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HIGHLIGHTS OF THIS ISSUE

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List of CFR Parts Affected

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

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

Presidential Documents

Title 3—The President

PROCLAMATION 4122

Pan American Day and Pan American Week

By the President of the United States of America

A Proclamation

Eighty-two years ago this spring, the first International Conference of American States was completing its work in Washington. The hopes which millions of people throughout the Western Hemisphere held for that conference were voiced in these words of a leading churchman of the day, Edward Everett Hale: "We trust that the American Congress, representing North and South America, will address itself squarely to some * * * practicable system, not content with general statements * * * of the folly and cost and horror of war."

While the hemispheric court of arbitration for which Hale specifically argued was not created at that time, a "practicable system" was—the system which we now call the Organization of American States. And down all the decades since, that system has increasingly fulfilled the hopes of its founders for modes of cooperation and unity which should make peace permanent and war obsolete among the sister republics of the New World.

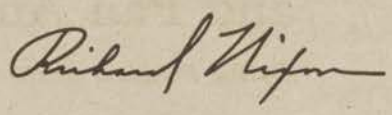
Today the Organization of American States stands as the oldest continuous regional body in the world, and one of the most vigorous and progressive as well. Geography, history, shared traditions of self-government, and common interests in the world give a special depth and durability to international ties in the Americas. The OAS, in turn, gives those ties structure, substance, and a strong arm for action.

It is an organization based on a workable combination of idealism and realism; on a capacity to grow and adjust with the times; and on the principle that all nations, large and small, are juridical equals, each entitled to mutual respect and equal rights. It embodies the steadily growing concern of the peoples of the Americas for joint efforts toward

hastening economic and social development, maintaining collective security, and settling disputes peacefully. Its past is proud and its future promising.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Friday, April 14, as Pan American Day, and the week beginning April 9 and ending April 15 as Pan American Week; and I call upon the Governors of the fifty States of the Union, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the flag of the United States to issue similar proclamations.

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



[FR Doc.72-5623 Filed 4-10-72; 12:10 pm]

EXECUTIVE ORDER 11665

James F. Byrnes

As a mark of respect to the memory of James F. Byrnes, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, as amended, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

Richard Nixon

THE WHITE HOUSE,
April 10, 1972.

[FR Doc.72-5622 Filed 4-10-72; 12:10 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 of Schedule A is amended to give agencies the option of appointing students as assistants to scientific, professional, or technical employees for longer than 1 year when appropriate. For example, students in cooperative education programs can henceforth be appointed for the duration of their programs. Until now, appointments have characteristically been for only 1 year at a time.

Effective on publication in the FEDERAL REGISTER (4–11–72), paragraph (q) of § 213.3102 is amended as set out below.

§ 213.3102 **Entire executive civil service.**

* * * * *

(q) Positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) Bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision: (i) In a position of a routine clerical type; or (ii) in excess of 1,040 working hours a year; except that the 1,040-working-hours-a-year limitation shall not apply to persons employed under this provision in positions at GS–5 and below which are established in connection with an organized work-study program involving alternating periods of work experience and related study at an accredited college or university in a cooperative curriculum in which the work experience is a prerequisite to the award of a degree. Appointments under this authority may be made only to positions for which qualification standards established under Part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service.

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

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

[FR Doc.72–5505 Filed 4–10–72;8:50 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Personal and Confidential Assistant to the Chairman, National Advisory Committee on Oceans and Atmosphere, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–11–72), paragraph (s) is added to § 213.3314 as set out below.

§ 213.3314 **Department of Commerce.**

* * * * *

(s) *National Advisory Committee on Oceans and Atmosphere.* (1) One Personal and Confidential Assistant to the Chairman.

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

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

[FR Doc.72–5504 Filed 4–10–72;8:50 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

1972 CROP PRICE SUPPORT PAYMENT FACTOR AND PRICE SUPPORT PAYMENT RATE

On December 10, 1971, notice of proposed rule making regarding determinations with respect to the 1972 crop of extra long staple cotton was published in the FEDERAL REGISTER (36 F.R. 23574). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days after publication of the notice. No comments were received in response to such notice.

This amendment to the regulations governing the Extra Long Staple Cotton Program for 1968 and Succeeding Years is issued pursuant to section 101(f) of the Agricultural Act of 1949, as amended, for the purpose of (1) announcing the 1972 price support payment factor and the price support payment rate and (2) incorporating by reference the regulations in Part 796 prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them.

The regulations governing the Extra Long Staple Cotton Program for 1968, and Succeeding Years, 33 F.R. 19159, as amended, are hereby further amended as follows:

1. Section 722.704 is amended by adding a new paragraph (c) to read as follows:

§ 722.704 **Price support payment factor.**

* * * * *

(c) For 1972, the price support payment factor is 0.6912.

2. Section 722.709(a) is amended by adding at the end thereof the following new sentence:

§ 722.709 **Price support payment.**

(a) * * * For 1972, the price support payment rate shall be 12.85 cents per pound.

* * * * *

3. A new § 722.720 is added to read as follows:

§ 722.720 **Prohibition against payments to producers.**

The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. 1441(f))

Effective date. Date of publication in the FEDERAL REGISTER (4–11–72).

Signed at Washington, D.C., on April 4, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–5481 Filed 4–10–72;8:48 am]

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES IN CALIFORNIA

Handler Representation on Raisin Advisory Board and Raisin Administrative Committee

Notice was published in the March 18, 1972, issue of the FEDERAL REGISTER (37 F.R. 5704), regarding a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 989.101—989.176; 36 F.R. 13980) by adding new sections, §§ 989.127 and 989.140, in regard to changing the number of handlers comprising certain size groups for purposes of handler representation on the Raisin Advisory Board and the Raisin Administrative Committee. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order, hereinafter referred to collectively as the "order", are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received within the prescribed time.

Section 989.26a authorizes the Secretary, upon recommendation of the Committee, to make certain changes in the handler representation on the Raisin Advisory Board, including the number of handlers comprising any size groups; and similar changes in the handler representation on the Raisin Administrative Committee are authorized by § 989.39a. As required by §§ 989.26a and 989.39a, in recommending the changes, the Committee took into consideration such factors as changes in the numbers of handlers, the relative raisin acquisition positions of handlers, and their similarity of interests in the handling of raisins.

With respect to the Raisin Advisory Board, the Committee recommended the number of handlers comprising the groups set forth in § 989.26 (c) and (d) be changed from two and five, respectively, to three and four, respectively; with respect to the Raisin Administrative Committee, the Committee recommended the number of handlers comprising the groups set forth in § 989.39 (c) and (d) be changed from two and five, respectively, to three and four, respectively.

Based upon their acquisitions of raisins, the handlers in the groups set forth in §§ 989.26(c) and 989.39(c) are commonly referred to by the industry as "medium size" independent handlers; those in the groups set forth in §§ 989.26 (d) and 989.39(d) are commonly referred to as "small size" independent handlers. The present handler size groupings on the Board and Committee have been in effect since 1960. Since that time, one of the handlers currently included in the small size independent handler group has increased his raisin acquisitions to such a degree that he should be included in the medium size group. Hence, this change places the handler in the group with which he has more similarity of interests in raisin handling.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Raisin Administrative Committee, the factors set forth in the order, and other available information, it is hereby found that changing the number of handlers comprising certain size groups for purposes of representation on the Raisin Advisory Board and the Raisin Administrative Committee, as hereinafter set forth, would tend to effectuate the declared policy of the act.

It is, therefore, ordered, That, Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176; 36 F.R. 13980) be amended as follows:

1. Add a new § 989.127 to read as follows:

§ 989.127 Handler representation on Raisin Advisory Board.

Commencing with the term of office beginning May 1, 1972, the handler members of the Board shall include the following: (a) One member selected from and representing handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) two members selected from and representing the three handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (c) one member selected from and representing the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) two members selected from and representing the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) two members selected from and representing all other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors.

2. Add a new § 989.140 to read as follows:

§ 989.140 Handler representation on Raisin Administrative Committee.

Commencing with the term of office beginning June 1, 1972, of the five handler members of the Committee, one shall be selected from and represent each of the following divisions: (a) The handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) the three handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (c) the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) all other handlers, including cooperatives, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors.

It is hereby further found that good cause exists for making this action effective promptly and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) In accordance with § 989.28(b) of the order, handler members on the Raisin Advisory Board serve for a term of 1 year beginning May 1 and ending April 30 of the following year; (2) the industry is preparing to nominate successors to the members whose terms end April 30; (3) this action should become effective promptly in order that handlers will be able to nominate their new representatives for the term of office commencing May 1, 1972, in accordance with the changed grouping; (4) this action imposes no restrictions on handlers; and (5) no useful purpose would be served by postponing the effective time of this action beyond the date of publication in the FEDERAL REGISTER.

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

Dated April 5, 1972, to become effective upon publication in the FEDERAL REGISTER (4–11–72).

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

[FR Doc.72-5480 Filed 4-10-72;8:48 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[CCC Farm Storage and Drying Equipment Loan Program Regs., Amdt. 8]

PART 1474—FARM STORAGE FACILITIES

Farm Storage and Drying Equipment Loan Program Regulations

Correction

In F.R. Doc. 72–4894 appearing at page 6491 in the issue of Thursday, March 30,

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

1972, the reference to "§ 1474.3" in the first line of ordering paragraph 3 should read "§ 1474.8".

[Rev. 3, Amdt. 7]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

PRICING OF GRAIN

The regulations issued by the Commodity Credit Corporation published at 29 F.R. 13475, 30 F.R. 2854, 6909, 31 F.R. 13532, 32 F.R. 14372, 34 F.R. 14206, and 36 F.R. 9497, which contain specific requirements for the Livestock Feed Program are further amended to restate the basis for determining the sales price of feed grain for secondary livestock, restate the "county base price" as the "county loan rate," and other minor editorial changes. Accordingly, paragraphs (a), (b), (c), and (d) of § 1475.208 are amended to read as follows:

§ 1475.208 Pricing of grain.

(a) *Price for primary livestock.* The sales price of feed grain approved for primary livestock shall be 75 percent of the applicable county loan rate.

(b) *Price for secondary livestock.* The sales price of feed grain approved for secondary livestock shall be: (1) For barley and oats the applicable county loan rate; (2) for corn and grain sorghum the applicable county loan rate plus 6 cents per bushel for corn and 11 cents per hundredweight for grain sorghum.

(c) *Applicable county loan rate.* The county loan rate to be used in determining sales prices shall be the loan rate as set forth in the applicable annual crop supplement to the CCC loan and purchase program regulations for the county in which the grain is delivered. The basis for the price shall be in store for farm stored grain and f.o.b. purchaser's conveyance at delivery point for all other grain. If no such county loan rate is set forth in the CCC annual crop supplement, it shall be a comparable rate as determined by DASCO. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and it is determined to be necessary to effectuate the purposes of the program, DASCO may authorize delivery of grain in a county other than the county in which the application is filed.

(d) *Inadvertent overdeliveries.* Inadvertent overdelivery of the properly determined total approved quantity stated in the application which is delivered to an owner from a binsite under § 1475.210(b), carrier's conveyance under § 1475.210(d), or because of an error on the part of CCC shall be settled between the owner and CCC at a price equal to the county loan rate, plus, in the case of corn and grain sorghum sold under paragraph (b) of this section, the markup indicated therein. Overdeliveries in excess of such total approved quantity by warehouses, handlers or dealers not due to error by CCC shall be settled between them and the owner.

(Secs. 1–4 of 73 Stat. 574, as amended; secs. 407 and 421 of 63 Stat. 1055, as amended; secs. 4 and 5 of 62 Stat. 1070, as amended; 7 U.S.C. 1427, 1427 note and 1433; 15 U.S.C. 714 b and c)

Effective date. Upon publication in the FEDERAL REGISTER (4–11–72).

Signed at Washington, D.C., on April 4, 1972.

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

[FR Doc.72–5482 Filed 4–10–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72–CE–2–AD; Amdt. 39–1431]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Cessna Airplanes

Amendment 39–1385 (37 F.R. 1357, 1358), AD 72–3–3, effective February 1, 1972, applicable to certain models of Cessna 150, 172, 177, 182, 205, 206, 207, and 210 airplanes is an Airworthiness Directive which superseded Amendment 39–1050 (35 F.R. 12059, 12060), as amended by Amendment 39–1104 (35 F.R. 17030), AD 70–15–16. Paragraph D of AD 72–3–3 requires on or before January 1, 1973, modification of the flap actuator system on these airplanes in accordance with Cessna Service Letter SE72–2, dated January 21, 1972.

Subsequent to the issuance of AD 72–3–3, the manufacturer issued Cessna Service Letter SE72–2, Supplement 1, dated March 24, 1972, which provides additional information for this modification. Accordingly, paragraph D is being revised to include reference to the supplemental information.

Since this amendment provides additional information and is clarifying in nature, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not necessary and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39–1385 (37 F.R. 1357, 1358), AD 72–3–3 is amended by changing paragraph D so that it now reads as follows:

(D) On or before January 1, 1973, modify the applicable aircraft in accordance with Cessna Service Letter SE72–2, dated January 21, 1972, and Cessna Service Letter SE72–2, Supplement 1, dated March 24, 1972. Equivalent methods of compliance with this paragrapm must be approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective April 13, 1972.

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

Issued in Kansas City, Mo., on March 31, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72–5461 Filed 4–10–72;8:47 am]

[Docket No. 11594; Amdt. No. 39–1434]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA–18 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA 136 AL

Amendment 39–1369 (36 F.R. 24988), AD 72–1–7 requires the installation of P/N 12351–12 engine mount assemblies on Piper Model PA–18 Series airplanes which have been modified in accordance with Supplemental Type Certificate SA 136 AL. After issuing Amendment 39–1369, the FAA has received a number of inquiries as to which airplanes are affected by the AD. Therefore, the AD is being amended to clarify and expand the clauses which describe the affected Piper airplanes.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1369 (36 F.R. 24988) is amended as follows:

1. By amending the applicability statement to read:

PIPER. Applies to Piper Model PA–18, PA–18–105, PA–18–125, PA–18–135, PA–18A, PA–18A–125, PA–18A–135, and seaplane versions of those models which have been modified after May 14, 1968 in accordance with Supplemental Type Certificate SA 136 AL to incorporate the installation of the Lycoming O–320 engine (150 hp.). Factory delivered models having serial numbers 18–3771 and 18–3781 and above, incorporating the O–320 engine, are not affected by this AD.

2. By amending the note following the AD to read:

NOTE: Engine mount assembly P/N 12351–12 may be identified by the gage of Tube "A" and Tube "B" which measure 0.049 inch, and by the incorporation of two reinforcing plates, number 14438, mounted at the lower right engine attachment points, as shown on Piper Drawing Number 12351, Mount Assembly-Engine, including Revision J dated January 16, 1968.

This amendment becomes effective April 17, 1972.

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

Issued in Washington, D.C., on April 5, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.72-5462 Filed 4-10-72;8:47 am]

[Airspace Docket No. 71-GL-37]

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

Alteration of Transition Areas

On pages 937 and 938 of the FEDERAL REGISTER dated January 21, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition areas at Duluth, Minn. and Green Bay, Wis.

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

This amendment shall be effective 0901 G.m.t., May 25, 1972.

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

Issued in Des Plaines, Illinois on March 22, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition areas are amended to read:

DULUTH, MINN.

Add, "that airspace extending upward from 5,000 feet MSL in the area bounded by V129, V26, V191, and V217".

GREEN BAY, WIS.

Add, "that airspace extending upward from 5,000 feet MSL in the area bounded by V191E, V26, and V217".

[FR Doc.72-5464 Filed 4-10-72;8:47 am]

[Airspace Docket No. 71-GL-22]

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

Designation of Control Zone and Alteration of Transition Area; Correction

In F.R. Doc. 72-3751, on page 5285 in the issue of Tuesday, March 14, 1972, the Columbus, Ohio (Bolton Field) control zone description (§ 71.171) should be corrected to read as follows:

Within a 3-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83°08'12" W.) and 2 miles either side of the 213° bearing from the airport extending from the 3-mile radius to 4 miles southwest of the airport excluding a 1-mile radius of Columbus Southwest Airport (latitude 39°54'45" N., longitude 83°11'00" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, therefore, be continuously published in the Airman's Information Manual.

Issued in Des Plaines, Ill., on March 23, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-5463 Filed 4-10-72;8:47 am]

[Airspace Docket No. 71-GL-38]

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

Designation of Transition Area

On page 937 of the FEDERAL REGISTER dated January 21, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Boulder Junction, Wis.

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

This amendment shall be effective 0901 G.m.t., May 25, 1972.

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

Issued in Des Plaines, Ill. on March 22, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

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

BOULDER JUNCTION, WIS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Boulder Junction Airport (latitude 46°08'15" N., longitude 89°38'45" W.); and within 3 miles each side of the 049° bearing from the Boulder Junction Airport, extending from the 5½-mile-radius area to 8 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 049° bearing from Boulder Junction Airport, extending from the airport to 18½ miles northeast of the airport, excluding the portion which overlies the Land O'Lakes transition area.

[FR Doc.72-5465 Filed 4-10-72;8:47 am]

[Airspace Docket No. 70-EA-113]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On February 17, 1972, F.R. Doc. 72-2401 was published in the FEDERAL REGISTER (37 F.R. 3510) with an effective date of April 27, 1972.

This document amended Part 75 of the Federal Aviation Regulations, in part, by establishing area navigation routes J987R and J988R. Route J987R serves operations between Montreal, Canada, and J. F. Kennedy International Airport, N.Y.

Subsequent to the publication of this amendment, area high route J883R was designated between Minneapolis, Minn., and New York, N.Y. The last waypoint in J883R and the next to last waypoint in J987R are very closely located. Changing one of the two waypoints to coincide with the other one would simplify charting and preclude possible misunderstanding by pilots. Therefore, action is taken herein to change "Countess, N.Y.," waypoint in J987R to "Kingston, N.Y.," waypoint. In addition, a Standard Terminal Arrival Route (STAR) is now being developed for J987R that will be based on Kennedy VORTAC. Consequently, transition from the en route phase to the arrival phase of flight would be simplified if the same reference facility was used for the last en route waypoint and for the proposed STAR. Therefore, action is also taken herein to change the reference facility for "Empire, N.J.," waypoint from "Hancock, N.Y.," to "Kennedy, N.Y."

Since this amendment is minor in nature with no substantive change in the regulations, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days' notice.

In consideration of the foregoing, F.R. Doc. 72-2401 (§ 75.400, 37 F.R. 3510) is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In J987R delete third waypoint information "Countess, N.Y. 41°39'51" N., 73° 49'20" W., Hancock, N.Y." and substitute "Kingston, N.Y. 41°39'55" N., 73°49' 22" W., Huguenot, N.Y." Delete fourth waypoint information "Empire, N.J. 40° 47'11" N., 74°02'36" W., Hancock, N.Y." and substitute "Empire, N.J. 40°47'11" N., 74°02'36" W., Kennedy, N.Y." therefor.

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

Issued in Washington, D.C., on April 5, 1972.

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

[FR Doc.72-5466 Filed 4-10-72;8:47 am]

[Docket No. 11432; Amdt. 121-90]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Aviation Security; Certain Air Carriers and Commercial Operators; Security Programs and Other Requirements

The purpose of this amendment to § 121.538 of the Federal Aviation Regu-

lations is to supply language inadvertently omitted in Amendment 121-85 issued February 29, 1972 (37 F.R. 4904).

One of the criteria for amendment of a screening system or approved security program, as stated in paragraph (g) of § 121.538, is "safety in air transportation." This should also include "safety in air commerce" since the section also applies to a commercial operator engaging in intrastate common carriage covered by § 121.7. Accordingly, paragraph (g) is amended to provide for the amendment of a screening system or approved security program where safety in air commerce and the public interest requires such an amendment.

Because this amendment corrects an inadvertent omission and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that this amendment may be made effective in less than 30 days.

In consideration of the foregoing, paragraph (g) of § 121.538 of the Federal Aviation Regulations is amended, effective April 11, 1972, by inserting the phrase "(or in air commerce, in the case of a commercial operator)" after the words "air transportation" in the lead-in statement and in the fourth sentence in subparagraph (1).

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 4, 1972.

J. M. SHAFFER,
Administrator.

[FR Doc.72-5467 Filed 4-10-72;8:47 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Oxytetracycline Hydrochloride, Polymyxin B Sulfate Ophthalmic Ointment, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (8-763V) filed by Pfizer, Inc., 235 East 42d Street, New York, NY 10017, proposing revised labeling regarding the safe and effective use of oxytetracycline hydrochloride, polymyxin B sulfate ophthalmic ointment, veterinary, for the treatment of dogs, cats, cattle, sheep, and horses. The supplemental application is approved.

