

(b) *Refrigerated storage.* The finished product shall be placed on shelves, dunnage, or pallets and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated by drippage or condensation.

E 1.16 *Qualifications for plant licensing.* Plant licensing requires satisfactory compliance with the applicable requirements in Subpart E.

SEC. E 2. *Supplemental requirements for plants manufacturing, processing and packaging instant nonfat dry milk, nonfat dry milk, dry whole milk, dry buttermilk, dry whey, and other dry milk products—E 2.1 Rooms and compartments—E 2.1.1 Dry storage of product.* Storage rooms for the dry storage of product shall be adequate in size, kept clean, orderly, free from rodents, insects, and mold, and maintained in good repair. They shall be adequately lighted and ventilated. The ceilings, walls, beams, and floors shall be free from structural defects and inaccessible false areas which may harbor insects.

E 2.1.2 *Packaging room for bulk products.* A separate room or area shall be provided for filling bulk bins, drums, bags, or other bulk containers and shall be constructed in accordance with section

1.2 of Subpart E. The number of control panels and switchboxes in this area shall be kept to a minimum. Control panels shall be mounted a sufficient distance from the walls to facilitate cleaning or shall be mounted in the wall and provided with tight-fitting removable doors to facilitate cleaning. An adequate exhaust system shall be provided to minimize the accumulation of product dust within the packaging room and, where needed, a dust collector shall be provided and properly maintained to keep roofs and outside areas free of dry product. Only packaging materials that are used within a day's operation may be kept in the packaging area. These materials shall be kept on metal racks or tables at least 6 inches off the floor. Unnecessary fixtures, equipment, or false areas which may collect dust and harbor insects, shall not be allowed in the packaging room.

E 2.1.3 *Hopper or dump room.* A separate room shall be provided for the transfer of bulk dry dairy products from bags or drums to the hoppers and conveyors which lead to the fillers. This room shall meet the same requirements for construction and facilities as the bulk packaging operation. Areas and facilities provided for the transfer of dry dairy products from portable bulk bins will be acceptable if gasketed surfaces or direct connections are used that appreciably eliminate the escape of product into the area.

E 2.1.4 *Repackaging room.* A separate room shall be provided for the filling of small packages and shall meet the same requirements for construction and facilities as the bulk packaging operation.

E 2.2 *Equipment and utensils—E 2.2.1 General construction, repair, and installation.* All equipment and utensils necessary to the manufacture of dry milk products, including pasteurizer, timing pump or device, flow diversion valve and recorder controller, shall meet the same general requirements as outlined in section 1.4 of Subpart E. In addition, for certain other equipment the following requirements shall be met.

E 2.2.2 *Preheaters.* The preheaters shall be of stainless steel or other equally corrosion-resistant material, cleanable, accessible for inspection and shall be equipped with suitable automatic temperature controls.

E 2.2.3 *Hotwells.* The hotwells shall be enclosed or covered and equipped with indicating thermometers either in the hotwell or in the hot milk inlet line to the hotwell and if used for holding high heat products they should also have recorders.

E 2.2.4 *Evaporators and/or vacuum pans.* Open-type evaporators and/or vacuum pans shall be equipped with an automatic condenser water level control, barometric leg, or so constructed so as to prevent water from entering the product, and should meet the applicable 3-A Sanitary Standards. When enclosed-type condensers are used, no special controls are needed to prevent water from entering the product.

E 2.2.5 *Surge tanks.* If surge tanks are used for hot milk and temperatures of



product including foam being held in the surge tank during processing is not maintained at a minimum of 150° F., then two or more surge tanks shall be installed with cross connections to permit flushing and cleaning during operation. Covers easily removable for cleaning shall be provided and used at all times.

**E 2.2.6 High pressure pumps and lines.** High pressure lines may be cleaned in place and shall be of such construction that deadends, valves and the high pressure pumps can be disassembled for hand cleaning. New high pressure pumps shall meet the 3-A Sanitary Standard Covering Homogenizers and High Pressure Pumps of the Plunger Type.

**E 2.2.7 Dryers—(a) Spray dryers.** Spray dryers shall be of a continuous discharge type and all product contact surfaces shall be of stainless steel or other equally corrosion-resistant material. All joints and seams in the product contact surfaces shall be welded and ground smooth. All dryers shall be constructed so as to facilitate ease in cleaning and inspection. Sight glasses or ports of sufficient size shall be located at strategic positions. Dryers shall be equipped with suitable air intake filters and with air intake and exhaust recording thermometers. The filter system shall consist of filtering media or devices that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying chamber. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. In gas-fired dryers, precautions shall be taken to assure complete combustion. Air shall be drawn into the dryer from sources free from objectionable odors and smoke, dust, or dirt.

**(b) Roller dryers.** (1) The drums of a roller dryer shall be smooth, readily cleanable and free of pits and rusts. The knives shall be maintained in such condition so as not to cause scoring of the drums.

(2) The end boards shall have an impervious surface and be readily cleanable. They shall be provided with a means of adjustment to prevent leakage and accumulation of milk solids. The stack, hood, the drip pan inside of the hood and related shields shall be constructed of stainless steel and be readily cleanable. The lower edge of the hood shall be constructed so as to prevent condensate from entering the product zone. The hood shall be properly located and the stack of adequate capacity to remove the vapors. The stack shall be closed when the dryer is not in operation. The augers shall be of stainless steel or properly plated, and readily cleanable. The auger troughs and related shields shall be of stainless steel and be readily cleanable. All air entering the dryer room shall be filtered to eliminate dust and dirt. The filter system shall consist of filtering media or device that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying room. The filtering system shall

be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. All dryer adjustments shall be made and the dryer operating normally before food grade powder can be collected from the dryer.

**E 2.2.8 Collectors and conveyors.** Collectors shall be made of stainless steel or equally noncorrosive material and should be constructed to facilitate cleaning and inspection. Filter sack collectors, if used, shall be in good condition and the system shall be of such construction that all parts are accessible for cleaning and inspection. Conveyors shall be of stainless steel or equally corrosion-resistant material and shall be constructed to facilitate thorough cleaning and inspection.

**E 2.2.9 Dry dairy product cooling equipment.** Cooling equipment shall be provided with sufficient capacity to cool the product to 110° F. or lower immediately after removal from dryer and prior to packaging. If bulk bins are used, the product should be cooled to approximately 90° F. but shall be not more than 110° F. A suitable dry air supply with effective filtering shall be provided where air cooling and conveying is used.

**E 2.2.10 Special treatment equipment.** All special equipment such as instantizing systems, flakers, pulverizers or hammer mills used to further process dry milk products shall be of sanitary construction and all parts shall be accessible for cleaning and inspection.

**E 2.2.11 Sifters.** All newly installed sifters used for dry milk and dry milk products shall meet the 3-A Sanitary Standards for Sifters for Dry Milk and Dry Milk Products. All other sifters shall be constructed of stainless steel or other equally noncorrosive material and shall be of sanitary construction and accessible for cleaning and inspection. The mesh size of sifter screen used for various dry dairy products shall be those recommended in the appendix of the 3-A Standard for sifters.

**E 2.2.12 Portable and stationary bulk bins.** Bulk bins shall be constructed of stainless steel, aluminum or other equally corrosion resistant materials, free from cracks and seams and must have an interior surface that is relatively smooth and easily cleanable. All product contact surfaces shall be easily accessible for cleaning.

**E 2.2.13 Automatic sampling device.** If automatic sampling devices are used, they shall be constructed in such a manner as to prevent contamination of the product, and all parts must be readily accessible for cleaning.