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

§ 135a.24 Oxytetracycline hydrochloride, polymyxin B sulfate ophthalmic ointment, veterinary.

(a) *Specifications.* Each gram of the ointment contains oxytetracycline hydrochloride equivalent to 5 milligrams of oxytetracyline and 10,000 units of polymyxin B sulfate.

(b) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for the prophylaxis and local treatment of superficial ocular infections due to oxytetracycline- and polymyxin-sensitive organisms. These infections include the following: Ocular infections due to streptococci, rickettsiae, *E. coli*, and *A. aerogenes* (such as conjunctivitis, keratitis, pinkeye, corneal ulcer, and blepharitis in dogs, cats, cattle, sheep, and horses); ocular infections due to secondary bacterial complications associated with distemper in dogs; and ocular infections due to bacterial inflammatory conditions which may occur secondary to other infectious diseases in dogs, cats, cattle, sheep, and horses.

(2) It is administered topically to the eye two to four times daily.

(3) Allergic reactions may occasionally occur. Treatment should be discontinued if reactions are severe. If new infections due to nonsensitive bacteria or fungi appear during therapy, appropriate measures should be taken.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-11-72).

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

Dated: March 30, 1972.

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

[FR Doc.72-5450 Filed 4-10-72;8:46 am]

SUBCHAPTER D—COSMETICS

PART 170—VOLUNTARY REGISTRATION OF COSMETIC PRODUCT ESTABLISHMENTS

PART 172—VOLUNTARY FILING OF COSMETIC PRODUCT INGREDIENT AND COSMETIC RAW MATERIAL COMPOSITION STATEMENTS

In the matter of issuing regulations establishing a procedure for (1) the voluntary registration of cosmetic product establishments and (2) the voluntary filing of cosmetic product ingredient statements:

A notice regarding these regulations which were based on two petitions filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), 1625 I Street NW, Washington, DC 20006, was published in the FEDERAL REGISTER of August 26, 1971 (36 F.R. 16934). In the same notice the Commissioner of Food and Drugs proposed a parenthetical statement which, if the regulations were adopted, would be inserted to identify certain cosmetic products that are also regarded as drugs by the Food and Drug Administration. Interested persons were invited to submit comments on the proposal within a 30-day period which ended September 25, 1971. Twenty-two comments were received.

With regard to the promulgation of these regulations in general, a member of Congress urged that the registration and filing of ingredient statements by producers of cosmetics be mandatory, that foreign producers of cosmetics be subjected to the regulations, and that ingredient labeling of cosmetic products be required. Two other comments challenged the legality of establishing voluntary regulations under section 701(a) of the Federal Food, Drug, and Cosmetic Act and urged that the regulations issued be mandatory. These two comments included legal arguments to support claims that it is extra legal to provide that data submitted voluntarily by firms filing cosmetic product ingredient statements be kept confidential by FDA; that authority now exists to require mandatory registration of cosmetic product establishments, filing of cosmetic ingredient statements, label declaration of ingredients on cosmetic products, and label declaration of any registration number issued by the Commissioner; and that authority now exists to provide that any cosmetic product that did not have an FDA-issued registration number on the label would be deemed to be misbranded.

The Commissioner has considered these comments and concludes that under section 701(a) of the act he is authorized to accept the voluntary registration of cosmetic product establishments and the voluntary filing of cosmetic product ingredient statements and cosmetic raw material composition statements as set forth in the regulations established below. He also agrees that foreign producers should be included in this voluntary registration. He concludes however that promulgation of a mandatory regulation could result in lengthy litigation that would seriously delay FDA from obtaining the type of information expected as result of this promulgation. If it is determined that the information obtained through the procedure established in these regulations does not adequately contribute to the efficient enforcement of the act, additional steps will be taken to promulgate mandatory regulations. The Commissioner further concludes that mandatory ingredient labeling goes beyond the scope of the proposal and cannot be implemented by these regulations.

Comments recommending label declarations of ingredients for cosmetic products are considered by the Commissioner to be meritorious. The Commissioner recognizes that regulations requiring cosmetic product ingredient disclosure on the labels of such products will prevent the deception of consumers and facilitate value comparisons. This issue was not a part of the CTFA petitions. Consideration is being given to publishing a proposal under the Federal Fair Packaging and Labeling Act, section 5(c)(3), 15 U.S.C. 1454(c)(3), for labeling of sensitizing ingredients.

A dermatologist commented that the proposed regulations were a step in the right direction but that they did not go far enough, particularly in the provision for providing coded samples to physicians treating persons suffering from allergic reaction. He urged establishment of a "Register" that would list all ingredients of all cosmetic products used in the United States and would be made available to every practicing dermatologist. The Commissioner concludes that a "Register" of cosmetic ingredients goes beyond the scope of the proposal and cannot be implemented by these regulations. The Commissioner considers that promulgation of labeling requirements for cosmetic ingredients will substantially satisfy the need of dermatologists for this type of data.

One comment from a professor at a school of medicine urged that feminine hygiene deodorants be considered drugs as are feminine douche products. This request was also included in the comment submitted by the member of Congress. Twelve of those commenting opposed the Commissioner's proposed parenthetical statement. These comments have been fully considered.

The Commissioner concludes that the parenthetical statement is not a necessary element of this voluntary regulation. In lieu of this statement, the proposed regulations have been changed to indicate that a cosmetic product which is also a drug is subject to the drug requirements of the Federal Food, Drug, and Cosmetic Act.

In his proposed parenthetical statement, the Commissioner cited cosmetic product categories which are also regarded as drugs because of their intended use. He would like to point out that the failure to cite feminine hygiene deodorants as an example should not be construed to indicate that such products may not also be considered drugs under appropriate circumstances.

One comment concerned the possible theft of ingredient information and urged that funds commensurate with the value of the formulations submitted to FDA be set aside to reimburse the owner of a stolen cosmetic formulation. The Commissioner concludes that creation of a special fund goes beyond the scope of the proposal and cannot be implemented by these regulations.

A public interest group objected to the all-inclusive scope of the petitioner's proposed provisions concerning confidentiality of statements submitted pursuant to Part 172. The commissioner concludes that these objections are valid, and the regulations have been changed so that such provisions are consistent with the mandate of section (3)(e)(4) of the Administrative Procedures Act (5 U.S.C. 552(b)(4)).

Fourteen associations or firms that are either involved in or closely allied to the cosmetic product industry favored the regulations proposed by the petitioner. However, some of these suggested amendatory language that would clarify and improve the procedure for obtaining compositional information regarding proprietary ingredients used in finished cosmetics.

Accordingly, on the basis of the comments received and the Commissioner's conclusions, the proposed regulations are being promulgated with the following changes:

1. For clarity, the titles of Parts 170 and 172 have been changed and new definitions are added to §§ 171.1 and 172.1.

2. Changes have been made throughout Parts 170 and 172 in order to include foreign cosmetic producers in these voluntary registration procedures.

3. A sentence has been added to § 172.1 (b) to point out that a cosmetic product which is also a drug is subject to the drug provisions of the act.

4. Clarifying changes have been made in § 172.5(a)(1) and (2), (b)(5), (d)(2) and (3), and (e), and a new subdivision has been added to paragraph (d)(1).

5. A new § 172.6 *Information requested about cosmetic* raw material has been added, and proposed §§ 172.6–172.9 have been redesignated as §§ 172.7–172.10.

6. To further implement new § 172.6, appropriate amendments have been made in §§ 172.2, 172.3, 172.4, 172.7 and 172.9.

7. The section heading of § 172.8 has been changed and the section is revised to clarify the procedure for acknowledging the receipt of statements, advising persons filing incomplete statements, and issuing statement numbers to persons filing complete statements.

8. Section 172.9 is revised to clarify the conditions under which trade secrets, and other privileged and confidential commercial information will be held in confidence consistent with the provisions of section 3(e)(4) of the Administrative Procedures Act as amended.

9. A new paragraph (b) has been added to § 172.10 to explain how the Food and Drug Administration Cosmetic Raw Material Composition Statement Number may be used.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 601, 602, 701(a), 704, 52 Stat. 1054 as amended, 1055, 1057 as amended; 21 U.S.C. 361, 362, 371(a), 374) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That 21 CFR Chapter I be editorially amended by redesignating the present Subchapters D and E as Subchapters E and F, respectively, and that a new Subchapter D—Cosmetics be established consisting at this time of two new Parts 170 and 172, as follows:

Sec.
170.1 Definitions.
170.2 Who should register.
170.3 Time for registration.
170.4 How and where to register.
170.5 Information requested.
170.6 Amendments to registration.
170.7 Notification of registrant; cosmetic products establishment registration number.
170.8 Inspection of registrations.
170.9 Misbranding by reference to registration or to registration number.
170.51 Exemptions.

AUTHORITY: The provisions of this Part 170 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 170.1 Definitions.

(a) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed.

(b) "Establishment" means a place of business where cosmetic products are manufactured or packaged.

(c) The term "manufacture" of a cosmetic product means the making of any cosmetic product by chemical, physical, biological, or other procedures, including manipulation, sampling, testing, or control procedures applied to the product.

(d) The term "packaging" of a cosmetic product means filling or labeling the product container, including changing the immediate container or label (but excluding changing other labeling) at any point in the distribution of the cosmetic product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(e) The term "all business trading names used by the establishment" means any name which is used on a cosmetic product label and owned by the cosmetic product manufacturer or packer, but is different from the principal name under which the cosmetic product manufacturer or packer is registered.

(f) The term "act" means the Federal Food, Drug, and Cosmetic Act.

(g) The definitions and interpretations contained in sections 201 and 602 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 170.2 Who should register.

The owner or operator of a cosmetic product establishment which is not exempt under § 170.51 and engages in the manufacture or packaging of a cosmetic product is requested to register for each such establishment, whether or not the product enters interstate commerce. This request extends to any foreign cosmetic product establishment whose products are exported for sale in any State as defined in section 201(a)(1) of the act. No registration fee is required.

§ 170.3 Time for registration.

The owner or operator of an establishment entering into the manufacture or packaging of a cosmetic product should register his establishment within 30 days after the operation begins.

§ 170.4 How and where to register.

FD Form 2511 ("Registration of Cosmetic Product Establishment") is obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed to Cosmetic Product Establishment Registration, Food and Drug Administration,

Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.5 Information requested.

FD Form 2511 requests information on the name and address of the cosmetic product establishment, including post office ZIP code; all business trading names used by the establishment; the kind of ownership or operation (e.g., individually owned, partnership, or corporation); and the type of business (manufacturer, packer, and/or distributor). The information requested should be given separately for each establishment as defined in § 170.1(b).

§ 170.6 Amendments to registration.

Within 30 days after a change in any of the information contained on a submitted FD Form 2511, a new FD Form 2511 should be submitted to amend the registration. This amendment is also necessary when a registration is to be canceled because an establishment has changed its name and no longer conducts business under the original name.

§ 170.7 Notification of registrant; cosmetic product establishment registration number.

The Commissioner of Food and Drugs will provide the registrant with a validated copy of FD Form 2511 as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each cosmetic product establishment registered in accordance with the regulations in this part.

§ 170.8 Inspection of registrations.

A copy of the FD Form 2511 filed by the registrant will be available for inspection at the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.9 Misbranding by reference to registration or to registration number.

Registration of a cosmetic product establishment or assignment of a registration number does not in any way denote approval of the firm or its products by the Food and Drug Administration. Any representation in labeling or advertising that creates an impression of official approval because of registration or possession of a registration number will be considered misleading.

§ 170.51 Exemptions.

The following classes of persons are not requested to register in accordance with this Part 170 because the Commissioner has found that such registration is not justified:

(a) Beauty shops, cosmetologists, retailers, pharmacies, and other persons and organizations that compound cosmetic products at a single location and administer, dispense, or distribute them at retail from that location and who do not otherwise manufacture or package cosmetic products at that location.

(b) Physicians, hospitals, clinics, and public health agencies.

(c) Persons who manufacture, prepare, compound, or process cosmetic products solely for use in research, pilot plant production, teaching, or chemical analysis, and who do not sell these products.

(d) Carriers, by reason of their receipt, carriage, holding, or delivery of cosmetic products in the usual course of business.

Sec.

AUTHORITY: The provisions of this Part 172 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 172.1 Definitions.

(a) The term "commercial distribution" of a cosmetic product means annual gross sales in excess of $1,000 for that product.

(b) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed. Any cosmetic product which is also a drug or device or component thereof is also subject to the requirements of Chapter V of the act.

(c) The term "flavor" means any natural or synthetic substance or substances used solely to impart a taste to a cosmetic product.

(d) The term "fragrance" means any natural or synthetic substance or substances used solely to impart an odor to a cosmetic product.

(e) The term "ingredient" means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product.

(f) The term "proprietary ingredient" means any cosmetic product ingredient whose name, composition, or manufacturing process is protected from competition by secrecy, patent, or copyright.

(g) The term "chemical description" means a concise definition of the chemical composition using standard chemical nomenclature so that the chemical structure or structures of the components of the ingredient would be clear to a practicing chemist. When the composition cannot be described chemically, the substance shall be described in terms of its source and processing.

(h) The term "cosmetic raw material" means any ingredient, including an ingredient that is a mixture, which is used in the manufacture of a cosmetic product for commercial distribution and is supplied to a cosmetic product manufacturer, packer, or distributor by a cosmetic raw material manufacturer or supplier.

(i) The definitions and interpretations contained in sections 201, 601, and 602 of the act shall be applicable to such terms when used in the regulations in this part.

§ 172.2 Who should file.

(a) Either the manufacturer, packer, or distributor of a cosmetic product is requested to file FD Form 2512 ("Cosmetic Product Ingredient Statement") whether or not the cosmetic product enters interstate commerce. This request extends to any foreign manufacturer, packer, or distributor of a cosmetic product exported for sale in any State as defined in section 201(a)(1) of the act. No filing fee is required.

(b) It is requested that FD Form 2513 ("Cosmetic Raw Material Composition Statement") be filed by either the manufacturer or supplier of a cosmetic raw material that is a proprietary ingredient or whose precise composition is not known to the cosmetic manufacturer, packer, or distributor receiving the ingredient whether or not the raw material enters into interstate commerce. This request extends to any foreign manufacturer or supplier of a cosmetic raw material that is exported for such use in any State as defined in section 201(a)(1) of the act. No filing fee is required.

§ 172.3 Times for filing.

(a) Within 180 days after forms are made available to the industry, FD Form 2512 should be filed for each cosmetic product being commercially distributed as of the effective date of this part. FD Form 2512 should be filed within 60 days after the beginning of commercial distribution of any product not covered within the 180-day period.

(b) FD Form 2513 should be filed, pursuant to § 172.2(b), by a cosmetic raw material manufacturer or supplier for each cosmetic raw material.

§ 172.4 How and where to file.

FD Form 2512 and FD Form 2513 and FD Form 2514 ("Discontinuance of Commercial Distribution of Cosmetic Product or Cosmetic Raw Material") are obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Statement, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, according to the instructions provided with the forms.

§ 172.5 Information requested about cosmetic products.

(a) FD Form 2512 requests information on:

(1) The name and address, including post office ZIP code, of the person (manufacturer, packer, or distributor) designated on the label of the product.

(2) The name and address, including post office ZIP code, of the manufacturer or packer of the product if different from the person designated on the label of the product, when the manufacturer or

packer submits the information requested under this paragraph.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product category or categories.

(5) The ingredients in the product.

(b) The person filing FD Form 2512 should:

(1) Provide the information requested in paragraph (a) of this section.

(2) Have the form signed by an authorized individual.

(3) Provide poison control centers with ingredient information and/or adequate diagnostic and therapeutic procedures to permit rapid evaluation and treatment of accidental ingestion or other accidental use of the cosmetic product.

(4) Provide ingredient information (and, when requested, ingredient samples) to a licensed physician who, in connection with the treatment of a patient, requests assistance in determining whether an ingredient in the cosmetic product is the cause of the problem for which the patient is being treated.

(5) Request that an FD Form 2513 be filed pursuant to § 172.6(b) by the manufacturer or supplier of any proprietary ingredient (including mixtures) or of any other cosmetic raw material which is used as an ingredient and has not as yet been assigned a cosmetic raw material composition statement number.

(c) One or more of the following cosmetic product categories should be cited to indicate the product's intended use.

(1) *Baby products.* (i) Baby shampoos.
(ii) Lotions, oils, powders, and creams.
(iii) Other baby products.

(2) *Bath preparations.* (i) Bath oils, tablets, and salts.
(ii) Bubble baths.
(iii) Bath capsules.
(iv) Other bath preparations.

(3) *Eye makeup preparations.* (i) Eyebrow pencil.
(ii) Eyeliner.
(iii) Eye shadow.
(iv) Eye lotion.
(v) Eye makeup remover.
(vi) Mascara.
(vii) Other eye makeup preparations.

(4) *Fragrance preparations.* (i) Colognes and toilet waters.
(ii) Perfumes.
(iii) Powders (dusting and talcum) (excluding aftershave talc).
(iv) Sachets.
(v) Other fragrance preparations.

(5) *Hair preparations (noncoloring).* (i) Hair conditioners.
(ii) Hair sprays (aerosol fixatives).
(iii) Hair straighteners.
(iv) Permanent waves.
(v) Rinses (noncoloring).
(vi) Shampoos (noncoloring).
(vii) Tonics, dressings, and other hair grooming aids.
(viii) Wave sets.
(ix) Other hair preparations.

(6) *Hair coloring preparations.* (i) Hair dyes and colors (all types requiring caution statement and patch test).
(ii) Hair tints.
(iii) Hair rinses (coloring).
(iv) Hair shampoos (coloring).
(v) Hair color sprays (aerosol).
(vi) Hair lighteners with color.
(vii) Hair bleaches.
(viii) Other hair coloring preparations.

(7) *Makeup preparations (not eye).* (i) Blushers (all types).
(ii) Face powders.
(iii) Foundations.
(iv) Leg and body paints.
(v) Lipstick.
(vi) Makeup bases.
(vii) Rouges.
(viii) Makeup fixatives.
(ix) Other makeup preparations.

(8) *Manicuring preparations.* (i) Basecoats and undercoats.
(ii) Cuticle softeners.
(iii) Nail creams and lotions.
(iv) Nail extenders.
(v) Nail polish and enamel.
(vi) Nail polish and enamel removers.
(vii) Other manicuring preparations.

(9) *Oral hygiene products.* (i) Dentifrices (aerosol, liquid, pastes, and powders).
(ii) Mouthwashes and breath fresheners (liquids and sprays).
(iii) Other oral hygiene products.

(10) *Personal cleanliness.* (i) Bath soaps and detergents.
(ii) Deodorants (underarm).
(iii) Douches.
(iv) Feminine hygiene deodorants.
(v) Other personal cleanliness products.

(11) *Shaving preparations.* (i) Aftershave lotions.
(ii) Beard softeners.
(iii) Men's talcum.
(iv) Preshave lotions (all types).
(v) Shaving cream (aerosol, brushless, and lather).
(vi) Shaving soap (cakes, sticks, etc.).
(vii) Other shaving preparation products.

(12) *Skin care preparations (creams, lotions, powder, and sprays).* (i) Cleansing (cold creams, cleansing lotions, liquids, and pads).
(ii) Depilatories.
(iii) Face, body, and hand (excluding shaving preparations).
(iv) Foot powders and sprays.
(v) Hormone.
(vi) Moisturizing.
(vii) Night.
(viii) Paste marks (mud packs).
(ix) Skin lighteners.
(x) Skin fresheners.
(xi) Wrinkle smoothing (removers).
(xii) Other skin care preparations.

(13) *Suntan and sunscreen preparations.* (i) Suntan gels, creams, and liquids.
(ii) Indoor tanning preparations.
(iii) Other suntan preparations.

(d) Ingredients in the product should be indicated as follows:

(1) A list of each ingredient of the cosmetic product in descending order of predominance by weight (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) should be accompanied by a letter designating the percentage of the ingredient added, as follows:

(i) The letter A represents over 50 percent.
(ii) The letter B represents over 25 percent to 50 percent.
(iii) The letter C represents over 10 percent to 25 percent.
(iv) The letter D represents over 5 percent to 10 percent.
(v) The letter E represents over 1 percent to 5 percent.
(vi) The letter F represents over 0.1 percent to 1 percent.
(vii) The letter G represents 0.1 percent or less.
(viii) The letter H represents 0 percent. (The letter H is to be used only to indicate that a particular color additive is absent in certain shades of a product as described in the instructions in FD Form 2512.)

(2) An ingredient, including an ingredient that is a mixture, should be listed by its common or usual name, if it has one; or by its chemical name (except proprietary ingredients); or by its trade name and the name of manufacturer or supplier. If such ingredient complies with a published standard (e.g., "The United States Pharmacopeia," "National Formulary," "Food Chemicals Codex," "CTFA Standards—Specifications," etc.) list only the common, usual, or chemical name found in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(3) When the manufacturer or supplier of a fragrance and/or flavor refuses to disclose ingredient data, the fragrance and/or flavor should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier of each proprietary mixture that is included.