**E 2.2.14 Dump hoppers, screens, mixers, and conveyors.** The product contact surfaces of dump hoppers, screens, mixers, and conveyors which are used in the process of transferring dry products from bulk containers to fillers for small packages or containers, shall be of stainless steel or equally corrosion resistant material and designed to prevent contamination. All parts should be accessible for cleaning. The dump hoppers shall be of such height above floor level as to prevent foreign material or spilled product from entering the hopper.

**E 2.2.15 Filler and packaging equipment.** All filling and packaging equipment shall be of sanitary construction and all parts, including valves and filler heads, accessible for cleaning.

**E 2.2.16 Heavy duty vacuum cleaners.** Each plant handling dry milk products shall be equipped with a heavy duty industrial vacuum cleaner. Regular scheduling shall be established for its use in vacuuming applicable areas.

**E 2.3 Clothing and shoe covers.** Clean clothing and shoe covers shall be provided exclusively for the purpose of cleaning the interior of the drier when it is necessary to enter the drier to perform the cleaning operation.

**E 2.4 Operations and operating procedures—E 2.4.1 Pasteurization.** (1) All milk, buttermilk and whey used in the manufacture of dry dairy products shall be pasteurized at the plant where dried, except that condensed whey and acidified buttermilk containing 40 percent or more solids may be transported to another plant for drying without repasteurization. Milk or skim milk to be used in the manufacture of nonfat dry milk shall be heated prior to condensing to at least the minimum pasteurization temperature of 161° F. for at least 15 seconds or its equivalent in bacterial destruction. Condensed skim made from pasteurized skim milk may be transported to a drying plant, provided that it shall be effectively repasteurized at the drying plant, prior to drying, at not less than 175° F. for 25 seconds or its equivalent in bacterial destruction.

(2) All buttermilk or cream from which it is derived shall be pasteurized prior to condensing at a temperature of 185° F. for 15 seconds or its equivalent in bacterial destruction.

(3) All cheese whey or milk from which it is derived shall be pasteurized prior to condensing at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction.

**E 2.4.2 Condensed surge supply.** Surge tanks or balance tanks if used between the evaporators and dryer shall be used to hold only the minimum amount of condensed product necessary for a uniform flow to the dryers. Such tanks holding product at temperatures below 150° F. shall be completely emptied and washed after each 4 hours of operation or less. Alternate tanks shall be provided to permit continuous operation during washing of tanks.

**E 2.4.3 Condensed storage tanks.** (1) Excess production of condensed product over that which the dryer will take continuously from the pans should be bypassed through a cooler into a storage tank at 50° F. or lower and held at this temperature until used.

(2) Product cut-off points shall be made at least every 24 hours and the tank completely emptied, washed, and sanitized before reuse.

**E 2.4.4 Drying.** Each dryer should be operated at not more than the manufacturer's rated capacity for the highest quality dry product consistent with the most efficient operation. This does not preclude the remodeling or redesigning



of dryers after installation when properly engineered and designed. The dry products shall be removed from the drying chamber continuously during the drying process.

**E 2.4.5 Cooling dry products.** Prior to packaging and immediately following removal from the drying chamber the dry product shall be cooled to a temperature not exceeding 110° F.

**E 2.4.6 Packaging, repackaging and storage—(a) Containers.** Packages or containers used for the packaging of nonfat dry milk or other dry milk products shall be any clean, sound commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, wholesomeness or moisture content under the normal conditions of handling. In no instance will containers which have previously been used for nonfood items or food which would be deleterious to the dairy product be allowed to be used for the bulk handling of dairy products.

**(b) Filling.** Empty containers shall be protected at all times from possible contamination and containers which are to be lined shall not be prepared more than 1 hour in advance of filling. Every precaution shall be taken during the filling operation to minimize product dust and spillage. When necessary a mechanical shaker shall be provided; the tapping or pounding of containers shall be prohibited. The containers shall be closed immediately after filling and the exteriors shall be vacuumed or brushed when necessary to render them practically free of product remnants before being transferred from the filling room to the palleting or dry storage areas.

**(c) Repackaging.** The entire repackaging operation shall be conducted in a sanitary manner with all precautions taken to prevent contamination and to minimize dust. All exterior surfaces of individual containers shall be practically free of product before overwrapping or packing in shipping containers. The flow shall be kept free of dust accumulation, waste, cartons, liners, or other refuse. Conveyors, packaging and cartonmaking equipment shall be vacuumed frequently during the operating day to prevent the accumulation of dust. No bottles or glass materials of any kind shall be permitted in the repackaging or hopper room. The inlet openings of all hoppers and bins shall be of minimum size, screened and placed well above the floor level. The room and all packaging equipment shall be cleaned as often as necessary to maintain a sanitary operation. Close attention shall be given to cleaning points of equipment where residues of the dry product may accumulate. A thorough cleanup including windows, doors, walls, light fixtures, and ledges, shall be performed as frequently as is necessary to maintain a high standard of cleanliness and sanitation. All waste dry dairy products including dribble product at the fillers shall be properly identified and disposed of as animal feed.

**(d) Storage—(1) Product.** The packaged dry milk product shall be stored or so arranged in aisles, rows, or sections and lots at least 18 inches from any wall and in such a manner as to be orderly, easily accessible for inspection or for cleaning of the room. All bags and small containers of product shall be placed on pallets elevated approximately 6 inches from the floor. The storage room shall be kept clean and dry and all openings protected against entrance of insects and rodents.

**(2) Supplies.** All supplies shall be placed on dunnage or pallets and arranged in an orderly manner for accessibility and cleaning of the room. Supplies shall be kept enclosed in their original wrapping material until used. After removal of supplies from their original containers they shall be kept in an enclosed metal cabinet, bins, or on shelving and if not enclosed shall be protected from powder and dust or other contamination. The room shall be vacuumed as often as necessary and kept clean and orderly.

**E 2.4.7 Product adulteration.** All necessary precautions shall be taken throughout the entire operation to prevent the adulteration of one product with another. The commingling of one type of liquid or dry product with another shall be considered as an adulteration of that product. This does not prohibit the normal standardization of like products in accordance with good commercial practices or the production of specific products for special uses, provided applicable labeling requirements are met.

**E 2.4.8 Checking quality.** All milk products, and dry milk products shall be subject to inspection and analysis by the dairy plant for quality and condition throughout each processing operation. Line samples shall be taken periodically as an aid to quality control in addition to the regular routine analysis made on the finished products.

**E 2.4.9 Requirements for instant nonfat dry milk—(a) Sampling and testing.** All instant nonfat dry milk offered for sale shall be sampled and tested by the regulatory authority at least once each month for the purpose of assuring that the product meets the requirements of section E 2.4.9(b). In addition the dry milk plant shall have each sublot of approximately 4,000 pounds tested and analyzed prior to being packaged or offered for sale. Product not meeting the requirements of section E 2.4.9(b) shall not be offered as Extra Grade.

**(b) Requirements for Extra Grade instant nonfat dry milk—(1) Flavor and odor.** The flavor and odor shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree: Chalky, cooked, feed, flat.

**(2) Physical appearance.** The physical appearance shall possess a uniform white to light cream natural color; shall be reasonably free-flowing and free from lumps except those that readily break up with very slight pressure.

**(3) Bacterial estimate.** The standard plate count shall not be more than 30,000 per gram.

**(4) Coliform count.** The coliform count shall not be more than 10 per gram.

**(5) Milkfat content.** The milkfat shall not be more than 1.25 percent.

**(6) Moisture count.** The moisture shall not be more than 4.5 percent.

**(7) Scorched particle content.** Scorched particles shall not be more than 15 mg.

**(8) Solubility index.** The solubility index shall not be more than 1 ml.

**(9) Titratable acidity.** The titratable acidity shall not be more than 0.15 percent.

**(10) Dispersibility.** The dispersibility shall not be less than 85 percent by the Modified Moats-Dabbah Method.

**(11) Direct microscopic clump count.** The direct microscopic clump count shall not be more than 75 million per gram.

**E 2.4.10 Cleaning of dryers, conveyors, sifters, and storage bins.** This equipment shall be cleaned as often as is necessary to maintain such equipment in a clean and sanitary condition. The kind of cleaning procedure either wet or dry and the frequency of cleaning shall be based upon observation of actual operating results and conditions.

**E 2.4.11 Insect and rodent control program.** In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program.

**Sec. E 3. Supplemental requirements for plants manufacturing, processing and packaging butter and related products—E 3.1 Rooms and compartments—**

**E 3.1.1 Coolers and freezers.** The coolers and freezers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products during storage or during tempering prior to further processing. Coolers and freezers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

**E 3.1.2 Churn rooms.** Churn rooms in addition to proper construction and sanitation shall be so equipped that the air is kept free from objectionable odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

**E 3.1.3 Print and bulk packaging rooms.** Rooms used for packaging print or bulk butter and related products shall, in addition to proper construction and sanitation, provide an atmosphere relatively free from mold (no more than 10 mold colonies per cubic foot of air), dust, or other airborne contamination and be maintained at a reasonable room temperature.



**E 3.2 Equipment and utensils—E 3.2.1 General construction, repair, and installation.** All equipment and utensils necessary to the manufacture of butter and related products shall meet the same general requirements as outlined in section 1.4 of subpart E 1. In addition for certain other equipment, the following requirements shall be met.

**E 3.2.2 Continuous churn.** All product contact surfaces shall be of noncorrosive material. All nonmetallic product contact surfaces shall comply with 3-A Standards for Plastic, Rubber, and Rubber-Like Materials. All product contact surfaces shall be readily accessible for cleaning and inspection.

**E 3.2.3 Conventional churn.** Churns shall be constructed of aluminum, stainless steel or equally corrosion resistant metal, free from cracks, and in good repair. All gasket material shall be fat resistant, nontoxic and reasonably durable. Seals around the doors shall be tight.

**E 3.2.4 Bulk butter trucks, boats and packers.** Bulk butter trucks, boats and packers shall be constructed of aluminum, stainless steel or equally corrosion resistant metal free from cracks, seams and must have a surface that is relatively smooth and easily cleanable.

**E 3.2.5 Butter, frozen or plastic cream melting machine.** Shavers, shredders or melting machines used for rapid melting of butter, frozen or plastic cream shall be of stainless steel or equally corrosion resistant metal, sanitary construction, and readily cleanable.

**E 3.2.6 Printing equipment.** All printing equipment shall be designed to be readily demountable for cleaning of product contact surfaces. All product contact surfaces shall be aluminum, stainless steel or equally corrosion resistant metal, or plastic, rubber and rubber like material which meet 3-A standards, except that conveyors may be constructed of material which can be properly cleaned and maintained in a satisfactory manner.

**E 3.2.7 Brine tanks.** Brine tanks used for the treating of parchment liners shall be constructed of noncorrosive material and have an adequate and safe means of heating the salt solution for the treatment of the liners. The tank shall also be provided with a satisfactory drainage outlet.

**E 3.2.8 Starter vats.** Bulk starter vats shall be of stainless steel or equally corrosion-resistant metal and constructed according to applicable 3-A Sanitary Standards. The vats shall be in good repair, equipped with tight-fitting lids, and have effective temperature controls.

**E 3.3 Operations and operating procedures—E 3.3.1 Pasteurization.** The milk or cream shall be pasteurized at the plant where the milk or cream is processed into the finished product.

(a) **Cream for buttermaking.** (1) The cream for buttermaking shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes; or pasteurized by HTST method at a minimum tempera-

ture of not less than 185° F. for not less than 15 seconds; or by any other equivalent time and temperature combination. Additional heat treatment above the minimum pasteurization requirement is advisable to insure improved keeping-quality characteristics.

(2) Adequate pasteurization control shall be used and the diversion valve shall be set to divert at no less than 185° F. with a 15-second holding time or its equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, vat covers shall be closed prior to holding period to assure temperature of air space reaching the minimum temperature before holding time starts. Covers shall also be kept closed during the holding and cooling period.

(b) **Cream for plastic or frozen cream.** The pasteurization of cream for plastic or frozen cream shall be accomplished in the same manner as in (a) above, except, that the temperature for the vat method shall be not less than 170° F. for not less than 30 minutes, or not less than 190° F. for not less than 15 seconds or by any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics.

**E 3.3.2 Composition and wholesomeness.** All ingredients used in the manufacture of butter and related products shall be subject to inspection and shall be wholesome and practically free from impurities. Chlorinating facilities shall be provided for butter wash water if needed and all other necessary precautions shall be taken to prevent contamination of products. All finished products shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act, as to composition and wholesomeness.

**E 3.3.3 Containers.** (a) Containers used for the packaging of butter and related products shall be commercially acceptable containers or packaging material that will satisfactorily protect the quality of the contents in regular channels of trade. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less, to protect the product from contamination during subsequent handling.

(b) **Liners and wrappers.** (1) Supplies of parchment liners, wrappers, and other packaging material shall be protected against dust, mold, and other possible contamination.

(2) Prior to use, parchment liners for bulk butter packages shall be completely immersed in a boiling salt solution in a suitable container constructed of stainless steel or other equally noncorrosive material. The liners shall be maintained in the solution for not less than 30 minutes. The solution should consist of at least 15 pounds of salt for every 85 pounds of water and shall be strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

(3) Other liners such as polyethylene shall be treated or handled in such a

manner as to prevent contamination of the liner prior to filling.

(c) **Filling bulk butter containers.** The lined butter containers shall be protected from possible contamination prior to filling.

**E 3.3.4 Printing and packaging.** Printing and packaging of consumer size containers of butter shall be conducted under sanitary conditions.

**E 3.3.5 General identification.** Commercial bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor or other assigned plant identification (manufacturer's lot number, churn number, etc.) and any other identification that may be required. Packages of plastic or frozen cream shall be marked with the percent of milkfat.

**E 3.3.6 Storage of finished product in coolers.** All products shall be kept under refrigeration at temperatures of 40° F. or lower after packaging and until ready for distribution or shipment. The products shall not be placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

**E 3.3.7 Storage of finished product in freezer—(a) Sharp freezers.** Plastic cream or frozen cream intended for storage shall be placed in quick freezer rooms immediately after packaging, for rapid and complete freezing within 24 hours. The packages shall be piled or spaced in such a manner that air can freely circulate between and around the packages. The rooms shall be maintained at -10° F. or lower and shall be equipped to provide sufficient high-velocity air circulation for rapid freezing. After the products have been completely frozen, they may be transferred to a freezer storage room for continued storage.

(b) **Freezer storage.** (1) The room shall be maintained at a temperature of 0° F. or lower. Adequate air circulation is desirable.

(2) Butter intended to be held more than 30 days shall be placed in a freezer room as soon as possible after packaging. If not frozen before being placed in the freezer, the packages shall be spaced in such a manner as to permit rapid freezing and repiled, if necessary, at a later time.

**SEC. E 4. Supplemental requirements for plants manufacturing and packaging cheese—E 4.1 Rooms and compartments—E 4.1.1 Starter room.** Starter rooms or areas shall be properly equipped and maintained for the propagation and handling of starter cultures. All necessary precautions shall be taken to prevent contamination of starter, of the room, equipment, and the air therein.

**E 4.1.2 Make room.** The room in which the cheese is manufactured shall be of adequate size, and the vats adequately spaced to permit movement around the vats and presses for proper cleaning and satisfactory working conditions. Adequate ventilation shall be provided.

**E 4.1.3 Drying room.** If cheese is to be paraffined, a drying room of adequate



size shall be provided to accommodate the maximum production of cheese during the flush period. Adequate shelving and air circulation shall be provided for proper drying. Suitable temperature and humidity control facilities shall be provided.