(e) A separate FD Form 2512 should be filed for each different formulation of a cosmetic product. However, except for the hair coloring preparations listed in paragraph (c)(6) of this section for which a statement for each shade of such product is required, a single FD Form 2512 may be filed for two or more shades of a cosmetic product where only the amounts of the color additive ingredient used are varied or in the case of flavors and fragrances where only the amounts of the flavors and fragrances used are varied.

§ 172.6 Information requested about cosmetic raw materials.

(a) FD Form 2513 requests information on:

(1) The name and address, including post office ZIP code, of the manufacturer or supplier of the cosmetic raw material.

(2) The trade name or names of the cosmetic raw material.

(3) The identity of the ingredient in a cosmetic raw material or of the ingredi-

ents if the cosmetic raw material is a mixture.

(b) The person filing FD Form 2513 should:

(1) Provide the information requested in paragraph (a) of this section for each cosmetic raw material which is to be an ingredient in a cosmetic product offered for commercial distribution, whenever it is a proprietary ingredient (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) or an ingredient whose precise composition is not known to the cosmetic product manufacturer, packer, or distributor using it.

(2) Have it signed by an authorized individual.

(c) Information on the composition of cosmetic raw material should be shown as follows:

(1) A cosmetic raw material or an ingredient in a cosmetic raw material, including mixtures, should be listed by its common or usual name, if it has one; or its chemical name; or its chemical description. If this information is not available, list the trade name and supplier and request the manufacturer or supplier to file an FD Form 2513. If such cosmetic raw material or ingredient complies with a published standard (e.g. "The United States Pharmacopeia," "National Formulary," "Food Chemicals Codex," "CTFA Standards—Specifications," etc.) list only the common, usual, or chemical name in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(2) A cosmetic raw material that is a prepared mixture of ingredients should have each ingredient listed in descending order of predominance by weight (except that fragrance and/or flavor, if present, may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) with a letter designating the percentage of the ingredient added as described under § 172.5(d)(1).

(3) When the manufacturer or supplier of a fragrance and/or flavor refuses to disclose ingredient data, the fragrance and/or flavor used in a cosmetic raw material should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier.

(4) Ingredients in a prepared mixture of color additives, with or without diluents, that are used as cosmetic raw materials should be listed as described in subparagraphs (1) and (2) of this paragraph, using the approved FDA name of the color additive and/or diluent as listed in Part 8 of this chapter.

(d) The information requested should be given separately for each cosmetic raw material.

§ 172.7 Amendments to statement.

(a) Changes in the information requested under § 172.5(a) (3) and (5) on the ingredients or brand name of a cosmetic product should be submitted by filing an amended FD Form 2512, within 60 days after the product is entered into commercial distribution. Other changes do not justify immediate amendment, but should be shown by filing an amended FD Form 2512 within a year after such changes. Notice of discontinuance of commercial distribution of a cosmetic product should be submitted by FD Form 2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

(b) Changes in the information requested under § 172.6(a) (2) and (3) on the name or ingredients of a cosmetic raw material should be submitted by filing an amended FD Form 2513 on or before the time the cosmetic raw material is supplied to a cosmetic product manufacturer, packer, or distributor for use in a product for commercial distribution. The manufacturer, packer, or distributor should also be informed about any change in the name of a cosmetic raw material so he can send an amended FD Form 2512 as requested in paragraph (a) of this section. Other changes should be indicated by filing an amended FD Form 2513 within a year after these changes are made. Notice of discontinuance of commercial distribution of a cosmetic raw material should be submitted by FD Form 2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

§ 172.8 Notification of person submitting cosmetic product ingredient statement and cosmetic raw material composition statement.

When FD Forms 2512 and 2513 are received, the Commissioner of Food and Drugs will either assign a permanent cosmetic statement number or an FDA reference number in those cases where a permanent number cannot be assigned. Receipt of the forms will be acknowledged by sending the individual signing the statement an appropriate notice bearing either the FDA reference number or the permanent cosmetic statement number. If the person submitting FD Form 2512 has not complied with § 172.5(b)(1) and (2) or the person submitting FD Forms 2513 has not complied with § 172.6(b), he will be notified as to the manner in which his statement is incomplete.

§ 172.9 Confidentiality of statements.

(a) Each item of information contained in, attached to, or included with FD Forms 2512, 2513, 2514, and amendments thereto and constituting a trade secret or other privileged and confidential commercial information exempt from disclosure to the public must be clearly marked as confidential. Each item of information so marked must be accompanied by a statement setting forth adequate grounds to justify its confidentiality. If the Food and Drug Administration concludes that an item so marked is not exempt from disclosure to the public, the person submitting the information will be informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(b) Data and information otherwise exempt from public disclosure may be revealed in administrative or court enforcement proceedings where the data or information are relevant. Any such use will be in a manner that reduces public disclosure to the minimum necessary under the circumstances.

(c) Data and information otherwise exempt from public disclosure may be disclosed to consultants, advisory committees, and other persons who are special government employees. Such persons are thereafter subject to the same restrictions with respect to disclosure as any Food and Drug Administration employee.

§ 172.10 Misbranding by reference to filing or to statement number.

(a) The filing of an FD Form 2512 or 2513 or assignment of a number to the statement does not in any way denote approval by the Food and Drug Administration of the firm or the product. Any representation in labeling or advertising that creates an impression of official approval because of such filing or such number will be considered misleading, except as set forth in paragraph (b) of this section.

(b) The manufacturer or supplier of a cosmetic raw material that has been assigned a Food and Drug Administration Cosmetic Raw Material Composition Statement number (FDA CRMCS No.) pursuant to § 172.8 may use this number without violating the misbranding provision of this section under the following conditions:

(1) The FDA CRMCS No. is placed on the label of the container which is used to ship or transport the cosmetic raw material to a manufacturing establishment if the principal display panel of the label also contains the following disclaimer: "The FDA Cosmetic Raw Material Composition Statement number is assigned for raw material identification purposes only and does not in any way denote approval of the firm or the raw material by the Food and Drug Administration." The disclaimer phrase shall be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read and understood by the ordinary individual.

(2) The FDA CRMCS No. is used in cosmetic raw material trade literature, catalogue citations, and correspondence if the disclaimer specified in subparagraph (1) of this paragraph is made on the same page that the FDA CRMCS No. appears.

Effective date. Part 170 shall become effective 30 days after notice that FD Form 2511 is available for distribution, and Part 172 shall become effective 30

days after notice that FD Forms 2512, 2513, and 2514 are available for distribution. Notice of the date each of the forms will be available will be published in the FEDERAL REGISTER. It is anticipated that FD Form 2511 will be available on a date to be announced during April 1972 and that FD Forms 2512, 2513, and 2514 will be available on a date to be announced in May 1972. In the meantime, those desiring any of these forms may submit requests to the Food and Drug Administration as set forth in §§ 170.4 and 172.14 (21 CFR 170.4 and 172.4).

Dated: March 31, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-5298 Filed 4-6-72;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.657]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Exchange Visitors

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide regulations on the applicability of section 212(e) of the Immigration and Nationality Act, as amended, to alien exchange visitors who enter the United States or thereafter acquire status as an exchange visitor and engage in a field of specialized knowledge or skill which had been designated by the Secretary of State as a field in which the alien's country of nationality or last residence clearly required the services of persons so engaged.

Section 41.65 is amended to read as follows:

§ 41.65 Exchange visitors.

(a) *Classification.* An alien shall be classifiable as an exchange visitor if he qualifies under the provisions of section 101(a)(15)(J) of the Act and establishes to the satisfaction of the consular officer that:

(1) He has been accepted to participate, and intends to participate, in an exchange visitor program designated by the Department as evidenced by the presentation of a properly executed Form DSP-66 (Certificate of Eligibility for Exchange Visitor Status);

(2) He has sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses;

(3) He has sufficient knowledge of the English language to enable him to undertake the program for which he has been selected or the organization sponsoring him is aware of his deficiency in this respect and has indicated its willingness to accept him regardless of that deficiency; or that

(4) He is the spouse or minor child of such an exchange-visitor program participant.

(b) *Applicability of section 212(e) of the Act.* (1) An alien is subject to the 2-year foreign residence requirement of section 212(e) of the Act if—

(i) His participation in one or more exchange programs was wholly or partially financed, directly or indirectly, by the Government of the United States or by the government of his country of nationality or last residence; or

(ii) At the time of the issuance to him of an exchange visitor visa and admission to the United States, or, if not required to obtain a nonimmigrant visa, at the time of his admission to the United States as an exchange visitor, or at the time of his acquisition of such status after admission, he was a national or resident of a country which the Secretary of State had designated, through publication by public notice in the FEDERAL REGISTER, as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged in his exchange-visitor program.

(2) For the purposes of this subsection, the terms "financed directly" and "financed indirectly" shall be defined as set forth in § 63.1 of this chapter.

(3) If an alien is subject to the 2-year foreign residence requirement of section 212(e) of the Act, the spouse or child of such alien shall also be subject to such requirement if such spouse or child is admitted to the United States pursuant to section 101(a)(15)(J) of the Act for the purpose of accompanying or following to join such alien.

(4) The consular officer to whom an alien applies for an exchange visitor visa shall, prior to the issuance of such visa, determine whether the alien will be subject to the 2-year foreign residence requirement of section 212(e) of the Act if admitted to the United States under section 101(a)(15)(J) of the Act, and shall inform the alien of such determination.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (4-11-72).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Dated: March 31, 1972.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.72-5459 Filed 4-10-72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

[Docket No. R-72-177]

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

INSURANCE OF MORTGAGES

Part 200 is being amended to add a new § 200.119 to designate officials who may act on behalf of the Area Director with respect to the execution of specified instruments essential to the insurance of mortgages.

Accordingly, Part 200, Subpart D is amended in the table of contents and text by adding a new § 200.119 as follows:

Sec.
200.119 Designation of officials to perform certain functions with respect to the insurance of mortgages.

§ 200.119 Designation of officials to perform certain functions with respect to the insurance of mortgages.

(a) *Specification of functions.* Each of the officials appointed to the positions set forth in paragraph (b) of this section is designated to act for the Area Director solely for the purpose of executing the following instruments essential to the approval of a mortgage for insurance:

(1) The regulatory agreement between the Secretary and the owner;

(2) The agreement and certification between the Secretary, mortgagor, and mortgagee;

(3) The rent supplement contract between the Secretary and the housing owner; and

(4) The endorsement of the note for mortgage insurance.

(b) *Officials designated.* The functions described in paragraph (a) of this section may be exercised by the officials appointed to the following positions:

(1) The Deputy Area Director;

(2) The Director, Operations Division;

(3) The Deputy Director, Operations Division; and

(4) The Assistant to the Director, Operations Division.

(Secretary's delegation of authority, 36 F.R. 5006, Mar. 16, 1971)

Effective date. This designation shall be effective upon publication in the FEDERAL REGISTER (4–11–72).

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

[FR Doc.72–5501 Filed 4–10–72;8:50 am]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R–72–176]

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Policy Respecting Fair Market Rentals in Determination of Project Feasibility

Section 236 of the National Housing Act requires a mortgagor to establish, with the approval of the Secretary, a basic monthly rental charge and a fair market monthly rental charge for each rental unit in a project. In processing applications for section 236 rental projects, the Department will now require that determinations of feasibility be based on estimated fair market rental charges which do not exceed rents obtainable for reasonably comparable nonsubsidized rental dwelling units similarly located. An exception to this Department policy is provided for projects to be located in deteriorating residential neighborhoods. The exception provides that a project proposal with fair market rental charges exceeding those obtainable in a deteriorating neighborhood may be approved upon a finding that the project can be expected to contribute to the stabilization or improvement of the neighborhood and that the fair market rentals do not exceed those obtainable in comparable projects in stable neighborhoods.

Inasmuch as this amendment is a statement of policy of the Department, notice and public procedure hereon are not required.

Accordingly, Part 236 is amended by adding a new § 236.56 to read as follows:

§ 236.56 Determination of project feasibility—fair market rentals.

(a) In the determination of project feasibility prior to issuing a commitment for mortgage insurance under this part, the fair market rentals estimated in accordance with § 236.55(a)(2) shall be at a level that can be expected to attract nonsubsidized tenants, who will pay fair market rentals, and shall not exceed the rentals obtainable for reasonably comparable nonsubsidized rental dwelling units similarly located. Adjustments may be made in such rentals to reflect additional management services such as increased tenant screening, counseling, and income certification and recertifications.

(b) In determining the feasibility of a project to be located in a deteriorating residential neighborhood, the Commissioner may determine a project to be feasible with estimated fair market rental levels in excess of those than can be expected to attract nonsubsidized tenants in that neighborhood provided that:

(1) The estimated fair market rentals do not exceed estimated fair market rentals obtainable in comparable projects in more stable neighborhoods, and

(2) The proposed project can be expected to contribute to the stabilization or improvement of the neighborhood.

(Secs. 211 and 236, 52 Stat. 23, 82 Stat. 498; 12 U.S.C. 1717b, 1715z–1)

Effective date. This regulation is effective on May 10, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72–5500 Filed 4–10–72;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7178]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Place for Filing Notice of Acquisition of Canadian Issues—Form 3779

In order to prescribe a new place for filing notices of acquisition of Canadian issues on Form 3779 under § 147.4–1 of the temporary regulations concerning the interest equalization tax (26 CFR Part 147), § 147.4–1(c)(2) is amended, effective May 11, 1972, to read as follows:

§ 147.4–1 Exclusion for original or new issues where required for international monetary stability.

* * * * *

(c) *Notice of acquisition of Canadian issues.* * * *

(2) *Manner of filing.* Except as otherwise provided in the instructions accompanying the form, each U.S. person claiming an exclusion for an acquisition of original or new Canadian stock or debt obligations under section 4917(a) in accordance with Executive Order No. 11304 (or in accordance with Executive Order No. 11175 with respect to an acquisition made before September 12, 1966), shall file the notice of acquisition required under this section on Form 3779 with the Internal Revenue Service Center, 310 Lowell Street, Andover, MA 01812, and such notice shall set forth the information required by the form.

* * * * *

Because this Treasury decision amends existing temporary regulations merely by changing the place for filing forms of notice of acquisition of Canadian issues (Form 3779) in a manner not unfavorable to taxpayers, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of section 553(d).

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

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

Approved: April 3, 1972.

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

[FR Doc.72–5372 Filed 4–10–72;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Public Participation in Regulatory Development

On page 3552 of the FEDERAL REGISTER of February 17, 1972, there was published a notice of proposed rule making to issue a regulation concerning the policy of the Veterans Administration to use rule making procedures in certain cases even though not required by law. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received. It has been determined, however, that it would be more appropriate to refer to the new procedures as regulatory development procedures rather than rule making procedures. Hence, the proposed regulation is hereby adopted subject to the following changes:

In the title and the first and third sentences the words "rule making," each time they occur, are changed to read "regulatory development."

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (4–11–72).

Approved: April 4, 1972.

By the direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

New § 1.12 is added; to read as follows:

§ 1.12 Public participation in regulatory development.

It is the policy of the Veterans' Administration to afford the public general notice, published in the FEDERAL REGISTER, of proposed regulatory development, and an opportunity to participate in the regulatory development in accordance with the provisions of the Administrative Procedure Act (APA). All written comments received will be available for public inspection. Exceptions to the policy of permitting public participation in the regulatory development may be authorized by the Administrator or one of his Deputies if adequately justified

and concurred in by the General Counsel. Such exceptions, unless public comment is required by statute, may be recommended when (a) the proposed regulations consist of interpretative rules, general statements of policy, or rules of Veterans' Administration organization procedure or practice, or (b) when the Veterans' Administration for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. (5 U.S.C. 553)

[FR Doc. 72-5494 Filed 4-10-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

4-(Methylsulfonyl)-2,6-Dinitro-*N,N*-Dipropylaniline

A petition (PP 0F0981) was filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 4-(methylsulfonyl)-2, 6-dinitro-*N,N*-dipropylaniline in or on the raw agricultural commodities carrots at 0.2 part per million and grapes, cucurbits, and root crop vegetables (except carrots) at 0.1 part per million.

Subsequently, the petitioner amended the petition by withdrawing the request for tolerances on carrots and root crop vegetables.

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

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

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

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

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.237 is revised to read as follows:

§ 180.237 4-(Methylsulfonyl)-2,6-dinitro-*N,N*-dipropylaniline; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 4-(methylsulfonyl) - 2,6-dinitro-*N,N*-dipropylaniline in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, cucurbits, forage legumes, fruiting vegetables, grapes, peanuts, safflower seed, seed, and pod vegetables, and soybeans (dry form) at 0.1 part per million.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4-11-72).

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

Dated: April 5, 1972.

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

[FR Doc.72-5476 Filed 4-10-72;8:48 am]

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

Methanearsonic Acid

A petition (PP 2F1181) was filed by the Ansul Co., Marinette, Wis. 54143, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide methanearsonic acid (calculated as As_2O_3) in or on the raw agricultural commodity citrus fruit at 0.35 part per million resulting from application of the disodium and monosodium salts of methanearsonic acid.

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

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

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

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

3. The tolerance established by this order is not a negligible level, but it will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.289 is revised to read as follows:

§ 180.289 Methanearsonic acid; tolerances for residues.

Tolerances are established for residues of the herbicide methanearsonic acid (calculated as As_2O_3) from application of the disodium and monosodium salts of methanearsonic acid in or on raw agricultural commodities as follows:

0.7 part per million in or on cottonseed.

0.35 part per million in or on citrus fruit.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4–11–72).

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

Dated: April 5, 1972.

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

[FR Doc.72–5475 Filed 4–10–72;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5197]

[Idaho 3844]

IDAHO

Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of December 30, 1907, and March 16, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

CACHE NATIONAL FOREST

BOISE MERIDIAN

Green Basin Administrative Site

T. 14 S., R. 42 E.,
Sec. 32, an area described by metes and bounds in the S½NE¼ and N½SE¼, as shown on a plat on file in the Idaho State Office of the Bureau of Land Management.

The area described contains approximately 67.1 acres in Bear Lake County.

TARGHEE NATIONAL FOREST

Coal Kiln Administrative Site

T. 11 N., R. 27 E. (Protracted Survey),
Sec. 1, SW¼NE¼.

The area described contains 40 acres in Lemhi County.

2. At 10 a.m. on May 11, 1972, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72–5452 Filed 4–10–72;8:46 am]

[Public Land Order 5198]

[Wyoming 31006]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. sec. 300 (1970), it is ordered as follows:

1. The departmental order of March 18, 1920, creating Stock Driveway Withdrawal No. 128 (Wyoming No. 13), is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 39 N., R. 90 W.,
Sec. 23, SE¼SE¼SW¼SW¼.

The area described contains 2.5 acres in Fremont County.

The land lies some 3 miles northeast of Lost Cabin, Wyo. The terrain is flat to gently rolling at a mean elevation of 5,600 feet. Soils are a mixture of sand, silt, and clay on limey shales. Vegetation is confined to sagebrush, assorted short grasses, weeds, and semidesert type shrubs.

2. At 10 a.m. on May 11, 1972, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 11, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72–5453 Filed 4–10–72;8:46 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1074, Amdt. 4]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Burlington Northern Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of March 1972.

Upon further consideration of Service Order No. 1074 (36 F.R. 12225, 25424; 37 F.R. 1046, 4429), and good cause appearing therefor:

It is ordered, That § 1033.1074 *Service Order No. 1074* (Union Pacific Railroad Co. authorized to operate over certain trackage of Burlington Northern Inc.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1972.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment 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 notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–5525 Filed 4–10–72;8:52 am]

[Ex Parte MC–19 (Sub. 15)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Reservation of Vehicle Space by Shippers

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of February 1971.

It appearing, that on the Commission's own motion a rule making proceeding was initiated on June 17, 1971 (36 F.R. 11671), to determine whether it would be in the public interest to modify and revise the Commission's regulations applicable to the motor transportation of household goods so as to regulate or prohibit estimates and charges based on space reservation for a portion of a vehicle.

It further appearing, that investigation of the matters and things involved in these proceedings has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof;

It is ordered, That §§ 1056.7 and 1056.3, and 1056.12(b), of Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations, Transportation of Household Goods in Interstate or Foreign Commerce, be, and they are hereby, modified and revised in the following manner.

1. Amend 49 CFR 1056.3 by adding paragraph (d) to read:

§ 1056.3 Accessorial or terminal services; tariffs providing therefor; containers, packing, and unpacking charges.