**E 4.1.4 Paraffining room.** For rind cheese, a separate room or compartment shall be provided for paraffining and boxing the cheese. The room or compartment shall be of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

**E 4.1.5 Rindless block wrapping area.** For rindless blocks a suitable space shall be provided for proper wrapping and boxing of the cheese. The area shall be free from dust, condensation, mold or other conditions which may contaminate the surface of the cheese or contribute to an unsatisfactory packaging of the cheese.

**E 4.1.6 Coolers or curing rooms.** Coolers or curing rooms where cheese is held for curing or storage shall be clean and maintained at the proper uniform temperature and humidity to adequately protect the cheese. Proper circulation of air shall be maintained at all times. The rooms shall be free from rodents, insects, and pests. The shelves shall be kept clean and dry.

**E 4.1.7 Cutting and packaging rooms.** When small packages of cheese are cut and wrapped, separate rooms shall be provided for the cleaning and preparation of the bulk cheese and a separate room shall be provided for the cutting and wrapping operation. The rooms shall be well lighted, ventilated, and provided with filtered air. Air movement shall be outward to minimize the entrance of unfiltered air into the cutting and packaging room.

**E 4.2 Equipment and utensils—E 4.2.1 General construction, repair, and installation.** All equipment and utensils necessary to the manufacture of cheese and related products shall meet the same general requirements as outlined in section 1.4 of Subpart E. In addition, for certain other equipment the following requirements shall be met.

**E 4.2.2 Starter vats.** Bulk starter vats shall be of stainless steel or equally corrosion-resistant metal and shall be in good repair, equipped with tight-fitting lids and have adequate temperature controls such as valves, indicating and/or recording thermometers. New vats shall be constructed according to the applicable 3-A Sanitary Standards.

**E 4.2.3 Cheese vats.** (1) The vats used for making cheese shall be of metal construction with adequate jacket capacity for uniform heating. The inner liner shall be minimum 16-gage stainless steel or other equally corrosion-resistant metal, properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket, when metal, shall be constructed of stainless steel or other metal which can be kept clean and san-

itary. The junction of the liner and outer jackets shall be constructed so as to prevent milk or cheese from entering the inner jacket.

(2) The vat shall be equipped with a suitable sanitary outlet valve. Effective valves shall be provided and properly maintained to control the application of heat to the vat.

**E 4.2.4 Mechanical agitators.** The mechanical agitators shall be of sanitary construction. The carriage and track shall be so constructed as to prevent the dropping of dirt or grease into the vat. Metal blades, forks, or stirrers shall be constructed of stainless steel and of material approved in the 3-A Sanitary Standards for Plastic and Rubber or Rubberlike Materials and shall be free from rough or sharp edges which might scratch the equipment or remove metal particles.

**E 4.2.5 Curd mill and miscellaneous equipment.** Knives, hand rakes, shovels, paddles, strainers, and miscellaneous equipment shall be stainless steel or of material approved in the 3-A Sanitary Standards for Plastic and Rubberlike Material. The product contact surfaces of the curd mill shall be of stainless steel. All pieces of equipment shall be so constructed that they can be kept clean. The wires in the curd knives shall be stainless steel, kept tight and replaced when necessary.

**E 4.2.6 Hoops and followers.** The hoops, forms, and followers shall be constructed of stainless steel or heavy tinned steel. If tinned, they shall be kept tinned and free from rust. All hoops, forms, and followers shall be kept in good repair. Drums or other special forms used to press and store cheese shall be clean and sanitary.

**E 4.2.7 Press.** The cheese press shall be constructed of stainless steel and all joints welded and all surfaces, seams, and openings readily cleanable. The pressure device shall be the continuous type. Press cloths shall be maintained in good repair and in a sanitary condition. Single-service press cloths shall be used only once.

**E 4.2.8 Rindless cheese press.** The press used to heat seal the wrapper applied to rindless cheese shall have square interior corners, reasonably smooth interior surface and have controls that shall provide uniform pressure and heat equally to all surfaces.

**E 4.2.9 Paraffin tanks.** The metal tank shall be adequate in size, have wood rather than metal racks to support the cheese, have heat controls and an indicating thermometer. The cheese wax shall be kept clean.

**E 4.3 Operations and operating procedures—E 4.3.1 Cheese from pasteurized milk.** (a) If the cheese is labeled as pasteurized, the milk shall be pasteurized by subjecting every particle of milk to a minimum temperature of 161° F. for not less than 15 seconds.

(b) HTST pasteurization units shall be equipped with the proper controls and equipment to assure pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment

and setting, it shall be cooled to 45° F. or lower until time of setting.

**E 4.3.2 Cheese from unpasteurized milk.** If the cheese is labeled as "heat treated," "unpasteurized," "raw milk," or "for manufacturing," the milk may be raw or heated at temperatures below pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

**E 4.3.3 Whey disposal.** (a) Adequate sanitary facilities shall be provided for the disposal of whey. If outside, necessary precautions shall be taken to minimize flies, insects, and development of objectionable odors.

(b) Whey or whey products intended for human food shall at all times be handled in a sanitary manner in accordance with the procedures of this subpart as specified for handling milk and dairy products.

**E 4.3.4 Packaging and repackaging.** Packaging rindless cheese or cutting and repackaging all styles of bulk cheese shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and the packaging material shall be practically free from mold and bacterial contamination.

**E 4.3.5 General identification.** Each bulk cheese shall be legibly marked with the name of the product, code or date of manufacture, vat number, officially designated code number or name and address of manufacturer. Each consumer sized container shall be plainly marked with the name and address of the manufacturer, packer, or distributor, net weight of the contents, name of product and such other information as may be required.

**Sec. E 5. Supplemental requirements for plants manufacturing and packaging cottage cheese—E 5.1 Rooms and compartments—E 5.1.1 Processing rooms.**

(a) Processing operations with open cheese vats shall be separated from other rooms or areas. Excessive personnel traffic or other possible contaminating conditions shall be avoided. Rooms, compartments, cookers, and dry storage space in which any raw material, packaging or ingredient supplies or finished products are handled, processed, packaged, or stored shall be designed and constructed to assure clean and orderly operations.

(b) **Ventilation.** Processing and packaging rooms or compartments shall be ventilated to maintain sanitary conditions, preclude the growth of mold and airborne bacterial contaminants, prevent undue condensation of water vapor and minimize or eliminate objectionable odors. To minimize airborne contamination in processing and packaging rooms, it is preferable to filter all incoming air. The incoming air shall exert an outward pressure so that the movement of air will be outward and prevent the movement of unfiltered air inward.

**E 5.1.2 Starter room.** Starter rooms or areas shall be properly equipped and maintained for the propagation and



handling of starter cultures. All necessary precautions shall be taken to prevent contamination of the starter room, the equipment and the air therein.

**E 5.1.3 Coolers.** Coolers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products. Coolers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

**E 5.2 Equipment and utensils—E 5.2.1 General construction, repair and installation.** The equipment and utensils used for the manufacture and handling of cottage cheese shall be as specified in section 1.4 of subpart E. In addition for certain other equipment the following requirements shall be met.

**E 5.2.2 Cheese vats.** (1) The vats used for making the cottage cheese shall be of stainless steel construction with adequate jacket capacity for uniform heating and cooling. The inner liner shall be minimum 16 gage stainless steel, or equally corrosion-resistant metal properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jacket shall be constructed as to prevent milk or cheese from entering the inner jacket.

(a) Vats shall be equipped with valves to control the heating and cooling medium and a suitable sanitary outlet valve. Also, the vats shall be equipped with removable stainless steel or other suitable metal covers, cloth covers which can be regularly and suitably laundered, or with single service paper covers. Vats used for creaming curd shall be equipped with a refrigerated cooling medium.