* * * * *

(d) *Estimates and charges based on space reservation for a portion of a vehicle prohibited.* Carrier estimates and charges made in compliance with this subsection shall not be based upon specific reservation by a shipper of a portion of the capacity of a vehicle. Each motor common carrier of household goods shall file with the Regional Office of the Interstate Commerce Commission in the region in which the carrier maintains its principal office, a quarterly report, on a report form prescribed by the Commission, of all instances during the reporting period in which the carrier split or divided tendered shipments weighing less than 10,000 pounds, for transportation (including pickup or delivery) on two or more vehicles. The report shall contain the total number of shipments delivered by the carrier (on a monthly basis), and the total number of such split shipments delivered by the carrier (on a monthly basis), as well as the bill of lading number and the vehicle-load manifest number for each such split shipment.

§ 1056.7 [Amended]

2. Revise 49 CFR 1056.7, *Summary of Information for Shippers of Household Goods,* the chapter entitled "How Do I Know the Weight of My Shipment?", by adding the following paragraph after the last paragraph:

You are entitled to have your shipment transported without reserving space on a moving van. A carrier's estimates and charges may not be based on the reservation of a portion of the space of the moving van. It may sometimes be necessary for a mover to loan part of your shipment onto one partially loaded vehicle and the remaining part of your shipment onto another partially loaded vehicle in order to use vehicle space with the maximum efficiency. The carrier is required to report such instances to the Commission where the total weight of your shipment does not exceed 10,000 pounds.

3. Amend 49 CFR 1056.12(b) by adding after the last sentence the following:

§ 1056.12 Reasonable dispatch.

* * * * *

(b) * * * Shipper is entitled to have his shipment transported without reserving specific space in a vehicle. Estimates or charges based on space reservation for a portion of a vehicle are prohibited.

* * * * *

It is further ordered, That the amendments specified in the next preceding paragraphs be, and they are hereby, prescribed to become effective April 28, 1972, and to apply only on household goods removed from the shipper's premises on and after the said effective date.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5522 Filed 4-10-72;8:51 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS AND FILING OF CERTIFICATES AND REPORTS

Expanded Definition of Term "Securities"

ORDER. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of March 1972.

It appearing, that the Commission, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof; and

It further appearing, that since the proposed amendments to existing regulations relate to matters of practice and procedure resulting from the herein proceeding, further notice and public proceedings under 5 U.S.C. 533 are not necessary and good cause exists for making the amendments effective within 60 days after publication thereof in the FEDERAL REGISTER:

It is ordered, that Part 1115 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding the following to Form BF-6, referred to in § 1115.1:

Item 1(c). A statement clearly outlining the measures taken by a carrier, and its subsidiaries or affiliates, to insure that compliance with section 10 of the Clayton Antitrust Act (15 U.S.C. 20) has been achieved with respect to the proposed financing and all nonsecurity financing entered into in the current year of the application and the 2 previous calendar years.

Item 2(d). Applicant shall file a list of the amounts, terms, and purposes of all nonsecurity financing for the current year and 2 previous calendar years, by separate category, including, but not limited to, conditional sale contracts, chattel mortgages, security agreements, mortgages, deeds of trust, loan agreements in the nature of standby credit agreements, credit agreements, and advances.

The terms of each category of nonsecurity financing shall include the interest rate, terms of repayment, collateral pledged as security therefor, material restrictions of such arrangements, as well as detailed breakdown as to the use of the proceeds or credit thus obtained, specifically identifying uses for noncarrier purposes.

Item 2(e). Applicant shall file the following:

(i) Consolidated balance sheet and a consolidated income statement for applicant and its subsidiaries, showing intercompany eliminations.

(ii) A balance sheet and income statement for each of applicant's subsidiaries, or if this is not possible, a statement listing the annual net income and stockholders' equity (net worth) of each of the subsidiaries.

(iii) Applicant's pro forma income statement showing its forecasted revenues, expenses, and net income for the 12 months following the application date.

(iv) Applicant's cash flow statement for the 12 months preceding the filing of the application and its forecasted cash flow statement for the 12 months subsequent to such filing. These statements should show opening cash on hand, receipts by categories, disbursements by items, and cash balance at the end of the period, with a breakdown of funds flowing to and from carrier subsidiaries.

It is further ordered, That this order shall become effective 60 days after publication in the FEDERAL REGISTER;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5523 Filed 4-10-72;8:51 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

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-11-72).

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,000 acres or 9 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from May 6, 1972, through September 14, 1972, 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 14, 1972.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

APRIL 3, 1972.

[FR Doc.72-5458 Filed 4-10-72;8:46 am]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is effective on date of publication in the FEDERAL REGISTER (4-11-72).

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

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to fishing. This posted area comprising 50 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, 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 13, 1972, through September 30, 1972, during daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1972.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn. 55760.

APRIL 4, 1972.

[FR Doc.72-5511 Filed 4-10-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Certain Corporate Reorganizations

Notice is hereby given that the regulations proposed to be prescribed under sections 358, 362, and 368 of the Internal Revenue Code of 1954, which were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for April 23, 1968 (33 F.R. 6163), are withdrawn.

Further, 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 in six copies, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 11, 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 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 11, 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) to section 218 of the Revenue Act of 1964 (78 Stat. 57) and the Act of October 22, 1968 (82 Stat. 1310), such regulations are amended as follows:

PARAGRAPH 1. Section 1.358 is amended by revising subsection (e) of section 358 and the historical note to read as follows:

§ 1.358 Statutory provisions; basis to distributees.

Sec. 358. *Basis to distributees.* * * *

(e) *Exception.* This section shall not apply to property acquired by a corporation by the exchange of its stock or securities (or the stock or securities of a corporation which is in control of the acquiring corporation) as consideration in whole or in part for the transfer of the property to it.

[Sec. 358 as amended by sec. 21, Technical Amendments Act 1958 (72 Stat. 1620); sec. 2(a), Act of Oct. 22, 1968 (Public Law 90-621, 82 Stat. 1311)]

PAR. 2. Section 1.358-4 is amended to read as follows:

§ 1.358-4 Exceptions.

(a) *Plan of reorganization adopted after October 22, 1968.* In the case of a plan of reorganization adopted after October 22, 1968, section 358 does not apply in determining the basis of property acquired by a corporation in connection with such reorganization by the exchange of its stock or securities (or by the exchange of stock or securities of a corporation which is in control of the acquiring corporation) as the consideration in whole or in part for the transfer of the property to it. See section 362 and the regulations pertaining to that section for rules relating to basis to corporations of property acquired in such cases.

(b) *Plan of reorganization adopted before October 23, 1968.* In the case of a plan of reorganization adopted before October 23, 1968, section 358 does not apply in determining the basis of property acquired by a corporation in connection with such reorganization by the issuance of stock or securities of such corporation (or by the issuance of stock or securities of another corporation which is in control of such corporation) as the consideration in whole or in part for the transfer of the property to it. The term "issuance of stock or securities" includes any transfer of stock or securities, including stock or securities which were purchased or were acquired as a contribution to capital. See section 362 and the regulations pertaining to that section for rules relating to basis to corporations of property acquired in such cases.

PAR. 3. Section 1.362 is amended by revising subsection (b) of section 362 and by adding a historical note to read as follows:

§ 1.362 Statutory provisions; basis to corporations.

Sec. 362. *Basis to corporations.* * * *

(b) *Transfers to corporations.* If property was acquired by a corporation in connection with a reorganization to which this part applies, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer. This subsection shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the exchange of stock or securities of the transferee (or of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer.

* * * * *

[Sec. 362 as amended by sec. 2, (b), Act of Oct. 22, 1968 (Public Law 90-621, 82 Stat. 1311)]

PAR. 4. Section 1.362-1 is amended to read as follows:

§ 1.362-1 Basis to corporations.

(a) *In general.* Section 362 provides, as a general rule, that if property was acquired on or after June 22, 1954, by a corporation (1) in connection with a transaction to which section 351 (relating to transfer of property to corporation controlled by transferor) applies, (2) as paid-in surplus or as a contribution to capital, or (3) in connection with a reorganization to which Part III, subchapter C, Chapter 1 of the Code applies, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer. (See also § 1.362-2.)

(b) *Exceptions.* (1) In the case of a plan of reorganization adopted after October 22, 1968, section 362 does not apply if the property acquired in connection with such reorganization consists of stock or securities in a corporation a party to the reorganization, unless acquired by the exchange of stock or securities of the transferee (or of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer.

(2) In the case of a plan of reorganization adopted before October 23, 1968, section 362 does not apply if the property acquired in connection with such reorganization consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee (or, in the case of transactions occurring after December 31, 1963, of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer. The term "issuance of stock or securities" includes any transfer of stock or securities, including stock or securities which were purchased or were acquired as a contribution to capital.

PAR. 5. Section 1.368 is amended by revising section 368(a)(1)(B) and (2)(C), by adding a new section 368(a)(2)(D), by revising section 368(b), and by adding a historical note. The revised and added provisions read as follows:

§ 1.368 Statutory provisions; definitions relating to corporation reorganizations.

Sec. 368. *Definitions relating to corporate reorganizations*—(a) *Reorganization*—(1) *In general.* * * *

(B) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corpo-

ration which is in control of the acquiring corporation), of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

* * * * *

(2) *Special rules relating to paragraph (1).* * * *

(C) *Transfers of assets or stock to subsidiaries in certain paragraph (1)(A), (1)(B), and (1)(C) cases.* A transaction otherwise qualifying under paragraph (1)(A), (1)(B), or (1)(C) shall not be disqualified by reason of the fact that part or all of the assets or stock which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets or stock.

(D) *Statutory merger using stock of controlling corporation.* The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subparagraph as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under paragraph (1)(A) if (i) such transaction would have qualified under paragraph (1)(A) if the merger had been into the controlling corporation, and (ii) no stock of the acquiring corporation is used in the transaction.

(b) *Party to a reorganization.* For purposes of this part, the term "a party to a reorganization" includes—

(1) A corporation resulting from a reorganization, and

(2) Both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

In the case of a reorganization qualifying under paragraph (1)(B) or (1)(C) of subsection (a), if the stock exchanged for stock or properties is stock of a corporation which is in control of the acquiring corporation, the term "a party to a reorganization" includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under paragraph (1)(A), (1)(B), or (1)(C) of subsection (a) by reason of paragraph (2)(C) of subsection (a), the term "a party to a reorganization" includes the corporation controlling the corporation to which the acquired assets or stock are transferred. In the case of a reorganization qualifying under paragraph (1)(A) of subsection (a) by reason of paragraph (2)(D) of that subsection, the term "a party to a reorganization" includes the controlling corporation referred to in such paragraph (2)(D).

* * * * *

[Sec. 368 as amended by sec. 218, Rev. Act 1964 (78 Stat. 57); sec. 1, Act of Oct. 22, 1968 (Public Law 90-621, 82 Stat. 1310)]

PAR. 6. Paragraphs (b) and (c) of § 1.368-2 are revised to read as follows:

§ 1.368-2 Definition of terms.

* * * * *

(b) (1) In order to qualify as a reorganization under section 368(a)(1)(A) the transaction must be a merger or consolidation effected pursuant to the corporation laws of the United States or a State or territory, or the District of Columbia.

(2) In order for the transaction to qualify under section 368(a)(1)(A) by reason of the application of section 368(a)(2)(D), one corporation (the acquiring corporation) must acquire substantially all of the properties of another corporation (the acquired corporation) partly or entirely in exchange for stock of a corporation which is in control of the acquiring corporation (the controlling corporation), provided that (i) the transaction would have qualified under section 368(a)(1)(A) if the merger had been into the controlling corporation, and (ii) no stock of the acquiring corporation is used in the transaction. The foregoing test of whether the transaction would have qualified under section 368(a)(1)(A) if the merger had been into the controlling corporation means that the general requirements of a reorganization under section 368(a)(1)(A) (such as a business purpose, continuity of business enterprise, and continuity of interest) must be met in addition to the special requirements of section 368(a)(2)(D). Under this test, it is not relevant whether the merger into the controlling corporation could have been effected pursuant to State or Federal corportation law. The term "substantially all" has the same meaning as it has in section 368(a)(1)(C). Although no stock of the acquiring corporation can be used in the transaction, there is no prohibition (other than the continuity of interest requirement) against using other property, such as cash or securities, of either the acquiring corporation or the parent or both. In addition, the controlling corporation may assume liabilities of the acquired corporation without disqualifying the transaction under section 368(a)(2)(D). For example, if the controlling corporation agrees to substitute its stock for stock of the acquired corporation under an outstanding employee stock option agreement, this assumption of liability will not prevent the transaction from qualifying as a reorganization under section 368(a)(2)(D) and the assumption of liability is not treated as money or other property for purposes of section 361(b). Section 368(a)(2)(D) applies whether or not the controlling corporation (or the acquiring corporation) is formed immediately before the merger, in anticipation of the merger, or after preliminary steps have been taken to merge directly into the controlling corporation. Section 368(a)(2)(D) applies only to statutory mergers occurring after October 22, 1968.

(c) In order to qualify as a "reorganization" under section 368(a)(1)(B), the acquisition by the acquiring corporation of stock of another corporation must be in exchange solely for all or a part of the voting stock of the acquiring corporation (or, in the case of transactions occurring after December 31, 1963, solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), and the acquiring corporation must be in control of the other corporation immediately after the transaction. If, for example, corporation X in one transaction exchanges nonvoting preferred stock or bonds in addition to all or a part of its voting stock in the acquisition of stock of corporation Y, the transaction is not a reorganization under section 368(a)(1)(B). Nor is a transaction a reorganization described in section 368(a)(1)(B) if stock is acquired in exchange for voting stock both of the acquiring corporation and of a corporation which is in control of the acquiring corporation. The acquisition of stock of another corporation by the acquiring corporation solely for its voting stock (or solely for voting stock of a corporation which is in control of the acquiring corporation) is permitted tax free even though the acquiring corporation already owns some of the stock of the other corporation. Such an acquisition is permitted tax free in a single transaction or in a series of transactions taking place over a relatively short period of time such as 12 months. For example, corporation A purchased 30 percent of the common stock of corporation W (the only class of stock outstanding) for cash in 1939. On March 1, 1955, corporation A offers to exchange its own voting stock for all the stock of corporation W tendered within 6 months from the date of the offer. Within the 6-months' period corporation A acquires an additional 60 percent of stock of corporation W solely for its own voting stock, so that it owns 90 percent of the stock of corporation W. No gain or loss is recognized with respect to the exchanges of stock of corporation A for stock of corporation W. For this purpose, it is immaterial whether such exchanges occurred before corporation A acquired control (80 percent) of corporation W or after such control was acquired. If corporation A had acquired 80 percent of the stock of corporation W for cash in 1939, it could likewise acquire some or all of the remainder of such stock solely in exchange for its own voting stock without recognition of gain or loss.

* * * * *

[FR Doc.72-5374 Filed 4-10-72;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 251]

CONSTRUCTION-DIFFERENTIAL SUBSIDY

Notice of Proposed Rule Making

In Doc. 72-5135, appearing in the FEDERAL REGISTER issue of April 4, 1972 (37 F.R. 6759), § 251.16 *Documentation*, paragraph (b) is corrected to delete the words "for not less than 25 years" and substitute in lieu thereof the words "for not less than 20 years".

Dated: April 6, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc.72-5576 Filed 4-10-72;8:52 am]

National Oceanic and Atmospheric Administration

[50 CFR Part 260]

INSPECTION AND CERTIFICATION OF FISHERY PRODUCTS

Fees and Charges

APRIL 5, 1972.

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (35 F.R. 15627), it is proposed to amend certain sections of Part 260—Inspection and Certification pertaining to fees and charges. The intent of this proposal is to provide for reimbursement to the Department for all government costs attributable to the program for inspection and certification of fishery products. This proposal incorporates changes in the procedure relative to the treatment of rotation and reassignment costs of government personnel for the benefit of the government, and other additional costs attributable to the management of the Department within the legislative authority for conducting the program. These additional costs were not heretofore included in the rate structure.

Interested persons may submit written comments in regard to the proposed amendments to the regulations to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235.

All relevant material received not later than 60 days after publication of this notice will be considered.

ROBERT M. WHITE,
Administrator.

ROBERT W. SCHONING,
Acting Director.

1. In § 260.70 paragraphs (b) (1) and (2) and (d) (2) are revised as follows:

§ 260.70 Schedule of fees.

* * * * *

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Type I—Official establishment and product inspection—contract basis.*

	Per hour
Regular time	$13.80
Overtime	16.60
Sunday and Legal Holidays (2 hour minimum)	20.80

The contracting party shall be charged at an hourly rate of $13.80 per hour for regular time; $16.60 per hour for overtime in excess of 8 hours per shift per day; and $20.80 per hour for Sunday and national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(2) *Type II—Lot inspection—Officially and unofficially drawn samples.*

	Per hour
Regular time	$17.30
Overtime	20.75
Sunday and Legal Holidays (2 hours minimum)	25.95
Minimum fee	13.00

For lot inspection services performed between the hours of 7 a.m. and 5 p.m.: Monday through Friday—$17.30 per hours;

For lot inspection services performed at times Monday through Friday other than 7 a.m. to 5 p.m., and on Saturdays (2 hours minimum)—$20.75 per hour;

For lot inspection services performed on Sunday and national legal holidays (2 hour minimum)—$25.95 per hour.

The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $13.00.

* * * * *

(d) * * *

(2) Fees to be charged for any analysis performed at a government laboratory not specifically shown in this paragraph (d) will be based on the time required to perform such analysis at an hourly rate of $13.80.

* * * * *

Section 260.71 is revised as follows:

§ 260.71 Fee for inauguration of inspection service on a contract basis.

Prior to inauguration of inspection service, a fee of $17.50 per contract hour of inspection service will be charged and collected following completion of the final establishment survey and approval of it as an official establishment. The number of hours to which the fee for inauguration applies is the minimum number of man-hours of inspection per week determined in accordance with § 260.97(a).

[FR Doc.72-5446 Filed 4-10-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 51]

CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED

Proposed Identity Standard for Use of Any Edible Organic Acid

Notice is given that a petition has been filed by the National Canners Association, Washington, D.C. 20036, proposing that the standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) be amended to permit the use of any edible organic acid as an alternative to the acidifiers presently permitted. The proposal also provides for label declaration of the name of the edible organic acid used in all canned vegetables where acidification is provided for under the standard except for canned artichokes. As it concerns artichokes, the omission may have been due to an oversight. The Commissioner of Food and Drugs therefore proposes, on his own initiative, that the proposed labeling provision also apply to canned artichokes.

Grounds set forth in the petition in support of the proposal are that the proposed alternative acidifying agents are as effective (or more effective) and less expensive than the citric acid or vinegar presently permitted.

Accordingly, it is proposed that § 51.990 (21 CFR 51.990) be amended to provide for the use of any edible organic acid, with label declaration, as an alternative to the acidifiers presently permitted in canned vegetables other than those specifically regulated.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, and 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 22, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5491 Filed 4-10-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-RM-29]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Bryce Canyon, Utah, transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207.

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 Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10255 East 25th Avenue, Aurora, CO 80010.

A new public instrument approach procedure has been developed for the Bryce Canyon Airport, Bryce Canyon, Utah. Accordingly, it is necessary to alter the present Bryce Canyon, Utah, transition area to protect this approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Bryce Canyon, Utah, transition area is amended to read as follows:

BRYCE CANYON, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bryce Canyon Airport (latitude 37°42'00" N., longitude 112°09'30" W.) and within 2 miles each side of the Bryce Canyon, Utah VORTAC 085° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southeast and 9½ miles northwest of the Bryce Canyon VORTAC 240° and 060° radials, extending from 18½ miles southwest to 13 miles northeast of the VORTAC.

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

Issued in Aurora, Colo., on April 3, 1972.

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

[FR Doc.72-5471 Filed 4-10-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-16]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Carbondale, Ill., and alter the transition area at Marion, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

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

A new instrument approach procedure has been developed for the Southern Illinois Airport, Carbondale, Ill. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by altering the Carbondale, Ill. control zone and the Marion, Ill. transition area.

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

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

CARBONDALE, ILL.

Within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.) and within 3 miles either side of the 010° bearing from the Southern Illinois Airport, extending from the 5-mile-radius zone to 8 miles north of the airport, and 3 miles either side of the 249° bearing from the airport extending from the 5-mile-radius zone to 8 miles southwest of the airport. This control zone is effective during the specific dates and times established in advance by the Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

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

MARION, ILL.

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°48'30" N., longitude 89°23'50" W., thence south to latitude 37°17'00" N., longitude 80°25'25" W., thence southeast to latitude 37°41'50" N., longitude 89°22'45" W., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface 9.5 miles southeast of and 4.5 miles northwest of the 249° bearing from the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.) extending from the the airport to 18.5 miles southwest, excluding that portion within the State of Illinois.

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

Issued in Des Plaines, Ill., on March 22, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-5469 Filed 4-10-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-25]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the Galveston, Tex., control zone.

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 15 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 § 71.171 (37 F.R. 2056), the Galveston, Tex., control zone is amended by deleting "Galveston VOR" and substituting "Galveston VORTAC," therefor and by adding "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

The Southwest Region has received authorization to reduce the hours of operation of the Galveston Flight Service Station from 24 hours to 16 hours daily.

One of the requirements for the designation or continuation of a control zone is that there be a federally certificated weather observer available to provide all hourly and special weather observations at the primary airport upon which the control zone is designated, i.e., Scholes Field. Weather observations for Scholes Field are now provided by qualified personnel of the Galveston Flight Service Station. When the operational hours of the flight service station facility are reduced from 24 to 16 hours daily, there will be a corresponding reduction in the effective hours of the Galveston control zone.

It is anticipated the new effective hours of the Galveston control zone will be from 0600–2200, local time, daily.

During the period the control zone will not be in effect, the Galveston, Tex., area will continue to be served by the existing Galveston, Tex., 700-foot transition area which will provide instrument approach capability. Weather information will also be provided by the Automatic Meteorological Observation Station (AMOS) and supplemental information provided by the downtown National Weather Service office.

A foreign exchange line will be provided from Galveston to the Houston Flight Service Station during the hours the Galveston Flight Service Station is closed, i.e., from 2200–0600 daily.

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 Forth Worth, Tex., on March 30, 1972.

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

[FR Doc.72-5472 Filed 4-10-72;8:48 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 72-GL-17]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter Restricted Area R-6901, Camp McCoy, Wis., by making minor changes to the boundaries, extending the time of designation, designating it as a joint-use restricted area, designating the airspace as a control area, and including it in the continental control area.

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

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

The proposals contained in this docket would alter the Camp McCoy restricted area as follows:

R-6901 CAMP MCCOY, WIS.

Boundaries: Beginning at latitude 44°08'40'' N., longitude 90°44'00'' W.; to latitude 44°08'40'' N., longitude 90°40'22'' W.; to latitude 44°09'36'' N., longitude 90°40'22'' W.; to latitude 44°09'36'' N., longitude 90°36'50'' W.; to latitude 44°00'02'' N., longitude 90°36'35'' W.; to latitude 44°00'02'' N., longitude 90°35'15'' W.; to latitude 43°55'25'' N., longitude 90°35'22'' W.; to latitude 43°55'25'' N., longitude 90°43'45'' W.; to latitude 43°54'10'' N., longitude 90°45'50'' W.; to latitude 43°56'31'' N., longitude 90°45'50'' W.; to point of beginning.

Designated Altitudes: Surface to 20,000 feet MSL.

Time of Designation: Continuous.

Using Agency: Commanding Officer, Camp McCoy, Wis.

Controlling Agency: Federal Aviation Administration, Chicago ARTC Center.

The proposed changes have been requested by the Department of the Army to include several firing points within the restricted area and to provide for needed flexibility in operation of the ranges. Joint use would allow for release of the area for the transit of aircraft when not in use by the using agency.

Part 71 of the Federal Aviation regulations would be altered to designate the area as controlled airspace and include it in the continental control area in order to provide air traffic control services to instrument flight rule traffic transiting the area.

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

Issued in Washington, D.C., on April 5, 1972.

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

[FR Doc.72-5470 Filed 4-10-72;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

[24 CFR Part 235]

[Docket No. R-72-178]

MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Eligibility Requirements for Homes for Lower Income Families

Pursuant to sections 211 and 235 of the National Housing Act (the Act) (12 U.S.C. 1715b, 1715z) and the Secretary's delegation of authority (36 F.R. 5006), it is proposed to amend Part 235 of the regulations governing eligibility requirements of family units in a condominium project. The proposal will make mortgages on family units in existing condominium projects, constructed without mortgage insurance, eligible for section 235 insurance if the family unit mortgagor qualifies as a family occupying low-rent public housing and if the project meets such standards as the Commissioner may prescribe.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before May 11, 1972, addressed to the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10256, 451 Seventh Street SW., Washington, DC 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed amendment is set out in full below.

In § 235.20 paragraph (a) is amended to read:

§ 235.20 Requirements for family unit in condominium.

* * * * *

(a) *Family unit eligibility.* Except where a project involves 11 or less units, the family unit must be located:

(1) In a project which has been financed with a mortgage which is or has been insured under any of the FHA mul-

tifamily housing programs other than sections 213(a)(1) and 213(a)(2) of the National Housing Act; or

(2) In an existing condominium project which meets such standards as the Commissioner may prescribe, if the mortgage qualifies as a family occupying low-rent public housing.

* * * * *

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

[FR Doc.72-5513 Filed 4-10-72;8:50 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-432]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR STEAM-ELECTRIC PLANT

Notice Denying Request for Extension of Time

APRIL 3, 1972.

On March 30, 1972, the Edison Electric Institute filed a request for an extension of time within which to file comments concerning the notice of proposed alternatives in rulemaking, issued at 37 F.R. 5509, March 9, 1972, in the above-designated matter.

Upon consideration, notice is hereby given that the request for an extension of time is denied.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5456 Filed 4-10-72;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. 16]

ALLIED SURETY COMPANY

Surety Company Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $41,000 has been established for the company.

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

Allied Surety Company,
Pittsburgh, Pennsylvania,
Pennsylvania.

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

Dated: April 5, 1972.

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

[FR Doc.72-5490 Filed 4-10-72;8:49 am]

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Avery, Benny Eugene, 227 Garfield Street, Apartment H, Kansas City, MO, convicted on March 2, 1964, in the 7th Judicial Circuit Court, Liberty, Clay County, Mo.

Brandt, Alvin K., Box 44, Humboldt, SD, convicted on February 16, 1968, in the Circuit Court of Minnehaha County, S. Dak.

Barnes, Calvin V., 508 Cheatwood Avenue, Richmond, Va., convicted on September 18, 1956, and on February 19, 1957, in the Hustings Court of the city of Richmond, Va.

Barron, James, 32-11 146th Street, Flushing, NY, convicted on October 28, 1955, in the Nassau County Court, State of New York.

Bennett, George Larry, 4460 Plainfield Avenue, NE., Grand Rapids, MI, convicted on March 21, 1944, in the Superior Court of Grand Rapids, Mich.

Brown, William Edward, Sr., 2 Oak Lane, Mexico, MO, convicted on November 24, 1936, in the Circuit Court of Lafayette County, Mo.

Buffen, Cornell J., 17560 Appoline Street, Detroit, MI, convicted on April 4, 1957, in the Recorder's Court for the city of Detroit, Mich.

Byrd, Robert S., Route 2, Box 85, Mullins, S.C., convicted on March 19, 1954, in the Court of General Sessions, County of Marion, State of South Carolina.

Cain, Earl Thomas, 1040 North Lake Avenue, Pasadena, CA, convicted on October 21, 1952, in the U.S. District Court, Eastern District of Texas, Tyler Division.

Dams, Irving Carl, Star Route 1, Box 377, Iron Mountain, Mich., convicted on January 24, 1949, in the Circuit Court for the County of Dickinson, Iron Mountain, Mich.

Elliott, John H., 40 Jefferson Street, Milford, MA, convicted on April 25, 1945, in the Worcester County Superior Court, Worcester, Mass.

Felix, Raymond E., 15323 Kennebec, Southgate, MI, convicted on February 17, 1948, in the Hopkins County Circuit Court, Kentucky; on October 12, 1948, in the Oakland County Circuit Court, Michigan; on April 18, 1949, in the Boone County Circuit Court, Kentucky; and on May 14, 1951, in the Recorder's Court, Detroit, Mich.

Genacanyon, Peter, 9111 East Jefferson, Detroit, MI, convicted on June 26, 1945, in the District Court of the Sixteenth Judicial Circuit, in and for Denton County, Tex.

Gerhardt, Richard J., 112 Wahconah Street, Pittsfield, MA, convicted on January 3, 1930, in the Erie County Court, Buffalo, N.Y.

Gordon, Glenn M., 1704 Marion Avenue, Mattoon, IL, convicted on December 14, 1964, in the Circuit Court, Fifth Judicial Circuit for the State of Illinois, Charleston, Ill.

Grant, James N., Rural Route No. 2, Box 165, McDonald Road, Elgin, Ill., convicted on September 5, 1958, in the Franklin County Circuit Court, Benton, Ill.

Grover, Frank William, Sr., 15 West 537 Fillmore Street, Elmhurst, IL, convicted on May 5, 1951, in the Du Page County Circuit Court, Wheaton, Ill.

Hale, Floyd Ray 2813 Rosebud Lane, Fort Worth, TX, convicted on January 13, 1959, in the District Court, Tarrant County, Tex.

Hauskins, Thomas, Post Office Box 85, Jonesburg, MO, convicted on May 8, 1939, in the Bond County Circuit Court, Ill.

Heinrich, Michael, J., 7113 Milton Street, Detroit, MI, convicted on March 8, 1961, in the Recorder's Court for the city of Detroit, Mich.

Horvath, George A., 1 Beekman Place, New York, NY, convicted on October 8, 1971, in U.S. District Court for the Southern District of New York.

Huebner, George W., Butterfield Road, Rindge, N.H., convicted on July 16, 1954, in the Somerset County Court, N.J.

Larsen, Ronald L., 5835 North 28th Avenue, Omaha, NE, convicted on October 19, 1961, in the Douglas County, Nebraska, District Court.

Lester, Duane D., 2809 Southeast 8th Court, Des Moines, IA, convicted on December 17, 1957, in the Marion County, Iowa, District Court.

McKinley, James Allen, 13-B College Park Apartments, Camp Hill, PA, convicted on February 20, 1969, in the Court of Common Pleas in and for the County of Dauphin, Commonwealth of Pennsylvania.

Payne, Charles Gordon, Jr., 824 West Nagel, Enid, OK, convicted on April 5, 1967, in the District Court of Garfield County, Okla.

Reesman, Terry P., Box 252 Clay Street, Templeton, PA, convicted on May 24, 1971, in the Court of Common Pleas, Clarion County, Pa.

Riggs, Robert Henry, Fort Hill Road, Goshen, N.Y., convicted on March 1, 1965, in the Orange County Court, Goshen, N.Y.

Snowden, Hiram D., 1507 Applewood Lane, Louisville, KY, convicted on August 28, 1970, in the U.S. District Court for the Western Judicial District of Kentucky.

Tropf, Steven Lee, 2902 South Waverly Road, Lansing, MI, convicted on September 3, 1965, in the Circuit Court for the County of Ingham, State of Michigan.

Upshaw, George, 178-58 Leslie Road, Springfield Gardens, NY, convicted on March 23, 1942, in the Circuit Court of Cook County, Ill.

Weingarten, Albert J., Route No. 1, Box 27, Webber Road, Brookfield, MA, convicted on September 15, 1947, in the Royal Oak Circuit Court, Mich.

Wilkes, John Norman, Route 4, Box 219, Amelia, VA, convicted on April 7, 1944, in the U.S. District Court, Eastern Judicial District of Virginia, Richmond, Va.

Signed at Washington, D.C., this 4th day of April 1972.

[SEAL] REX D. DAVIS,
Director Alcohol, Tobacco and Firearms Division.

[FR Doc.72-5515 Filed 4-10-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 529]

ARIZONA

Notice of Filing of Plats of Survey

APRIL 4, 1972.

1. Plats of survey of the lands described below, accepted March 15, 1972, will be officially filed in the Arizona State Office on the date of publication in the FEDERAL REGISTER (4-11-72).

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 11½ N., R. 9 E.
Tract 37, containing 139.84 acres
T. 12 N., R. 8 E.
Tract 37, containing 80.50 acres

2. The above surveys were executed to provide for an exchange of land within the Tonto National Forest, Serial No. A 4418, therefore the lands will not be open to entry.

CHARLES G. BAZAN, Jr.,
Chief, Branch of Records and Data Management.

[FR Doc.72-5512 Filed 4-10-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 12]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The provisions of section 20 entitled "Barley—Export Sales (Bulk)" of the CCC Monthly Sales List for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, as amended in 36 F.R. 17878, are deleted.

Effective date: 2:30 p.m., e.s.t., March 31, 1972.

Signed at Washington, D.C., on April 4, 1972.

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

[FR Doc.72-5483 Filed 4-10-72;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 28(70)-23]

USZER JOSEF FISZMAN, AND U. J. FISZMAN, IMPORT-EXPORT FABRIKATION/GROSSHANDEL ALLER ART

Order Denying Export Privileges for an Indefinite Period

In the matter of Uszer Josef Fiszman, doing business as U. J. Fiszman, Import-Export Fabrikation/Grosshandel aller Art, Breitlacherstrasse 96, 6 Frankfurt/Main, Federal Republic of Germany, respondent.

The Director, Compliance Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all United States export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Compliance Commissioner, Bureau of International Commerce, who, after consideration of the evidence, has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent, Uszer Josef Fiszman, does business under the firm name and style of U. J. Fiszman, Import-Export, Fabrikation/Grosshandel aller Art, with a place of business in Frankfurt/Main, Federal Republic of Germany; that he is a dealer in radios, phonographs, semiconductor devices, and measuring instruments; that in August 1967 he ordered from a supplier in New York City a quantity of transistors that required a validated license for exportation from the United States; that notwithstanding respondent's knowledge of the licensing requirements, there is reason to believe that on his direction an agent of his came from Frankfurt, West Germany, to New York, took delivery of the transistors, and transported them to West Germany, without the required export license having been obtained. The Compliance Division is conducting an investigation into this transaction to ascertain the details of the respondent's role in the transaction, what disposition was made of the transistors in question, and whether there were violations of the Export Control Regulations.

It is impracticable to subpena the respondent, and relevant and material interrogatories relating to his participation in the above transaction and regarding disposition of the commodities in question were served on him pursuant to § 388.15 of the Export Control Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to said transaction. The respondent has failed to furnish responsive answers to said interrogatories or to furnish the documents requested, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation. The term "respondent" as used in this order includes any firm name or trade style under which respondent does business including U. J. Fiszman, Import-Export, Fabrikation/Grosshandel aller Art.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or

(b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner, at Washington D.C., at the earliest convenient date.

Dated: April 4, 1972.

This order shall become effective on April 11, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-5403 Filed 4-10-72;8:45 am]

National Oceanic and Atmospheric Administration

PAMLICO SOUND, N.C.

Determination of Commercial Fishery Failure Due To Resource Disaster

Whereas, many individuals and firms in North Carolina are engaged in harvesting, processing, and marketing oysters to meet consumer demand; and

Whereas, oyster producing grounds of Pamlico Sound area have been an important contributing oyster resource having an area of 33,000 acres containing in excess of 50,000 bushels of harvestable oysters; and

Whereas, 700 or more fishermen are involved; and

Whereas, damage to the oyster crop resulting from winds and rains of Hurricane Ginger ranged from 20 percent to 70 percent mortality, averaging 30 percent to 35 percent for the marketable 3-inch and larger oysters with an immediate economic loss of about $80,000 to the oyster fishermen; and

Whereas, it is known that the damaged resource can be effectively and economically restored;

Now, therefore, as authorized representative of the Secretary of Commerce, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster arising from natural causes within the meaning of subsection 4(b) of the Commercial Fisheries Research and Development Act as amended. Pursuant to this determination, I hereby authorize the use of funds appropriated under the aforementioned Act to restore the damaged oyster resource of Pamlico Sound, N.C.

R. M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

APRIL 5, 1972.

[FR Doc.72-5498 Filed 4-10-72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Management

[Docket No. D-72-164]

JOHN E. WOMACK AND KENNETH L. DOSIER

Redelegation of Authority With Respect to the Buffalo Creek Valley Flood Disaster, W. Va.

John E. Womack and Kenneth L. Dosier, each is authorized to enter into and administer procurement contracts for the purchase of mobile homes, and installation and maintenance thereof, within the Buffalo Creek Valley Flood Disaster, West Virginia area; and to make related determinations except determinations under section 302(c)(11), (12), and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c)(11), (12), and (13)), with respect to major-disaster relief functions of the Department as asigned by the Director, Office of Emergency Preparedness, by Public Law 91-606 (42 U.S.C. 4401), and Executive Order 11575 (36 F.R. 37), and regulations of OEP (32 CFR Parts 1709 and 1710, amended by 36 F.R. 1329).

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Secretary's delegation February 15, 1972, 37 F.R. 3376)

Effective date. This redelegation of authority is effective as of March 8, 1972, and shall expire upon termination of the temporary detail to the West Virginia disaster.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-5514 Filed 4-10-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED AND DENIED

APRIL 4, 1972.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during March 1972:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6584	Shippers registered with this Board to ship corrosive liquids for which DOT-34 polyethylene containers is prescribed, in a fused three-piece polyethylene container having metal chime bands.	Highway, Rail, Water.
6588	Shippers registered with this Board to ship fissile and large quantities of radioactive material in the Model PM-2A irradiated fuel shipping cask.	Highway, Rail, Water
6589	Shippers registered with this Board to ship oxygen and nitrogen mixture in a pressure vessel assembly consisting of stainless steel tubing in a double coil configuration.	Highway, Rail.
6592	Ashland Chemical Company, Dublin, Ohio to ship nitric acid, 42° Baume, in unlined, non-DOT specification portable tanks made of 316 ELC stainless steel.	Highway.
6593	Chevron Chemical Company, San Francisco, California to ship paraquat dichloride in DOT specification 6D cylindrical steel overpack with inside DOT Specification 2SL polyethylene container.	Highway, Rail, Water.
6594	Rocky Mountain Dental Products Company, Denver, Colorado, to ship various flammable liquids in minute quantities packed with other nonregulated commodities in kits complying with 49 CFR 173.24.	Highway, Rail, Water.
6596	PPG Industries, Pittsburgh, Pa., to ship certain liquid organic peroxides each in solution of 50% by weight dissolved in a mineral spirit solvent, packed as prescribed in 49 CFR 173.221(a) (3) and overpacked in the Masterbuilt Container.	Highway, Water.
6597	Radiation Service Associates, Dover, New Jersey, to make one shipment of special form radioactive material in lead-filled, right cylindrical weldment conforming to DOT Specification 55.	Highway.
6600	Shippers registered with this Board to ship certain flammable liquids in 1-gallon metal cans overpacked in fiberboard boxes complying with specification 12B except inner flaps gap and fill-in pieces are not required.	Highway, Rail, Water.
6601	Shippers registered with this Board to ship large quantities of radioactive materials in the Model LL-50-100 Shipping Cask System.	Highway.
6602	Shippers registered with this Board to ship bromine chloride in DOT Specification 105A500W tank cars or 106A500X tanks.	Highway, Rail.
6603	Shippers registered with this Board to ship methyl parathion mixtures, liquid containing not more than 50% methyl parathion in DOT Specification 105A300W tank cars.	Rail.
6604	PPG Industries, Pittsburgh, Pa., to make one shipment of vinyl chloride in Specification 112A340W tank car having safety relief valve overdue for retest.	Rail.
6605	Shippers registered with this Board to ship low specific activity radioactive material in the form of tritiated water in insulated, cryogenic-type cargo tanks.	Highway.
6606	Stauffer Chemical Company, Ardsley, N.Y., to ship diethyl chlorophosphate in DOT Specification 17C steel drum with inside 2SL polyethylene container.	Highway, Water.
6607	Bio-Lab, Inc., Decatur, Ga., to ship trichloroisocyanuric acid, dry, compressed into the shape of a cylinder, in two identical interlocking molded polystyrene half packs.	Highway.
6609	Shippers registered with this Board to ship anhydrous ammonia in AAR Specification 120A300W tank cars with bottom outlets effectively sealed and rendered inoperative.	Rail.

Following is a list of requests for special permits which were denied during March 1972:

Denied—Subject:

1. Thiokol Chemical Corp., Longhorn Division, Marshall, Tex. to reinstate special permit to authorize shipment of ammonium perchlorate in 74-cubic foot capacity aluminum bins.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-5385 Filed 4-10-72;8:45 am]

ATOMIC ENERGY COMMISSION

SAFETY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued two new safety guides and a supplement to Safety Guide No. 11 which have been developed to provide guidance on the acceptability of specific safety-related features of water cooled nuclear powerplants.

A total of 23 of these guides has been completed since the Commission, on November 13, 1970, announced development of a series of these guides.

The primary purpose of the safety guides is to make available to the industry positions that have been developed by the Regulatory Staff and the Commission's Advisory Committee on Reactor Safeguards on safety isues. Although the safety guides are not regulatory requirements, they do specifically identify safety issues that should be considered in the design and in the evaluation of water cooled nuclear powerplants and describe a set of principles and specifications which will represent an acceptable solution to the Regulatory Staff and Advisory Committee on Reactor Safeguards on these issues. Their use by an applicant will expedite the licensing review process.