**E 5.2.3 Agitators.** Mechanical agitators shall be installed on all cheese vats for stirring the milk or cheese. The carriage shall be completely enclosed or provided with a trough or drip pan to prevent condensation, oil, or dirt from dropping into the vat.

**E 5.2.4 Container fillers.** New fillers shall conform to the 3-A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

**E 5.2.5 Mixers.** They shall be constructed in such a manner as to be readily cleanable. If shafts extend through the wall of the tank below the level of product, they shall be equipped with proper seals which are readily removable for cleaning and sanitizing. The mixer shall be enclosed or equipped with tight fitting covers.

**E 5.2.6 Starter vats.** Bulk starter vats shall be made of stainless steel or equally corrosion resistant metal, shall be in good repair, equipped with tight fitting lids and accurate temperature controls such as valves, indicating and/or recording thermometers. New vats shall be constructed according to applicable 3-A Sanitary Standards.

**E 5.3 Operations and operating procedures—E 5.3.1 Pasteurization.** (a) The skim milk used for the manufacture of cottage cheese shall be pasteurized not more than 24 hours prior to the time of setting by heating every particle of skim milk to a temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time giving equivalent results. All skim milk must be cooled promptly to setting temperature. If held more than 2 hours between pasteurization and time of setting, the skim milk shall be cooled and held at 45° F. or colder until set.

(b) Cream or cheese dressing shall be pasteurized at not less than 150° F. for not less than 30 minutes or at not less than 166° F. for not less than 15 seconds or by any other combination of temperature and time treatment giving equivalent results. Cream and cheese dressing shall be cooled promptly to 40° F. or lower after pasteurization to aid in further cooling of cottage cheese curd for improved keeping quality.

(c) Reconstituted nonfat dry milk for cottage cheese manufacture need not be repasteurized provided it is reconstituted within 2 hours prior to the time of setting. Skim milk separated from pasteurized whole milk need not be repasteurized provided it is separated in equipment from which all traces of raw milk from previous operations have been removed by proper cleaning and sanitizing.

**E 5.3.2 Reconstituting nonfat dry milk.** Nonfat dry milk shall be reconstituted in a sanitary manner, preferably by the use of a centrifugal pump and funnel arrangement. It shall be reconstituted within 2 hours of the time of setting, using water which is free from viable pathogenic or otherwise harmful microorganisms.

**E 5.3.3 Packaging and general identification—(a) Containers.** Containers used for packaging cottage cheese shall be any commercially acceptable multiple use or single service container or packaging material which will satisfactorily protect the contents through the regular channels of trade without significant impairment of quality with respect to flavor or contamination under normal conditions of handling. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less to protect the product from contamination during subsequent handling.

(b) **Packaging.** The cheese shall be packaged in a sanitary manner. The containers shall be check weighed during the filling operation to assure they

are filled uniformly to not less than the stated net weight on the container.

(c) **General identification.** Bulk packages containing cottage cheese shall be adequately and legibly marked with the name of the product, net weight, name and address of the manufacturer, lot number, code or date of packaging and any other identification as may be required. Consumer size packaged products shall be legibly marked with the name of the product, net weight, name and address of the manufacturer or distributor, code or date of packaging and any other identification as may be required.

**E 5.3.4 Storage of finished product.** Cottage cheese after packaging shall be promptly stored at a temperature of 45° F. or lower to maintain quality and condition until loaded for distribution. During distribution and storage prior to sale the product should be maintained at a temperature of 45° F. or lower. The product shall not be exposed to foreign odors or conditions such as drippage or condensation that might cause package or product damage. Packaged cottage cheese shall not be placed directly on floors.

**Sec. E 6. Supplemental requirements for plants manufacturing, processing and packaging pasteurized process cheese and related products—E 6.1 Equipment and utensils—E 6.1.1 General construction, repair, and installation.** The equipment and utensils used for the handling and processing of cheese products shall be as specified in section 1.4 of subpart E. In addition, for certain other equipment the following requirements shall be met.

**E 6.1.2 Conveyors.** Conveyors shall be constructed of material which can be properly cleaned, will not rust, or otherwise contaminate the cheese, and shall be maintained in good repair.

**E 6.1.3 Grinders or shredders.** The grinders or shredders used in the preparation of the trimmed and cleaned natural cheese for the cookers shall be adequate in size. Product contact surfaces shall be of corrosion resistant material, and of such construction as to prevent contamination of the cheese and to allow thorough cleaning of all parts and product contact surfaces.

**E 6.1.4 Cookers.** The cookers shall be the steam jacketed or direct steam type. They shall be constructed of stainless steel or other equally corrosion-resistant material. All product contact surfaces shall be readily accessible for cleaning. Each cooker shall be equipped with an indicating thermometer, and should be equipped with a temperature recording device. The recording thermometer stem may be placed in the cooker if satisfactory time charts are used; if not, the stem shall be placed in the hotwell or filler hopper. Steam check valves on direct steam type cookers shall be mounted flush with cooker wall, be constructed of stainless steel and designed to prevent the backup of product into the steam



line, or the steam line shall be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product only culinary steam shall be used.

**E 6.1.5 Fillers.** The hoppers of all fillers shall be covered but the cover may have sight ports. If necessary, the hopper may have an agitator to prevent buildup on side wall. The filler valves and head shall be kept in good repair, capable of accurate measurements.

**E 6.2 Operations and operating procedures—E 6.2.1 Trimming and cleaning.** The natural cheese shall be cleaned free of all nonedible portions. Paraffin and bandages as well as rind surface, mold, or unclean areas or any other part which is unwholesome or unappetizing shall be removed.

**E 6.2.2 Cooking the batch.** Each batch of cheese within the cooker, including the optional ingredients shall be thoroughly commingled and the contents pasteurized at a temperature of at least 158° F. and held at that temperature for not less than 30 seconds. Care shall be taken to prevent the entrance of cheese particles or ingredients after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.

**E 6.2.3 Forming containers.** Containers either lined or unlined shall be assembled and stored in a sanitary manner to prevent contamination. The handling of containers by filler crews shall be done with extreme care and observance of personal cleanliness. Preforming and assembling of pouch liners and containers shall be kept to a minimum and the supply rotated to limit the length of time exposed to possible contamination prior to filling.

**E 6.2.4 Filling containers.** Hot fluid cheese from the cookers may be held in hot wells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. Filler valves shall effectively measure the desired amount of product into the pouch or containers in a sanitary manner and shall cut off sharply without drip or drag of cheese across the opening. An effective system shall be used to maintain accurate and precise weight control. Damaged or unsatisfactory packages shall be removed from production, and the cheese may be salvaged into sanitary containers, and added back to cookers.

**E 6.2.5 Closing and sealing containers.** Pouches, liners, or containers having product contact surfaces after filling shall be folded or closed and sealed in a sanitary manner, preferably by mechanical means, so as to assure against contamination. Each container in addition to other required labeling shall be coded in such a manner as to be easily identified as to date of manufacture by lot or sublot number.

**SEC. E 7. Supplemental requirements for plants manufacturing, processing, and packaging evaporated, condensed, or sterilized milk products—E 7.1 Equipment and utensils—E 7.1.1 General construction, repair, and installation.** The equipment and utensils used for processing and packaging evaporated, condensed, or sterilized milk products shall be as specified in section 1.4 of Subpart E. In addition, for certain other equipment, the following requirements shall be met.

**E 7.1.2 Evaporators and vacuum pans.** All equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids should meet the requirements of the 3-A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans. All new or used replacements for this type of equipment shall meet the appropriate 3-A Sanitary Standards.