Titles of the new guides are:

Safety Guide No. 22—"Periodic Testing of Protection System Actuation Functions."

Safety Guide No. 23—"Onsite Meteorological Programs."

Supplement to Safety Guide No. 11—"Instrument Lines Penetrating Primary Reactor Containment—Backfitting Considerations."

Other safety guides currently being developed include the following:

Assumptions used for evaluating the potential radiological consequences of a fuel handling accident for boiling and pressurized water reactors.

Radioactive gas storage tank failure assumptions.

Reactor coolant pressure boundary leakage detection.

Quality assurance for design of nuclear powerplants.

Ultimate heat sink.

Quality standards for systems and components.

Seismic design classification for structures, systems, and components.

Reactor coolant pressure boundary pipe rupture and pipe whip.

Liquid radioactive waste accident assumptions.

Supplementary quality assurance criteria for operation.

Monitoring and reporting of environmental levels.

Physical independence of protection, engineered safety feature, and Class IE electric systems.

Quality assurance program requirements (design and construction).

Comments and suggestions for improvements in the guides are encouraged. Comments and requests for copies of the guides should be sent to the Director, Division of Reactor Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(5 U.S.C. 552(a))

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

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72-5444 Filed 4-10-72;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Order for Prehearing Conference

In the matter of Public Service Electric and Gas Co. (Newbold Island Nuclear Generating Station Units 1 and 2), Dockets Nos. 50-354, 50-355.

The Atomic Safety and Licensing Board has convened two prehearing conferences in accordance with the rules of practice of the Commission in order to aid in the simplification and clarification of the issues and the contentions of persons seeking intervention, as well as to develop methods and plans for the presentation of evidence, including possible stipulations of facts, determination of number of witnesses intended to be presented, and other matters as will aid in the orderly disposition of this proceeding. The Board, after a review of written communications from the parties, has determined that a further and similar prehearing conference should be scheduled.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, and take notice that a prehearing conference in this proceeding shall convene at 9:30 a.m. on Thursday, April 27, 1972, in the Cultural Center Auditorium of the New Jersey State House Complex, West State Street, Trenton, N.J., and shall include as participants the parties and petitioners seeking intervention.

Issued: April 4, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD.
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-5445 Filed 4-10-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP 69-251]

MICHIGAN WISCONSIN PIPE LINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Joint Petition To Amend; Correction

MARCH 30, 1972.

In the notice of joint petition to amend, issued March 22, 1972 and published in the FEDERAL REGISTER March 29, 1972 (37 F.R. 6426): #3 Line 3 and #4 Line 2, change "Northern" to "Natural".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5454 Filed 4-10-72;8:46 am]

[Docket Nos. CI72-590]

PHILLIPS PETROLEUM CO.

Notice of Applications

APRIL 4, 1972.

Take notice that on March 20, 1972, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed applications in Docket Nos. CI72-590 through CI72-598 pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing sales for resale to El Paso Natural Gas Co. (El Paso) of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to El Paso, pursuant to a surplus residue gas purchase contract dated March 1, 1972, residue gas, remaining at the various plants listed below after processing raw gas produced from properties developed by Applicant and connected to its gathering systems from and after March 1, 1972, and after processing raw gas purchased from other producers under any renewal or extension of an existing contract and under new contracts entered into and after November 1, 1971:

Docket	Plant	County, State
CI72-590	Goldsmith	Ector County, Tex.
CI72-591	Eunice	Lea County, N. Mex.
CI72-592	Lee	Do.
CI72-593	Hobbs	Do.
CI72-594	Lusk	Do.
CI72-595	Fullerton	Andrews County, Tex.
CI72-596	Crane	Crane County, Tex.
CI72-597	Ector	Ector County, Tex.
CI72-598	Wilson	Lee County, Tex.

Applicant currently sells and delivers residue natural gas to El Paso from the aforesaid plants. Applicant states that in order to assure an adequate supply of raw gas to El Paso, it has been necessary to enter into the new March 1, 1972 contract which provides for substantially higher residue gas prices in order to encourage the development of more gas producing properties and to compete against the intrastate market.

Under the terms of the subject contract, the initial price of the residue gas will be 30 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment. The contract term is to end January 1, 1987.

Any person desiring to be heard or to make any protest with reference to said applications 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). 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, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5457 Filed 4-10-72;8:46 am]

[Dockets Nos. RI72-168, etc.]

WESTERN OIL & MINERALS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

MARCH 28, 1972.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued January 28, 1972 and published in the FEDERAL REGISTER February 5, 1972 (37 F.R. 2815): Appendix "A" Docket No. RI72-171 *Continental Oil Co.* Under column headed "Rate in Effect" change "15.2678" to "15.2869" opposite Docket No. RI72-171, Rate Schedule No. 268, Continental Oil Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5455 Filed 4-10-72;8:46 am]

[Docket No. CS72-851, etc.]

JOEL S. PRICE, TRUSTEE ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 3, 1972.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 1, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-851	3- 8-72	Joel S. Price, Trustee et al., 2525 Northwest 62d Street, Apt. 108, Oklahoma City, OK 73112.
CS72-852	3- 9-72	Delta Drilling Co., 2210 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS72-853	3-13-72	William E. Brock, 1420 Americana Bldg., Houston, Tex. 77002.
CS72-854	3-13-72	Samson Oil Co., 3000 West Reno, Oklahoma City, OK 73108.
CS72-855	3-13-72	Jones Creek Gas Gathering Corp., 502 Petroleum Tower, Corpus Christi, Tex. 60201.
CS72-856	3-13-72	Norwin Associates, 27 Norwood Ave., Upper Montclair, NJ 07043.
CS72-857	3-13-72	Donald A. Nelson, Post Office Box 66100, Chicago, IL 60666.
CS72-858	3-14-72	H. O. Pool, 1300 El Paso National Bank Bldg., El Paso, Tex. 79901.
CS72-859	3-14-72	D. M. Magee, Operator, Post Office Box 1332, Alice, TX 78332.
CS72-860	3-15-72	Leasehold Interests, Inc., 44 Wall St., New York, NY 10005.
CS72-861	3-16-72	Loura Durham Selph, Post Office Box 64, Cotton Valley, LA 71018.
CS72-862	3-16-72	Mann Rankin, Post Office Box 82, Midland, TX 79701.
CS72-863	3-16-72	C. D. Elwell, Post Office Box 262, Midland, TX 79701.
CS72-864	3-16-72	R. K. Kimberlin, Jr., Post Office Box 262, Midland, TX 79701.
CS72-865	3-16-72	Houston Resources Corp., 1212 Main St., Suite 403, Houston, TX, 77002.
CS72-866	3-17-72	Westheimer-Neustadt Corp., Post Office Box 788, Ardmore, OK 73401.
CS72-867	3-17-72	Martha G. Slay, 1313 Hamilton St., Mena, AR 71953.
CS72-868	3-17-72	Herman Williamson, Jr., 4057 Baltimore St., Shreveport, LA 71106.
CS72-869	3-20-72	Wiley W. Lowrey, 425 Northwest 39th St., Oklahoma City, OK 73118.
CS72-870	3-20-72	R.K.G. Engineering Co., Route 1, Box 424, Odessa, Tex. 79760.
CS72-871	3-20-72	Philwell, Inc., 2000 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.
CS72-872	3-20-72	Alice-Sidney Oil Co., 310 Armstrong Bldg., El Dorado, Ark. 71730.
CS72-873	3-20-72	H. G. Spiller, 1215 Perry Brooks Bldg., Austin, Tex. 78701.
CS72-874	3-20-72	Edgewater Oil Co., Inc., Post Office Box 2702, Layfayette, LA 70501.
CS72-875	3-9-72	Barron Kidd et al., 405 Oak Plaza Bldg., 3707 Rawlins St., Dallas, TX 75219.
CS72-876	2-22-72	D. Thomason et al., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-878	3-22-72	Paul H. Pewitt, 400 Southwest Reserve Life Bldg., Longview, Tex. 75601.
CS72-879	3-22-72	C. L. & Gladys Lloyd, Trust No. 1, First National Bank in Dallas, Trust-Oil Department, Post Office Box 6031, Dallas, TX 75222.
CS72-880	3-22-72	Kirby Petroleum Co., Post Office Box 1745, Houston, TX 77001.
CS72-881	3-20-72	Jack A. Talbot, Trust No. 1, 1018 Atlas Life Bldg., Tulsa, Okla. 74103.
CS72-882	3-20-72	Charles William Talbot, Trust No. 1, 1018 Atlas Life Bldg., Tulsa, Okla. 74103.
CS72-883	3-13-72	Tom Bolack and Alice Schwerdtfeger Bolack, 1010 North Dustin, Farmington, NM 87401.
CS72-884	3-13-72	Michael V. Kelly and William E. Brock, d.b.a. Kelly-Brock, 1420 Americana Bldg., Houston, Tex. 77002.
CS72-885	3-15-72	J. D. Borden, 4110 Waldemar, Abilene, TX 79605.
CS72-886	3-17-72	Samuel Gary, 1776 Lincoln St., Suite 1210, Denver, CO 80203.
CS72-887	3-20-72	Tripor Resources Oil & Gas Fund, 919 Third Ave., 28th Floor, New York, NY 10022.
CS72-888	3-20-72	Willis N. Clark, Post Office Box 662, Pampa, TX 79065.
CS72-889	3-20-72	William M. Comegys, Jr., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-890	3-20-72	Emily Ann Glassell Comegys, 604 Johnson Bldg., Shreveport, La. 71101.
CS72-891	3-20-72	Lillian Glassell Crichton, 604 Johnson Bldg., Shreveport, La. 71101.

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

Docket No.	Date filed	Name of applicant
C872-893...	3-22-72	M. W. Brown, Box 94233, Oklahoma City, OK 73109.
C872-893...	3-22-72	John C. Voorhees & Co., Post Office Box 18735, Oklahoma City, OK 73118.
C872-894...	3-22-72	McAfee & Wickham, 1307 First National Bldg., Oklahoma City, Okla. 73102.
C872-895...	3-22-72	James R. Hazelwood, 7917 Duane Dr., Oklahoma City, OK 73132.
C872-896...	3-23-72	Gibraltar Oil Co., % F. B. Meyer, 343 South Reeves Dr., No. 202, Beverly Hills, CA 90212.
C872-897...	3-22-72	Isern-Wells, Post Office Box 486, Ellinwood, KS 67526.
C872-898...	3-27-72	Nolan Edward Manziel, Post Office Box 3005, Station A, Tyler, TX 75701.
C872-899...	3-27-72	Norman P. Manziel, Post Office Box 3005, Station A, Tyler, TX 75701.
C872-900...	3-27-72	Walter E. Beaird, Peoples National Bank Bldg., 13th Floor, Tyler, TX 75701.
C872-901...	3-27-72	Robert P. Tinnin et al. Post Office Box 1854, Albuquerque, NM 87103.
C872-902...	3-27-72	Robert L. Edge, Peoples National Bank Bldg., 13th Floor, Tyler, Tex. 75701.
C872-903...	3-27-72	H. J. Moehlmann, Peoples National Bank Bldg., 13th Floor, Tyler, Tex. 75701.
C872-904...	3-27-72	Robbins Petroleum Corp., Post Office Box 1389, Longview, TX 75601.

[FR Doc.72-5361 Filed 4-10-72;8:45 am]

[Docket No. E-7717]

MINNESOTA POWER & LIGHT CO.

Notice of Application

APRIL 6, 1972.

Take notice that on March 14, 1972, Minnesota Power & Light Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 400,000 shares of its common stock.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business office at Duluth, Minn., and is engaged in the electric utility business within the State of Minnesota.

The common stock will be sold at competitive bidding in accordance with the Commission's regulations.

The proceeds from the sale of the common stock will be used to reduce an estimated $19 million in short-term borrowings and will finance, in part, the Applicant's construction program which is expected to require the expenditure of $46 million in 1972. This program includes $38 million for production facilities and $8 million for transmission, distribution and general plant purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5530 Filed 4-10-72;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 72-3-33]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 13, 1972.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA). The subject portions of the agreements, as designated by the above-referenced CAB agfreement numbers, were adopted at January 1972 meetings in Geneva.

The instant agreements encompass certain resolutions dealing with Midland South Atlantic fare matters which, to the extent they apply in air transportation as defined by the Act, do not affect basic fare levels. Rather, they involve administrative, technical, and procedural matters which, by our action herein, we propose to approve. In accordance with past policy, we will disclaim jurisdiction with respect to the remaining portions of the subject agreements inasmuch as they embody resolutions not applicable in air transportation and governing special fares which may not be combined with fares in air transportation.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 2263 [1] as indicated, are adverse to the public interest or in violation of the Act:

[1] Agreement CAB 22663, R-292 through R-296; R-299; R-302; R-303; R-307 through R-311; R-313; R-315; R-318; R-319; R-321.

Agreement CAB 22663	IATA No.	Title	Application
R-292	001b	Mid Atlantic Special Effectiveness Resolution (Tie-In)	1/2 (M. Atl.).
R-293	001pp	Special Mid Atlantic Escape Resolution (New)	1/2 (M. Atl.).
R-294	002	Standard Revalidation Resolution	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-295	003	Standard Recission Resolution	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-296	011a	Mileage Manual Non-IATA Sectors (Amending)	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-299	050	First Class Conditions of Service (Readopting and Amending)	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-302	060	Economy Class Conditions of Service (Readopting and Amending).	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-303	060a	Mixed Class Aircraft (Readopting and Amending)	1/2 (M. Atl.). 1/2/3 (M. Atl.).

2. It is not found that the following resolutions, which are incorporated in Agreement CAB 22663 as indicated, affect air transportation within the meaning of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-307	070o	Mid Atlantic Excursion Fares, U.K.-Caribbean (New)	1/2 (M. Atl.).
R-308	070v	Mid Atlantic 14 to 30 day Excursion Fares-Havana (Readopting and Amending).	1/2 (M. Atl.).
R-309	071e	Mid Atlantic 22-30 Day Excursion Fares—Colombia/Panama (New).	1/2 (M. Atl.).
R-310	071o	Mid Atlantic Special Excursion Fares—U.K.—Caribbean	1/2 (M. Atl.).
R-311	076f	Mid Atlantic Affinity Group Fares—U.K.-Caribbean	1/2 (M. Atl.).
R-313	076o	JT12 and JT123 Mid Atlantic 60 Day Affinity Group Fares (Readopting and Amending).	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-315	080k	Mid Atlantic 14-30 Day Individual Inclusive Tour Fares to Havana (Readopting and Amending).	1/2 (M. Atl.).
R-319	084q	Group Inclusive Tour Fares, Scandinavia-Barbados/Trinidad/Tobago (New).	1/2 (M. Atl.).
R-318	084o	Mid Atlantic Special Group Inclusive Tour Fares, U.K. to Caribbean (New).	1/2 (M. Atl.).
R-321	094a	Mid Atlantic Emigrant Fares—Caribbean to U.K. (Readopting and Amending).	1/2 (M. Atl.).

3. It is not found that the following resolution, which is incorporated in Agreement CAB 22900 as indicated, affects air transportation within the meaning of the Act:

Agreement CAB 22900	IATA No.	Title	Application
R-13	070yy	South Atlantic 90 Day Economy Class Excursion Fares (New)	1/2 (S. Atl.).

Accordingly, it is ordered, That:

1. Action is deferred, with a view toward eventual approval, on those portions of Agreement CAB 22663 set forth in finding paragraph 1 above; and

2. Jurisdiction is disclaimed with respect to Agreement CAB 22900, R–13, and those portions of Agreement CAB 22663 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations 14 CFR 385.50, may, within 10 days from the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72–5441 Filed 4–10–72;8:45 am]

[Order 72–4–12]

INDIRECT AIR CARRIERS

Order Granting Temporary Relief

Issued under delegated authority April 4, 1972.

Temporary relief of certain unauthorized indirect air carriers to perform household goods services for the Department of Defense.

From time to time, at the request of the Department of Defense (DOD), the Board has granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit unauthorized indirect air carriers to transport by air used household goods [1] of DOD personnel. The Board has granted this relief to 36 indirect air carriers.[2] The relief granted will expire 180 days after the Board's decision in Docket 20812 becomes final or, as to each individual company, upon Board disposition of such company's application for air freight forwarder and/or international air freight forwarder authority, whichever event shall occur first.

By letter dated March 22, 1972, the Department of the Army, acting on behalf of DOD, stated that in addition to the 36 carriers already exempted, it now has a requirement for the services of Astro Van-Pak, Inc., an unauthorized indirect air carrier, and requests that it be similarly relieved from the requirements of the Act.

In view of the foregoing circumstances, it is found that it is in the public interest to temporarily relieve Astro Van-Pak, Inc. from the provisions of the Act to transport by air used household goods of personnel of DOD.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, Astro Van-Pak, Inc. is hereby relieved from the provisions of title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department.

2. That the relief granted herein shall terminate 180 days after the Board's decision in Docket 20812 becomes final, or upon Board disposition of Astro Van-Pak, Inc.'s application for air freight forwarder authority, whichever event shall occur first.

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and Astro Van-Pak, Inc.

This order shall be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file their petitions within 10 days after date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on it own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5508 Filed 4–10–72;8:50 am]

[Dockets Nos. 20993 etc.; Order 72–3–104]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Passenger Fare and Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March, 1972.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to transatlantic passenger fare and cargo rate matters, Docket 20993: Agreement CAB 22659; Docket 22628: Agreements CAB 22628; 22630, R–2; and 22658, R–1 and R–2; Docket 23333: Agreements CAB 22460; [1] 22689; 22742; and 22900; [2] Docket 23486: Agreements CAB 22663; [3] and 22900; [3] Docket 23780.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the International Air Transport Association. Insofar as they are of significance in air transportation as defined by the Act, the agreements, which have been assigned the above-designated CAB agreement numbers, comprise the overall worldwide fare structures generally intended for effectiveness from April 1, 1972 and cargo rate structures in the Western Hemisphere and South Pacific.

By Order 72–2–33, dated February 10, 1972, procedural dates were established by the Board for the receipt of carrier data and justification, comments, objections, and replies with respect to the agreements on file with the Board. Data and comments have been received from numerous persons and the matter is now ready for the Board's decision. This order will deal with North, Mid-, and South Atlantic fare and rate matters and other orders issued contemporaneously herewith deal with other areas.

The agreements. The agreements before us represent a substantial modification of last year's transatlantic fare structure and are comprised of numerous increases and decreases of individual fares. The prior structure's two-tier, basic season-peak season structure would be converted for the most part to a three-tier structure by incorporating mid-level fares for application in the spring and fall, i.e., shoulder periods. Peak period fares tend to be higher than formerly while winter fares are lower in some instances and slightly higher in others. The 17–28-day individual excursion fare would be converted to 14–21 days and the 29–45-day excursion fare converted to 22–45 days. A youth fare is agreed to be added to the structure at levels well above the fares established last year by a number of governmental orders. Appendix A [3a] compares the prior and proposed fares. Additionally, the agreements contain a limited number cargo rate and related resolutions which emanated from the Singapore cargo rate conference last year.

Carrier justification. The U.S. carriers urge approval of the agreements and have furnished statements and data in support of their views. In general, they contend that the agreed fares are far preferable from an economic standpoint to an open-rate situation. They also contend that the agreed fares are fully justified by higher costs of service including new charges levied by various governments for enroute facilities and by the devaluation of the U.S. dollar in relation to other currencies. The carriers' forecasts of their revenues, expenses, and earnings under the agreed fares are summarized in Appendix B,[3a] Table I.

A statement has also been filed on behalf of 13 transatlantic member carriers of IATA in support of the agree-

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[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] See Order 72–3–33, dated March 13, 1972, for a current listing of these carriers.

[1] Agreement CAB 22460, R–6; R–30; R–38; R–39; R–42; R–43; R–44; R–46; R–48; R–50; R–54; R–56; R–57; and R–68.

[2] Agreement CAB 22900, R–3 through R–12;

[3] Agreement CAB 22663, R–1; R–12; R–14; R–58; R–62; R–64; R–71; R–75; R–114; R–125; R–127; R–147 through R–162; R–164 through R–179; R–181 through R–184; R–200; R–201; R–297; R–300; R–301; R–304 through R–306; R–312 through R–314; and R–320. and R–14.

[3a] Filed as part of the original document.

ments, citing the circumstances associated with the changes in international monetary exchange rates which should be considered in relation to the proposed fare adjustments, and the necessity for recovery of revenue losses suffered by the IATA carriers in scheduled North Atlantic operations stemming therefrom. It is alleged that, for foreign-flag carriers operating on the North Atlantic, the average adjustment in fares and rates required to maintain the predevaluation level of selling fares in their respective currencies would be 9.8 percent. The impact on foreign-carriers in terms of revenue loss in their own currencies is alleged to be more serious than the corresponding effect on U.S. carriers who transact less of their business in foreign currencies. These carriers have submitted data indicating declining trends in profitability over the last several years and operating losses sustained in both 1970 and 1971 in transatlantic scheduled operations. They allege the agreement will not provide foreign carriers a total revenue offset for devaluation, but will hopefully improve the economic position of all carriers by stimulating traffic growth and improving load factors.