**E 7.1.3 Fillers.** Both gravity- and vacuum-type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel or equally corrosion-resistant material; except that certain evaporated milk fillers having brass parts may be approved if free from corroded surfaces and kept in good repair. Nonmetallic product contact surfaces shall meet the requirements for 3-A Sanitary Standards for Rubber and Rubberlike Materials or for Multiple-Use Plastic Materials. Fillers shall be designed so that they in no way will contaminate or detract from the quality of the product being packaged.

**E 7.1.4 Batch or continuous in-container sterilizers.** Shall be equipped with accurate temperature controls and effective valves for regulating the sterilization process. The equipment shall be maintained in such a manner as to assure control of the length of time of processing, and to minimize the number of damaged containers.

**E 7.1.5 Homogenizers.** Homogenizers where applicable shall be used to reduce the size of the fat particles and to evenly disperse them in the product. New homogenizers shall meet the applicable 3-A Sanitary Standards.

**E 7.2 Operations and operating procedures—E 7.2.1 Preheat, pasteurization.** When pasteurization is intended or required by either the vat method, HTST method, or by the UHT method it shall be accomplished by systems and equipment meeting the requirements outlined in section 1.4 of Subpart E.

**E 7.2.2 Sterilization.** The complete destruction of all living organisms shall be performed in one of the following methods: (a) The complete in-container method, by heating the container and contents to a range of 212° F. to 280° F. for a sufficient time; (b) by a continuous flow UHTST process at high temperatures of 280° F. and above for a sufficient

time, then packaged aseptically; (c) the product is first sterilized according to UHTST methods as in paragraph (b) of this section, then packaged and given further heat treatment to complete the sterilization process.

**E 7.2.3 Filling containers.** (a) The filling of small containers with product shall be done in a sanitary manner. The containers shall not contaminate or detract from the quality of the product in any way. After filling, the container shall be hermetically sealed.

(b) Bulk containers for unsterilized product shall be suitable and adequate to protect the product in storage or transit. The bulk container (including bulk tankers) shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

**E 7.2.4 Aseptic filling.** A previously sterilized product shall be filled under conditions which prevent contamination of the product by living organisms or spores. The containers prior to being filled shall be sterilized and maintained in a sterile condition. The containers shall be sealed in a manner that prevents contamination of the product.

**E 7.2.5 Storage.** Proper facilities shall be provided for the storage and handling of finished product.

#### Subpart F—Administrative Procedures

**SEC. F 1. Farm certification—F 1.1 Necessity for certification.** (a) Within 24 months from the effective date of these rules and regulations, every farm producing and selling milk for manufacturing purposes shall be inspected and certified as provided in section F 1.2, 1.3, and 1.5. On and after the effective date of these rules and regulations, a new producer's farm shall be inspected and certified as provided in sections F 1.2, 1.3, and 1.5 before his first sale of milk for manufacturing purposes. Twenty-four months from and after the effective date of these rules and regulations, no milk for manufacturing purposes produced on an uncertified farm shall be bought or sold.

(b) Certified farms shall be inspected annually after initial certification to determine eligibility for recertification. The inspection procedure for recertification shall be the same as that for initial certification.

**F 1.2 Inspection.** Each farm shall be inspected by an inspector or approved fieldman. When evidence indicates that it is advisable to do so [the regulatory agency] may require an examination of the herd by a licensed veterinarian. If the farm meets the applicable requirements for certification described in section D 1 to D 9 of subpart D, as indicated by the Farm Certification Report Form (section F 4) the farm shall be certified as described in section F 1.3. If the farm does not meet the requirements for certification, it shall be reinspected



within 30 days after the initial inspection. If the farm then meets the requirements for certification, it shall be certified. If the farm does not meet the requirements for certification, it shall not be certified, and the producer's authorization to sell milk for human food from that farm shall be withheld by [the regulatory agency] until such time as the farm qualifies for certification. Provided that, if the inspector determines during any of these inspections that corrections on the farm will require some capital investment, a reasonable extension of the prescribed time limits may be granted by [the regulatory agency]. Each completed Farm Certification Report Form (section F 4) shall be kept by the regulatory agency and a copy shall be given to the producer.

**F 1.3 Certification.** An inspector or approved fieldman shall certify farms that meet the requirements of sections D 1 to D 9 of subpart D as applicable, based upon the inspection procedure described in section F 1.2. Farm certification shall authorize the sale from that farm of milk for manufacturing purposes that meets the quality standards of section C 2 to C 4 of subpart C as determined by the procedures described in sections C 2 to C 11 of subpart C.

**F 1.4 Expiration and revocation of certification.** (a) Farm certification shall expire and become renewable 1 year from the date of certification unless revoked earlier by [the regulatory agency] and no certification shall be transferable.

(b) If at any time an inspector or approved fieldman determines that a certified farm does not meet the requirements for certification [the regulatory agency] may allow a reasonable probationary period for the producer to bring his farm within the requirements for certification. If at the end of this time the farm does not meet the requirements for certification [the regulatory agency] may revoke the farm certification.

**F 1.5 Reinstatement.** If, after a period of withholding, probation, or revocation of farm certification, a producer makes the necessary corrections at the farm, he may apply for reinspection. When conditions have been corrected, the farm shall be reinspected by an inspector or approved fieldman. When the inspector or approved fieldman determines that requirements for certification have been met, he shall certify the farm.

**Sec. F 2. Licensing plants, milk graders, and bulk milk collectors—F 2.1 Necessity for plant license.** (a) Within 12 months from the effective date of these rules and regulations, every plant receiving or processing milk for the manufacture of dairy products shall be inspected and licensed as provided in sections F 2.2, 2.3, 2.4(a), and 2.6. On and after the effective date of these rules and regulations, a new plant shall be inspected and licensed as provided in sections F 2.2, 2.3, 2.4(a), and 2.6 before buying or processing any milk for the manufacture of

dairy products. Twelve months from and after the effective date of these rules and regulations, no unlicensed plant shall handle, purchase, or receive milk or manufacture dairy products therefrom.

(b) All licensed plants shall be inspected annually after issuance of the initial license to determine eligibility for license renewal. The inspection procedure for license renewal shall be the same as that for initial licensing.

**F 2.2 Application for license.** Applications to [the regulatory agency] for a new or renewal license for dairy plants, milk graders, and bulk milk collectors shall contain the name and address of the applicant and such other pertinent information as may be required.

**F 2.3 Plant inspection.** (a) Each plant shall be inspected by an inspector. If, upon initial inspection, the inspector finds that the plant meets the requirements for licensing described in subpart E, as indicated by the Plant Inspection Report Form (section F 5), a license shall be issued to the plant as described in section F 2.4(a). If the plant does not meet the requirements for licensing, the plant shall be reinspected by an inspector within 30 days of the initial inspection. A longer time may be allowed if major changes or new equipment is required. If at this time the plant meets the requirements for licensing, a license shall be issued. If the plant does not meet the requirements for licensing, it shall not be licensed, and its authorization to handle, purchase, or receive milk or to manufacture dairy products therefrom shall be withheld until such time as the plant qualifies for a license.

(b) Each completed Plant Inspection Report Form (section F 5) shall be kept by [the regulatory agency], and a copy shall be given to the plant operator.

**F 2.4 Issuance of license—(a) Dairy plants.** [The regulatory agency] shall license dairy plants that meet the specifications of subpart E based upon the inspection procedure described in section F 2.3. The license certificate shall be posted conspicuously at the plant. The license shall authorize the plant to test, purchase, and receive milk for manufacturing purposes and to manufacture dairy products therefrom, in compliance with the applicable provisions of the Act and the rules and regulations issued pursuant thereto.

(b) **Milk graders and bulk milk collectors.** [The regulatory agency] shall license milk graders and bulk milk collectors who meet the qualifications prescribed by [the regulatory agency]. The licenses of milk graders and bulk milk collectors shall authorize them to grade, accept, and reject raw milk in accordance with the provisions of subpart C.