Comments and objections. The carrier members of the National Air Carrier Association (NACA) suggest that the fare agreements be approved by the Board subject to a condition that foreign governments shall not unreasonably withhold or restrict landing and uplift rights for charter flights by authorized U.S. carriers. These carriers also request that an evidentiary investigation of all scheduled transaltantic fares be instituted to develop guidelines for future transatlantic fare agreements.

The Aviation Consumer Action Project (ACAP) urges the Board to disapprove the new fare agreements as adverse to the public interest; to institute an investigation into the levels and structure of existing IATA North Atlantic fares in order to determine whether such fares are discriminatory and predatory; to issue a cease and desist order to restrain the IATA carriers from filing proportional fares and private currency exchange rates; to permanently restrain the carriers from discussing and adopting discriminatory fares such as youth and student fares and, in the case of Board approval, to make a finding that the question of reasonableness of all fares is left open and not decided by such approval.

The position of the Department of Transportation (DOT) is that approval of the North Atlantic fare package is warranted except insofar as it would permit the offering of youth fares. It is DOT's view that the public interest requires approval of the package, particularly in view of the fact that the agreement is only for a 1-year period. Although expressing serious reservations about certain of the individual fares, DOT believes that the fare package as a whole is compensatory to the U.S. scheduled carriers. Nevertheless, it requests the Board to inform the carriers as to the principles which will be applied to future IATA fare proposals to develop optimal load factor standards, and to design an appropriate fare structure curve which could be used as a reference point for each basic international fare.

The American Society of Travel Agents (ASTA),[4] while supporting the current fare proposal, requests that the Board condition the resolutions concerning North Atlantic excursion fares so as to negate the new requirement that inclusive tours based upon these fares must include a minimum of 14 nights' sleeping accommodations (with a $100 minimum tour price) if they are to qualify for the additional 3-percent commission override. These revised rules would allegedly alter the agents' flexibility in building tour packages and at the same time increase the price of these tours. ASTA's particular concern appears to be the fact that a minimum of 14 nights' sleeping accommodations is required, since under present conditions agents are permitted to build tours in conjunction with excursion fares and to collect the additional commission when the land portion amounts to 20 percent of the air fare With the present incentive, travel agents allegedly construct and sell a substantial number of inclusive tours.

Seaboard World Airlines, Inc. (Seaboard) requests the Board to condition any approval of the agreements before us by requiring that adjustments for currency realignment be made in the existing U.S. dollar North Atlantic cargo rates corresponding to the adjustments proposed in the North Atlantic passenger fares. Seaboard argues that all North Atlantic carriers have incurred cost increases as a result of currency revaluation and that, by not adjusting cargo rates, Seaboard is precluded from this recoupment, which constitutes an unjust discrimination and is in violation of sections 403(b) and 1002(f) of the Act.

Replies. Both Pan American and TWA have replied to the comments of the supplemental carriers and Seaboard, requesting that the relief sought by these parties be denied. Both respondents indicate that the supplemental carriers' request for investigation has been made in the past, considered by the Board, and disposed of in Order 71–3–87, and that nothing new has been presented that would justify a reversal of the Board's previous position. TWA points out that the Act plainly withholds from the Board the authority to establish international fares or fare levels, or to consider their reasonableness. With respect to conditioning the IATA agreements to preclude foreign governments from unreasonably withholding or restricting landing and uplift rights of certificated U.S. carriers, Pan American and TWA refer to a like request which was disposed of in Order 71–3–87. These carriers, they contend, have failed to show why the Board's reasoning in that order was or is now in error. TWA further comments that if the Board were to condition the IATA agreements in the manner suggested and, in the event that landing rights were unreasonably withheld, an open rate situation would exist, during which time even more restrictive and competitive reactions might take place with respect to charter operations.

Both carriers acknowledge that an agreement reflecting devaluation of the dollar is in order with respect to cargo rates, and that there is no valid reason to treat cargo rates differently from passenger fares. Both allege that Seaboard is well aware of the fact that there is at present no North Atlantic cargo rate agreement, and that regardless of what problems might exist regarding cargo rates, there is no basis for disapproving the adjustments for currency revaluation which have been agreed to for North Atlantic passenger fares.

Pan American has responded to ACAP's comments, stating that similar arguments were raised by ACAP with respect to the transpacific fare agreements being considered concurrently by the Board, and that it has responded thereto in connection with that matter. With respect to specific aspects of the North Atlantic fare agreement, Pan American alleges that it has shown in its justification that the proposed fares are reasonable in relation to its costs and that, in fact, it anticipates less revenues from the agreed fares than current fares would have yielded. Finally, Pan American contends that the youth fares are not unjustly discriminatory, and that the analyses of the ACAP regarding currency revaluation is based on selective data only and does not deal with the total impact on both revenues and expenses.

Findings. The North Atlantic fare structure, based on the New York-London market, encompasses increases ranging from 0.5 percent to 7.7 percent in a number of fare categories, while other fares (winter normal economy and the long-stay excursion) are decreased in amounts ranging from 4.9 percent to 19.5 percent. In addition, two new low-level fare categories have been agreed upon, winter group inclusive tour fares and youth fares. The structure offers discounts ranging up to 55 percent from the applicable normal economy fares and is the product of two agreements separately arrived at by the carriers.

The first agreement provides reductions in a majority of the fares, especially those applicable during the winter season and the low long-term excursion fares, and incorporates the two new promotional fares referred to above. First-class, peak, and shoulder normal economy fares, and peak season short-term excursion fares are modestly increased by a maximum of $4 for round-trip transportation to reflect increased costs attributable to the imposition of additional en route facilities charges.[5] The second agreement came about as a consequence of the devaluation of the dollar and revaluation of certain foreign cur-

[4] In a late filed document which we conclude should be accepted.

[5] By Order 71–9–43, the Board found that these charges should be incorporated into the fares rather than imposed as a surcharge.

rencies. This agreement revised the fares previously agreed upward by 4 to 7 percent, and reflects a compromise between U.S. and foreign carriers, each of whose costs increased in varying amounts. The upward adjustment is something less than the full 8.57 percent devaluation of the dollar.

The three U.S. carriers estimate that traffic volume will increase (see Appendix B,[5a] Table II), as a result of the new fare package, mainly because of the generative impact expected from the low long-term excursion fares and the winter group inclusive tour fares. However, at the same time some diversion from higher-rated fares is expected to occur, which will reduce the average yield from these passengers. All carriers project increased revenues over 1971 results. TWA and Pan American combined estimate that the revenues flowing from currency adjustments will be $25.4 million in 1972. The carriers' forecasts will be discussed more fully later in this order.

While the North Atlantic fare structure will continue to be relatively complex we believe the pattern of fares agreed upon reflects some desirable improvements. The three-tiered structure of normal fares and most discount fares, including particularly the winter GIT, should tend to flatten the demand curve which is presently subject to severe peaks and valleys, thereby enabling the carriers to better utilize the capacity they offer. Changes in the stopover conditions associated with various promotional fares and imposition of charges when stopovers are permitted appear to be consistent with the cost and value of these services. The prohibition of stopovers on the long-term excursion fares, which in effect creates a point-to-point fare, should improve the economics of those relatively low fares. The new low-level promotional fares, and the reduction from 17 to 14 days in the minimum-stay requirement for the short-term excursion fares should have a generative effect upon traffic, and result in improved load factors. The proposed youth fares would reduce the extreme discounts and improve the economics of the service. The structure is, in part of course, a competitive response to charter competition. While the fare structure falls far short of meeting the criteria set forth in our policy statement of September 24, 1971, it serves to resolve for the interim highly controversial issues among the carriers as to fare structure which had threatened to create an open-rate situation. In light of the financial condition of the carriers, it is apparent that an open rate at this juncture could seriously damage their financial posture to the ultimate detriment of the public. Moreover, disapproval of the instant agreements would forestall implementation of the fare structure improvements noted above. On balance, we cannot find that the agreed fare structure would be adverse to the public interest for the limited period of its effectiveness.

[5a] Filed as part of the original document.

The Mid Atlantic fare structure is much simpler than the North Atlantic, being comprised of only excursion and GIT fares in addition to normal first-class and coach fares. The discounts are more modest than those available on the North Atlantic, with the largest discount at 50 percent of the normal economy fare. The present two-tiered structure for all fares except first class would be retained. Normal fares would be increased moderately while the promotional fares are agreed to be either reduced slightly or maintained in status quo.[6]

In response to Board Order 72-2-33, the carriers furnished detailed forecasts of the 1972 traffic, capacity, revenue, costs, investment and return on investment, based on both the present and proposed fares. Appendix B, Tables I and II summarize the carriers' submissions with respect to their transatlantic services.[7] The Board has reviewed these data, has made certain adjustments to the carriers' estimates of operating costs and investment, and has computed revised rates of return based on the adjusted figures, as shown in Appendix B, Table III.

In brief, each of the three U.S. passenger carriers projects substantial increases in passenger miles, as compared with 1971 volumes. Furthermore, each of the three carriers anticipates revenue increases over 1971 stemming from the agreements. However, Pan American forecasts only a 2.5-percent increase in capacity, notwithstanding an 18.4-percent increase in traffic, with the result that its load factor would rise to 57 percent. TWA, on the other hand, forecasts a 10-percent increase in capacity to accompany its 12-percent increase in traffic producing only 51.4 percent load factor in 1972, as compared with 50.6 percent in 1971. In estimating operating expenses, all three carriers relied on 1971 cost levels adjusted for changes in volume of operations projected for 1972, together with cost increases and decreases expected to be incurred during the future year. Pan American forecasts an improved operating profit and return on investment, the latter amounting to only 0.7 percent. TWA, however, estimates a reduction in operating profit and return on investment as compared with 1971. National estimates a moderate increase in operating profit but a small decline in return on investment.

In Phase 6B of the Domestic Passenger-Fare Investigation,[8] the Board adopted load factor standards as a means of determining for rate-making purposes, the volume of capacity properly chargeable to the fare and rate payers. While the standards adopted therein relate to domestic U.S. operations, the considerations and principles underlying their adoption apply as well to the carriers' international services. Accordingly, we have reviewed the carriers' projections of traffic and capacity in this light. As noted, Pan American bases its financial forecast on a 57-percent passenger load factor reflecting in part a very small increase in 1972 capacity over the preceding year. The carrier's forecasts of capacity, and the resulting load factor, appear reasonable and will be accepted for rate-making purposes. TWA, however, estimates an increase in capacity almost equal to its forecast increase in traffic despite the fact that its 1971 load factor was only 50.6 percent. There is no apparent justification for a capacity increase of this magnitude while load factors remain in the 50-percent range. However, we will recognize as reasonable for rate-making purposes, an increase in capacity of 5 percent which produces a passenger load factor of 54 percent. We recognize that our acceptance of the foregoing load factors involves a substantial element of judgment and that we have not had an opportunity to conduct a more thorough study of the capacity requirements in the various markets covered by the resolutions. Accordingly, our conclusions herein should be regarded as applicable solely to the fare agreements now before us, and without prejudice to a reevaluation of this entire question in connection with future agreements.

In constructing its estimate of operating expenses, Pan American included amounts for increases in wages, fuel prices, and enroute facilities charges. A further allowance was made for additional maintenance costs on B-747 aircraft. Additionally, the carrier projected about $5.5 million in cost increases stemming from the devaluation of the U.S. dollar. Finally, Pan American deducted $12.6 million representing improved productivity estimated at 10 percent of salaries and payroll costs other than flight crews. We have disallowed a portion of the projected wage increases as anticipatory in nature and have corrected an arithmetic error. Similarly, we have not recognized 50 percent of the projected increases in fuel costs since those increases do not appear to be embodied in binding contracts at this time. Lastly, we have not accepted the maintenance cost increase claimed by the carrier since we have no basis to assume, as did Pan American, that no recoveries under manufacturers' warranties would be made in 1972. TWA represents that the cost increases included in its forecasts are either annualizations of increases incurred in 1971 or fully covered by existing contracts for 1972. The Board will recognize them on that basis. The carrier also estimates the effect of the dollar devaluation on its transatlantic operating expenses at $7.4 million. We have, however, adjusted TWA's estimate of operating expenses by $9.9 million to reflect the disallowance of capacity previously discussed.

[6] The Mid Atlantic fares have not been increased for currency devaluation.

[7] The data relate to the carriers' combination services and do not reflect all-cargo services since a transatlantic cargo rate agreement has not been reached. Mid Atlantic services of the U.S. carriers are minimal.

[8] Domestic Passenger-Fare Investigation, Docket 21866-6B, Order 71-4-54.

On an adjusted basis, we estimate TWA's return on investment at 9.3 percent after allowance for taxes. The comparable figure for Pan American is 1.8 percent. Both forecast returns are, of course, well below the 12 percent rate of return standard adopted by the Board in Phase 8 of the Domestic Passenger Fare Investigation for domestic rate-making purposes. The TWA return percentage represents a moderate decline from levels achieved by that carrier over the past 5 years which ranged from 10–14 percent.[9] During the same period, Pan American reported marginal returns in some years and losses in others. Pan American's performance in this regard is difficult to rationalize in relation to TWA's but it may well reflect its consistently higher unit costs of operation. For example, the 1971 operating cost per available ton-mile were 19.19 cents, nearly 20 percent higher than TWA's. In terms of revenue ton-mile costs, Pan American's disadvantage was 23 percent. Moreover, a similar pattern exists in the carrier's other principal areas of operation.

We need not here examine further into this matter. It is to be expected that Pan American's situation is temporary and that on-going programs will restore it to a more favorable earnings' position. In these circumstances, therefore, we need not give much weight to Pan American's relatively unfavorable earnings, both historical and projected, but rather we shall rely primarily on TWA's results for purposes of disposing of the instant agreements. As noted, TWA's adjusted return on investment is estimated at 9.3 percent for 1972. However, as earlier noted, the principal factor in the fare increases for transatlantic services is the adjustment for the devaluation of the U.S. dollar in relation to other currencies. Exclusive of the currency adjustment, the return on investment projected for TWA would be 6.7 percent. Neither return is excessive either by itself or in relation to earnings' levels in recent years.

The currency adjustment stems, of course, from the policies adopted by this Government and others with respect to currency exchange rates in foreign trade generally. Since the devaluation of the U.S. dollar varied considerably as among the various European countries, the effect on the costs of operation of any given carrier would depend not only on the proportion of its business done in each such country, but also on the relationships of its revenues earned to expenses incurred in each currency. Pan American and TWA estimate increases in the dollar costs of doing business due to currency revaluations at $5.5 and $7.4 million, respectively. In each case, these higher costs would be more than offset by the proposed fare adjustment of 4–7 percent across-the-board. However, the statements and data submitted by the foreign carriers indicate that the reverse situation would obtain for them and it is reasonable to expect that this would be the case. In principle, a carrier should not be precluded from a fare or rate adjustment to offset cost increases flowing from a change in currency exchange rates, assuming, of course, that such carrier is not in an excess earnings position. However, there appears to be no way to adjust dollar fares so as to precisely match the adjustment to the impact of the currency adjustment on each carrier and at the same time maintain the uniform fares among carriers which are a competitive necessity and maintain approximately the same relationship among fares to the various points in Europe. The carriers' agreement to increase fares from 4–7 percent appears to be reasonably related to the range of changes in currency exchange rates and to the probable impact of these changes on the costs of the carriers as a group. On balance, therefore, we cannot conclude the currency adjustment is an unreasonable one or that this element of the agreement before us does not warrant approval.

Transatlantic cargo matters now before the Board are de minimis inasmuch as no basic rate structure was agreed for the principal North Atlantic area. On the mid-atlantic, where we are concerned with the traffic to/from Puerto Rico and the U.S. Virgin Islands, the 200 kg. weightbreak would be deleted within the general cargo rate scale and other rates would be increased by roughly 3 percent; minimum charges would, with the exception of traffic to Tel Aviv, remain at status quo. On the other hand, the carriers' resolutions include provisions for small increases in several ancillary charges, such as those relating to c.o.d. procedures, and these resolutions are intended for uniform transatlantic application irrespective of the absence of a basic North Atlantic rate structure. In view of the carriers' overall earnings in transatlantic services, as earlier discussed, the minor increases involved present no serious public interest problems, except with respect to a proposal that minimum charges for the carriage of live animals be increased to 150 percent of the otherwise applicable minimum charges for shipments of a general nature. The carriers have not now, nor following the adoption of such provisions at the Singapore cargo conference last year, provided justification in support of the singular treatment to be applied in the rating of small shipments of animals. Our approval of the pertinent resolution is therefore conditioned so as to preclude application of a higher minimum charge for live animals moving in air transportation.

The arguments advanced by the supplemental carriers to support the imposition of a condition that European governments shall not unreasonably withhold landing and up-lift rights for their charter services are essentially those put forward a year ago in connection with the transatlantic fare agreement currently in effect. In Order 71–3–87, the Board denied the request in the belief that such an action would not necessarily advance the interests of the supplemental carriers and, indeed, might generate a fare dispute and impair efforts to resolve present difficulties. In our opinion, the circumstances are not significantly different today and, accordingly, we will again deny the request.

With respect to Seaboard's comments, we can perceive no reason why appropriate adjustments in cargo rates should not be made; however, the fact remains that there is presently no cargo rate agreement covering North Atlantic services and we are not persuaded that there is an appropriate basis on which to condition the instant fare agreements or that such an action would necessarily accomplish the desired result.

As indicated, the supplemental carriers and ACAP request the Board to undertake a formal investigation of the transatlantic fare structure and DOT requests the Board to establish certain principles and standards. These requests involve complex issues related to the establishment of international, as opposed to domestic, fares. We need not resolve these issues before acting upon these agreements and, therefore, we will defer action on these requests at this time.

We must also reject ACAP's request that we issue a cease and desist order to restrain the IATA carriers from filing proportional fares. In no case are the proportionals higher than the corresponding normal first-class or coach domestic fares, excluding taxes, and in some cases they are lower than existing domestic fares. In any event, IATA agreement on proportional fares does not preclude the use of any domestic fare in lieu thereof, provided, of course, that the tariff conditions of the fare used are met. Certainly, the fact that through fares in international air transportation, constructed by use of agreed upon proportionals, are often lower than the combination of domestic and international air fares cannot be found to be adverse to the public interest. Similarly, we find no basis to purport to preclude discussion within IATA, subject to the usual controls and safeguards, of broad categories of fares since this would constitute an unwarranted prejudgement of the lawfulness or public interest aspects of such matters.

Finally, both ACAP and DOT urge that the youth fare agreement not be approved. The level of these fares is considerably higher than those in effect last year as a result of various government orders. They are set at the ssme levels as the 22–45-day excursion fares, the only effective difference being the length of stay requirement. However, the question of discrimination continues to exist and we are, therefore, ordering these fares consolidated into the current investigation in Docket 23780.

Other comments filed by ACAP go generally to the procedures followed by the carriers and the Board with respect to IATA matters. It is contended that documentation furnished by the carriers

[9] It is noted that the historical return percentages reflect below normal income tax accruals due to domestic system losses and therefore tend to be understated in relation to the return projected for the future which reflects a constructive tax at 48 percent. Appendix B, Table IV, shows both carriers' reported return on investment for each year from 1967 through 1971.

is inadequate and the public does not have access to certain documents or participate in the Board's procedures. Our approval of the IATA machinery requires the carriers to furnish agenda and minutes of traffic conference meetings, as well as fare and rate proposals circulated by the carriers at such meetings.[10] Additionally, we required a daily summary to be furnished promptly after each session of the Miami Conference. All these documents were maintained by the Board in a public file open to all concerned.[11] Moreover, each of the agreements disposed of herein was the subject of at least one order issued by the Board inviting comments and objections, if any, by the public and interested persons. Indeed, ACAP's comments are evidence of the opportunity given the public to present views and evidence for Board consideration in conncetion with these agreements. In any event, the Board considers that the information available to it and to the public constitutes an entirely adequate basis on which to decide whether these agreements are in the public interest or in violation of the Act.

ACAP also refers to an alleged ex parte meeting between the Board and U.S. IATA carrier representatives, asserts that our policy statements issued on September 24, 1971, was based on information gained at that meeting, and that the statement gave a clear indication on the type of fare structure the Board would eventually approve. The meeting referred to was held in order to receive the views of the principal U.S. scheduled transatlantic carriers on the subject of fares filed between the U.S. and Germany by the German airline. A transcript was kept and was made public.[12] Moreover, as the transcript shows, the Board expressed no views or conclusions on the matters raised. Finally, a simple reading of the September policy statement reveals it set forth only general criteria and principles the Board considers relevant to rate-making, and in no way purported to describe the type of fare structure the Board would approve. Neither did the statement in any way deal with the tariff filing discussed at the meeting.