**F 2.5 Expiration, suspension and revocation of license.** (a) Licenses shall expire and become renewable 1 year from the date of issuance unless revoked earlier and no license shall be transferable.

(b) If at any time an inspector determines that a licensed plant does not meet

the requirements for licensing, he may allow a reasonable probationary period for the operator to bring his plant within the requirements for licensing. If at the end of this time the plant does not meet the licensing requirements [the regulatory agency] may revoke the plant license.

(c) [The regulatory agency] may suspend or revoke licenses of milk graders and bulk milk collectors for any violation of these regulations on the Act. An opportunity for a hearing shall be provided any licensee before suspension or revocation of his license.

**F 2.6 Reinstatement.** (a) If, after a period of withholding, probation or revocation of a plant license, the operator makes the necessary corrections at the plant, he may apply to [the regulatory agency] for reinspection and reinstatement. When the inspector determines that requirements for licensing have been met [the regulatory agency] shall issue a license to the plant.

(b) The reinstatement of licenses for milk graders and bulk milk collectors which have been suspended or revoked shall be made only after satisfying [the regulatory agency] of their qualifications.

**Sec. F 3. Supervision—F 3.1 Regulatory agency.** [The regulatory agency] to insure compliance with the provisions of the Act and the rules and regulations shall:

(a) Make periodic examinations of milk from a representative number of producers at each plant to determine whether the milk is being graded and tested in accordance with the applicable provisions of subpart C.

(b) Examine the quality records of transfer producers at each plant periodically and when necessary determine the acceptability of such producers' milk.

(c) Make periodic farm inspections and compare the results of such inspections with previously completed Farm Certification Report Forms filed by the inspector or approved fieldman.

(d) Periodically examine the milk quality tests records of individual producers at each plant.

(e) Periodically inspect plant premises, buildings, equipment, facilities, operations, sanitary practices and compare the results with previously completed plant inspection forms filed by the inspector.

(f) Assist plant management and laboratory and field staffs with educational programs among producers relating to quality improvement of milk.

(g) Perform such other services and institute such other supervisory procedures as may be necessary to insure compliance with the provisions of the Act and the rules and regulations.

**F 4. Farm certification report form.** The following form shall be used by inspectors or approved fieldman in determining eligibility for farm certification:



## NOTICES

7063

Check one	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items)	
	S	U

## A—FACILITIES

1. Health of herd:
  - (a) Herd appears healthy.....
  - (b) Tuberculin tested, date.....
  - (c) Brucellosis tested:
    - Ring tested, date.....
    - Blood tested, date.....
2. Barn or milking area:
  - (a) Adequate size, construction.....
  - (b) Cow yard graded, well drained.....
  - (c) Bulk tank, installation.....
3. Milkhouse or milkroom:
  - (a) Adequate size, location, and construction.....
  - (b) Equipped with adequate facilities.....
  - (c) Bulk tank installation.....
4. Combination milking parlor and milkroom, if used:
  - (a) Adequate size, construction.....
  - (b) Equipment and arrangement.....
5. Utensils and equipment:
  - (a) Design, construction.....
  - (b) Cleaning (brushes and cleansers) and storage facilities and supplies available.....
6. Water supply:
  - (a) Safe, clean.....
  - (b) Supply ample.....

## B—METHODS

7. Premises:
  - (a) Clean, well kept.....
  - (b) Fowl, swine properly confined.....
  - (c) Manure properly handled and disposed of.....
8. Barn or milking area:
  - (a) Floors and gutters clean, good repair.....
  - (b) Walls and ceilings clean, painted or whitewashed.....
  - (c) Pens and alleyways clean.....
  - (d) Yard or loading area clean.....
9. Milking procedure:
  - (a) Mastitis program practiced.....
  - (b) Cows clean, udders and flanks clipped.....
  - (c) Udders and teats washed or wiped before milking.....
  - (d) Milk stools and surcungles clean, properly stored.....
  - (e) Milker's clothing clean, hands clean and dry.....
  - (f) Feed bin kept clean and free from foul odors.....
10. Milkhouse or milkroom:
  - (a) Used for handling milk and utensil care only.....
  - (b) Clean, flies and insects controlled to minimum.....
11. Cooling:
  - (a) Facility clean, good operating order.....
  - (b) Milk cooled promptly, properly held. (Temperature of milk —° F.).....

Check one	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items)	
	S	U

## A—FACILITIES

12. Utensils and equipment:
  - (a) Good condition, clean, properly stored:
    - Cans.....
    - Milking machines (head, claw, pulsator, inflations, tubes, air hose, etc.).....
    - Pails, strainers and other utensils.....
  - (b) Bactericidal treatment before use.....
  - (c) Vacuum lines clean.....
  - (d) Supplies properly stored.....

**F 5. Plant inspection report form.** The following form shall be used by inspectors in determining eligibility for plant licensing:

## PLANT SURVEY REPORT

Plant surveyed (Name and address)	Type of plant	Date	Inspector
	Manager		
	Purpose of survey		

  

Item ↓	Code: S—Satisfactory U—Unsatisfactory →	Check one	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
Plant and premises:			
1 Plant driveway and surroundings.....			
2 Construction.....			
3 Floor Drains.....			
4.....			
5.....			
Receiving—Cans:			
6 Room construction.....			
7 Lighting and ventilation.....			
8 Can inlet and outlet.....			
9 Weight tank, scale, and drop tank.....			
10 Can washer.....			
11 Disposition of can drippings.....			
12 Condition of producer cans.....			
13 Pumps, pipelines, fittings.....			
14 Milk route trucks.....			
15.....			
16.....			



## NOTICES

## PLANT SURVEY REPORT—Continued

Item ↓	Code: S—Satisfactory U—Unsatisfactory →	Check one		Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
		S	U	
Receiving—bulk:				
17	Facilities for bulk trucks.....			
18	Bulk tank trucks.....			
19	Pumps, pipelines, fittings.....			
20	CIP cleaning.....			
21	.....			
22	.....			
23	.....			
Quality program—Raw product:				
24	Line grading.....			
25	Bacterial testing.....			
26	Sediment testing.....			
27	Quality—supply plants.....			
28	Quality records—Follow-up.....			
29	Field service.....			
30	.....			
31	.....			
Raw milk storage.....				
32	Room Construction.....			
33	Lighting and ventilation.....			
34	Product coolers.....			
35	Storage tanks—silo.....			
36	Storage tanks—conventional.....			
37	Pumps, pipelines, valves.....			
38	CIP cleaning.....			
39	.....			
40	.....			

## BUTTER

Item ↓	Code: S—Satisfactory U—Unsatisfactory →	Check one		Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
		S	U	
Processing:				
B41	Room construction.....			
B42	Lighting and ventilation.....			
B43	Forewarmer.....			
B44	Neutral method—Cream filter.....			
B45	Separator(s).....			
B46	Pasteurization.....			
B47	Thermometer—Indicating and recording.....			
B48	Vacuumizer.....			
B49	Product cooler.....			
B50	Storage tanks.....			
B51	Pumps, pipelines, valves.....			
B52	CIP cleaning.....			
B53	.....			
B54	.....			
B55	.....			
Churning:				
B56	Room construction.....			
B57	Lighting and ventilation.....			
B58	Cream filter.....			
B59	Churn(s).....			
B60	Disposition of buttermilk.....			
B61	Butter wash water, add water.....			
B62	Wash water tank, filter.....			
B63	Pumps, pipelines, fittings.....			
B64	Starter—distillate.....			
B65	Butter boats, trucks, packers.....			
B66	Scales (bulk butter).....			
B67	Miscellaneous utensils.....			
B68	Hand washing facilities.....			
B69	.....			
B70	.....			
B71	.....			
Composition control:				
B72	Equipment—scales, weights, cups.....			
B73	Tests performed.....			
B74	Technique.....			
B75	.....			
B76	.....			
Packaging of product:				
B77	Liners and treatment.....			
B78	Package finish.....			
B79	Type of containers.....			
B80	Markings.....			
B81	.....			
Storage of finished product:				
B82	Floor, walls, ceiling, doors.....			
B83	Lighting and ventilation.....			
B84	Temperature of room.....			
B85	Pallets or floor racks.....			
B86	Stacking of boxes.....			
B87	Other products stored.....			
B88	.....			
B89	.....			



CHEESE			DRY MILK		
Item ↓	Code: S—Satisfactory U—Unsatisfactory →	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)	Check one		Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
			S	U	
Processing:					
C41 Room construction.....					
C42 Lighting and ventilation.....					
C43 Clarifier, separator.....					
C44 Pasteurization.....					
C45 Thermometer—indicating and recording.....					
C46 Vacuumizer.....					
C47 Pumps, valves, fittings.....					
C48 CIP cleaning.....					
C49 .....					
C50 .....					
Starter room:					
C51 Room construction.....					
C52 Lighting and ventilation.....					
C53 Processing vats.....					
C54 Starter cans.....					
C55 Starter culture.....					
C56 .....					
Cheesemaking room:					
C57 Room construction.....					
C58 Lighting and ventilation.....					
C59 Vats, agitators and drain tables.....					
C60 Cheese hoops and presses.....					
C61 Press cloths.....					
C62 Curd knives and mill.....					
C63 Forks, rakes, and miscellaneous utensils.....					
C64 Salt bin.....					
C65 Hand washing facilities.....					
C66 Housekeeping.....					
C67 .....					
Packaging:					
C68 Room construction.....					
C69 Lighting and ventilation.....					
C70 Wrapper table and scale.....					
C71 Type of wrapper—sealing.....					
C72 Barrels—condition.....					
C73 Markings.....					
C74 Housekeeping.....					
C75 .....					
C76 .....					
Storage of finished product:					
C77 Room construction.....					
C78 Temperature and ventilation.....					
C79 Drying room, shelves, carts.....					
C80 Pallets or floor racks.....					
C81 .....					
C82 .....					
Handling of whey:					
C83 Holding tank—unseparated whey.....					
C84 Separator.....					
C85 Pumps, pipelines, fittings.....					
C86 Whey cream—pasteurized and cooling.....					
C87 Disposition of press drippings.....					
C88 Storage area—separated whey.....					
C89 Disposition of whey.....					
Pasteurization and condensing:					
41 Floors, walls, ceiling, windows, doors.....					
42 Lighting and ventilation.....					
43 Storage tanks—temperature.....					
44 Preheaters.....					
45 HTST pasteurization—holding tube, time, temperature.....					
46 Positive pump or timing device.....					
47 Flow diversion valve—divert temperature.....					
48 Recorder-controller.....					
49 Indicating and recording thermometer.....					
50 Hotwell.....					
51 Evaporator(s).....					
52 Product cooler (condensed milk).....					
53 Condensed surge tank.....					
54 Pumps, pipelines, valves, and fittings.....					
55 CIP cleaning.....					
56 .....					
Drying:					
57 Floors, walls, ceiling, windows, doors.....					
58 Lighting and ventilation.....					
59 Condensed milk preheater.....					
60 H. P. pump and strainers.....					
61 Pumps, pipelines, valves, and fittings.....					
62 Air supply, filters, inlet chamber.....					
63 Drying chamber—make of dryer, redryer.....					
64 Prod. removal and conveying equipment.....					
65 Collectors.....					
66 Powder cooling system.....					
67 Storage bins.....					
68 Shoe covers, miscellaneous (for dryer work).....					
69 Vacuum cleaner.....					
70 Housekeeping and pest control.....					
71 .....					
72 .....					
73 .....					
Packaging:					
74 Floors, walls, ceiling, windows, doors.....					
75 Lighting.....					
76 Room exhaust, ventilation.....					
77 Sifter.....					
78 Dry milk packaging temperature.....					
79 Scale.....					
80 Packaging technique.....					
81 Waste powder-disposition.....					
82 Housekeeping and pest control.....					
83 .....					
Storage of dry milk:					
84 Floors, walls, ceiling, windows, doors.....					
85 Lighting and ventilation.....					
86 Stacking of containers.....					
87 Other products stored.....					
88 Housekeeping and pest control.....					
89 .....					
90 .....					



## NOTICES

Form C

EVAPORATED, CONDENSED OR STERILE MILK PRODUCTS

Item ↓	Code: S—Satisfactory → U—Unsatisfactory	Check one		Remarks (State unsatisfactory conditions by Item No. include comments, as necessary, for other items.)
		S	U	
<b>Pasteurization and condensing:</b>				
41	Floors, walls, ceiling, windows, doors.....			
42	Lighting and ventilation.....			
43	Storage tanks—temperature.....			
44	Preheaters.....			
45	Heat treatment—temperature time.....			
46	Hot well.....			
47	Indicating and recording thermometer.....			
48	Carrageenan equipment.....			
49	Evaporator(s).....			
50	Filters.....			
51	Homogenizer.....			
52	Product cooler.....			
53	Storage or standardizing tank—tempera- ture.....			
54	Pumps, pipelines, valves, and fittings.....			
55	CIP cleaning.....			
56	.....			
57	.....			
58	.....			
<b>Filling and sterilizing:</b>				
59	Floors, walls, ceiling, windows, doors.....			
60	Lighting and ventilation.....			
61	Surge tank to fillers.....			
62	Filler condition.....			
63	Filler parts storage.....			
64	Pumps, pipelines, valves, and fittings.....			
65	Preheater—temperature-time.....			
66	Sterilizer—temperature-time.....			
67	Cooler—temperature.....			
68	Indicating and recording thermometer.....			
69	Pinlet and/or leak detector.....			
70	Can dryer.....			
71	Can bin storage.....			
72	Housekeeping and pest control.....			
73	.....			
74	.....			
75	.....			
<b>Labeling and coding:</b>				
76	Floors, walls, ceiling, windows, doors.....			
77	Lighting and ventilation.....			
78	Labeling equipment.....			
79	Coding—can and case.....			
80	Casing equipment.....			
81	Label storage.....			
82	Housekeeping and pest control.....			
83	.....			
<b>Storage of product:</b>				
84	Floors, walls, ceiling, windows, doors.....			
85	Lighting and ventilation.....			
86	Stacking of containers.....			
87	Other products stored.....			
88	Housekeeping and pest control.....			
89	.....			
<b>Laboratory:</b>				
90	Facilities and equipment.....			
91	Lighting and ventilation.....			
92	Quality control—manufacturing products.....			
<b>Storage of supplies:</b>				
93	Room construction.....			
94	Salt, color, starter, rennet, etc.....			
95	Containers, liners, wrappers.....			
96	Other supplies.....			
97	Housekeeping.....			
98	Pest control.....			
99	.....			
<b>Lockers and restrooms:</b>				
100	Location.....			
101	Room construction.....			
102	Lighting and ventilation.....			
103	Lockers and benches.....			
104	Housekeeping.....			
105	Handwashing facilities and sign.....			
106	.....			
<b>General:</b>				
107	Pest control program.....			
108	Medical certificate.....			
109	Employees' appearance and habits.....			
110	Boiler and compressor room.....			
111	Water—plant supply.....			
112	.....			

Status of plant—Previous survey, if any

Date

Status of plant—This survey (Indicate product(s))

Recommendations:

Done at Washington, D.C., this 28th day of March 1972.

G. R. GRANGE,  
Acting Administrator.

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