Finally, we will not adopt the condition urged by ASTA to be attached to our approval of the resolution containing the 22–45-day excursion fares. The new requirement that a minimum of 14 nights' sleeping accommodations be included in the land arrangements when the excursion fare is used in constructing an inclusive tour, appears to be reasonably related to the GIT fare requirement that sleeping accommodations be included throughout the trip. The 14-night requirement does not seem excessive for a fare which applies to trips of at least 22 days and as many as 45 days. Similarly, the requirement appears to be a reasonable restriction to assure the validity of an inclusive tour.

On the basis of all of the foregoing considerations, the Board concludes that the agreed North and mid-Atlantic passenger fares and rates[13] are reasonable both as to level and structure and that the underlying agreements should be approved.[14]

The Board, acting pursuant to sections 102, 204(a), 404(b), 412, and 1002 of the Act, makes the following findings:

1. It is not found that those resolutions and agreements set forth in Appendix C[14a] are adverse to the public interest or in violation of the Act;

2. It is not found that those resolutions set forth in Appendix D[14a] are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board;

3. It is not found that those resolutions and agreements set forth in Appendix E[14a] are adverse to the public interest or in violation of the Act provided that approval is subject to conditions stated therein;

4. It is not found that those resolutions set forth in Appendix F,[14a] which are indirectly applicable in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act; and

5. Pending investigation in Docket 23780, it is not found that those resolutions set forth in Appendix G[14a] are adverse to the public interest or in violation of the Act, provided that Resolution 092g is subject to the condition stated therein.

Accordingly, it is ordered, That:

1. Those portions of Agreements CAB 22663, 22460, 22900, 22628, 22689, and 22742 set forth in Appendix C[14a] be and hereby are approved.

2. Those portions of Agreement CAB 22663 set forth in Appendix D[14a] are approved subject to previous conditions imposed by the Board;

3. Those portions of Agreements CAB 22663 and 22460 set forth in Appendices E and G[14a] be and hereby are approved, subject to the conditions set forth therein;

4. Those portions of Agreements CAB 22663 and 22460 set forth in Appendix F[14a] be and hereby are approved;

5. An investigation is hereby instituted to determine whether the resolutions set forth in Appendix G[14a] and incorporated in Agreement CAB 22663, R–181 and R–182, are adverse to the public interest or in violation of the Federal Aviation Act of 1958, and whether the fares, rules, conditions, and provisions which are, or will be, established pursuant to such agreements are or will be unjustly discriminatory or unduly preferential, or unduly prejudicial, and if such fares, rules, conditions, or provisions are found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares, rules, conditions or provisions should be altered, or what order should be made to remove such discrimination, preference or prejudice;

6. The investigation ordered in paragraph 5 above is consolidated into that currently pending in Docket 23780; and

7. Decision is deferred on the requests of NACA and ACAP for an investigation of transatlantic fares and on the request of the Department of Transportation for the establishment of principles and standards for transatlantic fares.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5509 Filed 4–10–72;8:50 am]

[Dockets Nos. 23333, 23486; Order 72–3–106]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare, Cargo Rate, and Related Matters in the Western Hemisphere

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1972.

Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to passenger fare, cargo rate, and related matters in the Western Hemisphere, Docket 23333: Agreements CAB 22460;[1] 22689; 22742; 22822; and 22900[2]; Docket 23486; Agreements CAB 22663;[3] 22900;[2] and 22914.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act)

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[10] We would remind the carriers that our requirements extend to all carrier meetings whether or not they are labeled formal traffic conferences.

[11] It is true that some limited IATA documents are not now publicly maintained by the Board, e.g., reports of meetings of the Traffic Advisory Committee, the Executive Committee, and the Cost Committee. We are reveiwing our practices in this regard. In any event we did not consider such documents herein.

[12] The Board is not aware of any "censorship" of the transcript, as ACAP asserts.

[13] We are, however, conditioning approval of Resolution 511, Rates for Live Animals, to preclude minimum charges for this type of traffic above the level of those established for consignments of a general nature. We are also conditioning the resolution so as to apply past Board policy with respect to the carriage of baby poultry, monkeys, and primates uniformly in all areas of air transportation as defined by the Act.

[14] To the extent that ACAP in its comments is suggesting that the Board, in disposing of these agreements, not consider the reasonableness of the fares included in the agreements, we must reject this contention. We have considered the fares' reasonableness to the extent necessary to conclude that the instant agreements are not adverse to the public interest or in violation of the Act. We have not, of course, undertaken an investigation of them under section 1002 of the Act, and we do not purport herein to make any findings as to the reasonableness of these fares under that section.

[14a] Filed as a part of the original document.

[1] Agreement CAB 22460; R–27; R–37; R–39; R–40; R–43 through R–46; R–48; R–49; R–53; R–60; and R–65.

[2] Agreement CAB 22900, R–3 through R–9; and R–11.

[3] Agreement CAB 22663, R–59; R–62 through R–65; R–71; R–72; R–75; R–76; R–79; R–84; R–92; R–94; R–101; R–103; R–104; R–107 through R–109; R–111; and R–114.

and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the International Air Transport Association. Insofar as they are of significance in air transportation as defined by the Act, the agreements, which have been assigned the above-designated CAB agreement numbers, comprise the overall worldwide fare structures generally intended for effectiveness from April 1, 1972, and cargo rate structures in the Western Hemisphere and South Pacific.

By Order 72–2–33, dated February 10, 1972, procedural dates were established by the Board for the receipt of carrier data and justification, comments, objections, and repli with respect to the agreements on file with the Board. Data and comments have been received from numerous persons and the matter is now ready for the Board's decision. This order will deal with Western Hemisphere fare and rate matters and other orders issued contemporaneously herewith deal with other areas.

The agreements. The fare agreements reflect general increases stemming primarily from currency realignments rather than basic fare changes. The principal elements of the cargo agreements consist of rates for the movement of general cargo, specific commodities and containerized freight in unit load devices. In addition to increasing the rates as a result of devaluation of the dollar, northbound rates are increased which would tend to lessen the existing directional disparity and specific commodity rates have generally been increased. Further increases result from the cancellation of various rates and decreases result from the addition of new rates and descriptions. Appendix A [3a] sets forth a comparison in principal markets of present and proposed fares and rates and percentage changes.

Carrier justification. The U.S. carriers request that the Board approve the various agreements. Generally, the carriers, in their statements, and data in support of their views, indicate that fare and rate alterations are justified by higher costs resulting from devaluation of the U.S. dollar in relation to other currencies and from a need to increase revenues and profits which in the past have been marginal.

Comments and objections. Comments have been filed by the National Industrial Traffic League (the League) requesting disapproval of an IATA resolution providing for the imposition of a $1.50 documentation charge in the Western Hemisphere when an IATA member or his agent issues or completes the air waybill. The League contends that the proposed charge is unreasonable and contrary to the public interest; that the establishment of a $1.50 charge as a minimum may be too high in relation to the costs incurred; that the imposition and collection of such a charge is inconsistent with long standing practices in surface transportation modes; that the text of the resolution is ambiguous as to when or under what circumstances the charge may be collected; and that the imposition of this proposed charge would create the possibility of double compensation of IATA agents, many of whom already impose a service charge for the preparation of the necessary shipping documents. The League further alleges that there are reported instances when the air carriers will not permit the shipper to prepare the air waybill, that air carriers will not release the air waybill form for the shipper to use, and that it is unreasonable for the carriers to collect a charge from the shipper for preparation of a document which is both a contract of carriage and a receipt.

Replies. Pan American has responded to the comments of the National Industrial Traffic League stating that a similar resolution has been in effect in other world areas for a number of years, and that at least 70 percent of Pan American's waybills issued in the United States are issued by agents who will be the beneficiaries of the charge. The carrier alleges that competitive considerations will stabilize the fee as specified in the resolution and that double compensation will not accrue to the agents because, to the best of its knowledge, documentation fees are assessed primarily for the execution of export/import documents required for international shipments. Pan American believes the wording contained in the resolution is not ambiguous as contended since the wording "issues or completes" applies only to those cases where an agent prepares an air waybill and is entitled to retain the fee. The carrier believes that the application of a nominal standard fee constitutes a better approach than the inclusion of the applicable charge in the rate structure which would produce a scale of charges depending on the weight of shipment.

Findings. As indicated earlier in this order, the fare increases proposed stem primarily from currency realigments rather than from changes to the basic fare structure. Between U.S. and Caribbean points, e.g., Montego Bay and Caracas fares are generally increased by about 5 percent. Fares to Rio de Janeiro and Buenos Aires are subject to lesser increases, however. Normal economy fares are increased by about 2 percent and promotional fares by only 1 percent, approximately. Fares to and from Mexico remain generally unchanged.

As regards cargo rates, in addition to increases resulting from devaluation,[4] northbound rates are increased to reduce the directional disparity compared with southbound rates and adjustments to the specific commodity rate structure have the effect of increasing some rates while reducing others.

In response to Board Order 72–2–33, the carriers furnished detailed forecasts of revenue, costs, investment, and rate of return on the basis of the present and proposed fares. Appendix B,[4a] Table I, summarizes the carriers' submissions.

The carriers' forecasts of return on investment range from 0.8 percent for Pan American to 12.3 percent for Braniff. American's return is estimated to be 4.3 percent, while Eastern projects 10.9 percent. However, the Board has adjusted Pan American's estimate of operating expenses to exclude certain cost increases which appear to be anticipatory in character, as well as the B–747 maintenance expense increases, consistent with the adjustments adopted in our orders dealing with the transatlantic and transpacific agreements.[5]

On the basis of the adjusted level of operating expenses, PAA's return on investment would be 1.4 percent in the future year.[6]

Historically, the U.S.-flag carriers operating to South America have experienced modest earnings. The forecasts submitted in connection with our review of these agreements suggest that this pattern will continue, although the instant rate and fare agreements should result in a better earnings' situation than could be anticipated if current fares and rates were maintained. The area is marked by considerable instability of fares and rates due to non-IATA carrier filings and by instances of substantial currency instability.

Moreover, the bulk of the increases proposed by these agreements are the result of the currency adjustments and, as such, reflect a factor beyond the carriers' control and one which flows from currency exchange policies adopted by many governments. As we stated in the transatlantic IATA order, we know of no way to match exactly the adjustment applied to airline rates and fares to the additional costs of doing business stemming from the currency devaluation. On the basis of available data, the instant agreements do not appear unreasonable in this respect.

The fare agreement retains the present fare structure, which consists of individual excursion, GIT, and affinity group fares, although effecting some small changes in relationships among fares for these services. We are concerned with the economic soundness of the first-class excursion fare but will approve it for a further period since the fare has been in effect for several years. However, approval of this type of fare

[3a] Filed as a part of the original document.

[4] Rates to/from Caribbean points are raised about 5 percent; to/from South America 1 percent. Rates for services to/from Mexico are unchanged.

[4a] Filed as a part of the original document.

[5] Load factors ranging from 52–57 percent are embodied in the carriers' forecasts. These levels appear reasonable for their services for ratemaking purposes. Acceptance of these load factors is subject to the reservations expressed in our orders on transatlantic and transpacific fares issued contemporaneously herewith.

[6] For the reasons set forth in our companion order on transatlantic fares, we do not give much weight to the results indicated for Pan American.

beyond the term of the present agreement will depend upon full justification of it. Our action herein is not to be considered as a precedent for extension of such fares to U.S. domestic services. Aside from this fare, the fare structure, as such, appears reasonable.

In addition to the general increase in cargo rates stemming from the currency adjustments, the agreement also cancels some specific commodity rates, raises others, and raises northbound general commodity rates to lessen the present directional disparity. The modifications should improve the economics of the carriers' cargo services. Moreover, we are aware of no basis to maintain a higher level of rates for shipments from the U.S. than for shipments to the U.S.

With respect to the matter raised by the League, the Board has concluded to condition its approval of Resolution 512c that would permit a charge for the preparation of air waybills in the Western Hemisphere so as to have the effect of precluding such charge in the United States and its Western Hemisphere territories. The carriers have provided no data which would indicate the actual cost of issuing a waybill, nor have the cargo agents who allegedly issue some 70 percent of the waybills issued in this country shown that such a charge is warranted. Accordingly, we are unable to conclude that the proposed charge is reasonable and consistent with the public interest. We are also conditioning our approval of Resolution 511, Rates for Live Animals, so as to preclude high minimum charges for this type of traffic above the level of those established for consignments of a general nature. No justification has been submitted by the carriers for the 50-percent surcharge proposed. We are also conditioning the resolution so as to apply past Board policy with respect to the carriage of baby poultry, monkeys, and primates uniformly in all areas of air transportation as defined by the Act.

On the basis of all of the foregoing considerations and information, the Board concludes that the agreed passenger fares and cargo rates, except as set forth above, for services in the Caribbean and Central and South America, are reasonable both as to level and structure, and that the underlying agreements should be approved.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that those resolutions and agreements set forth in Appendix C[7] are adverse to the public interest or in violation of the Act;

2. It is found that those resolutions set forth in Appendix D[7] are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions previously imposed by the Board; and

3. It is not found that those resolutions and agreements set forth in Appendix E[7] are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions stated herein.

Accordingly, it is ordered, That:

1. Those portions of Agreements CAB 22663, 22460, 22900, 22689, and 22742, set forth in Appendix C[7] as well as Agreement CAB 22914, be and hereby are approved;

2. Those portions of Agreements CAB 22663 and 22460 set forth in Appendix D[7] are approved subject to previous conditions imposed by the Board; and

3. Those portions of Agreements CAB 22663 and 22460 set forth in Appendix E,[7] as well as Agreement CAB 22822 be and hereby are approved subject to the conditions set forth in Appendix E.[7]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5510 Filed 4-10-72;8:50 am]

[7] Filed as a part of the original document.

[Docket No. 18078; Order 72-4-9]

AMERICAN AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1972.

American Airlines, Inc. for the issuance of an order to show cause amending Order 68-9-8, as amended by Order 69-9-152 and 70-3-147.

By petition filed February 29, 1972, American Airlines, Inc. (American) requests that the service mail rates in effect for the transportation of military ordinary mail (MOM) as established by Order 68-9-8, as amended, be made applicable to the extent necessary to permit American and Seaboard World Airlines, Inc. (Seaboard) to equalize rates for MOM on through service between Washington, D.C. and Baltimore, Md., on the one hand, and Shannon, Glasgow, Paris, Amsterdam, Brussels, Hamburg, Dusseldorf, Cologne/Bonn, Stuttgart, Munich, Nuremburg, Copenhagen, Oslo, Stockholm, Geneva, Basel, Zurich, Milan, Naples, and Rome, on the other hand.

American states that the MOM rate presently applies to American in conjunction with through carriage of such mail involving the foreign points London-Frankfurt,[1] and seeks only to add the additional foreign points cited above. The carrier states that a notice of election and agreement for equalization covering this carriage of mail has been filed with the Board[2] and the service will be initiated upon the establishment of the rates as requested herein.

On March 20, 1972, the U.S. Postal Service filed a reply indicating the Postmaster General has no objections to American's petition.

The Board finds it is in the public interest to establish the service mail rates requested herein. Therefore, upon consideration of the petition and the reply filed herein, and other matters officially noticed, especially those set forth in Order 70-3-54,[3] the Board proposes to issue an order to include the following findings and conclusions:

1. The petition of American to permit further equalization of MOM rates in conjunction with through transportation of MOM mail involving the additional foreign points as stated therein shall be granted.

2. In order to accomplish such equalization Order 68-9-8 shall be further amended as follows:

Paragraph (3) of footnote 2, on page 2 of Order 68-9-8 shall be amended to read:

(3) Such service shall also include the carriage of MOM by American between Washington, D.C., and Baltimore, Md., on the one hand, and New York, N.Y., on the other hand, in conjunction with the through carriage of MOM between Washington, D.C. and Baltimore, Md., on the one hand, and London, Frankfurt, Shannon, Glasgow, Paris, Amsterdam, Brussels, Hamburg, Dusseldorf, Cologne/Bonn, Stuttgart, Munich, Nuremburg, Copenhagen, Oslo, Stockholm, Geneva, Basel, Zurich, Milan, Naples, and Rome, on the other hand.

3. The mail rates proposed herein are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302:

It is ordered, That:

1. All interested persons, and particularly American Airlines, Inc., National Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., the Postmaster General, and the Department of Defense are directed to show cause why the Board should not further amend Order 68-9-8, September 4, 1968, as amended, as proposed above.

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions specified herein, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions stated herein.

[1] Order 70-3-147, March 30, 1970.

[2] Dockets 16349 and 18078.

[3] March 11, 1970.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon the parties enumerated in paragraph 1, above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5507 Filed 4-10-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from February 28, 1972, to March 15, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains a listing of proposed regulations reviewed by EPA during the period from February 28, 1972, to March 15, 1972, under section 309 of the Clean Air Act. The listing includes the Federal agency responsible for the proposed regulation, the title of the regulation, the classification of the nature of EPA's coments, and the source for copies of the comments.

Appendix III contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix IV contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: April 4, 1972.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I.—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 28, 1972 AND MARCH 15, 1972

Responsible Federal Agency	Title and number of statement	General nature of comments	Source for copies of comments
Atomic Energy Commission.	D-AEC-00026-35: Radioactive Solid Waste Volume Reduction Facility.	2	A
Corps of Engineers.	D-COE—36088-04: Bound Brook Flood Control Project (Scituate, Mass.).	2	B
	D-COE-25106-04: Bullock's Point Cove Maintenance Dredging Project.	2	B
	D-COE-32312-07: South Branch Rahway River Flood Control, N.Y., No. 142.	2	C
	D-COE-32161-07: Maintenance of the Harlem River Channel	1	C
	D-COE-32159-07: New York Harbor Anchorages	1	C
	D-COE-32156-07: Maintenance of Westchester Creek, N.Y	1	C
	D-COE-32100-11: Branch Channel, Vicinity of Delaware City-Delaware.	2	D
	D-COE-36087-17: Mayfield Creek and Tributaries, Kentucky Flood Control.	2	E
	D-COE-32313-30: Upper Mississippi River Basin (Minnesota)	2	F
	D-COE-36085-25: Flint River Flood Control (Flint, Mich.)	1	F
	D-COE-32104-37: Big Sioux River (Sioux City, Iowa, and North Sioux City, S. Dak.).	2	H
	D-COE-81043-49: Construction of U.S. Post Office (Honolulu, Hawaii).	2	J
	D-COE-32105-55: Oak Harbor, Wash., Small Boat Basin	2	K
	D-COE-32153-55: Lost Creek Lake Project, Rogue River, Oreg	2	K
	D-COE-31019-54: Wahkiakum County Diking District	2	K
Department of Agriculture.	D-DOA-82010-34: Boll Weevil, Texas Cooperative Diapause Control	2	A
	D-DOA-36086-21: Sowashee Creek Watershed (Lauderdale County, Fla.).	1	E
Department of Defense.	D-DOD-82015-00: Disposition of Orange Herbicide by Incineration	2	A
	D-DOD-10016-09: Relocation of Target Facilities from Aqua Cay to Cross Cay, Atlantic Fleet Weapons Range, P.R.	1	C
	D-DOD-89057-24: Mississippi River, East Bank Warren to Wilkinson Counties, Miss.	1	E
Department of Interior.	D-DOI-89055-34: Proposed Prototype Distillation Plant (Brownsville, Tex.).	2	G
	D-DOI-32102-36: O'Neil Unit, Pick-Sloan Mo. Basin Program	3	H
	D-DOI-31018-43: China Meadows Dam and Reservoir (Wyoming)	3	I
	D-DOI-40820-54: SR2, Sultan Vicinity, Passing Lanes	2	K
Department of Transportation.	D-DOT-51150-01: Airport Customs Building Replacement (Bangor, Maine).	2	B
	D-DOT-40823-01: U.S. Route 1A Improvement (Harrington, Maine)	1	B
	D-DOT-40117-07: Nassau Expressway, No. 78	1	C
	D-DOT-40133-07: Beacon Arterial-Route 9D, Improvement Dutchess Junction to Interstate Route 84, Dutchess County.	1	C
	D-DOT-40130-07: Buckley Corners-Hollowville Route 23, Columbia County, No. 108.	1	C
	D-DOT-89061-09: Artificial Reef (Ponce, P.R.)	1	C
	D-DOT-51018-07: Albany County Airport Regional No. 123	2	C
	D-DOT-40135-07: Sunrise Highway Extension, Route 27, Shinnecock Hills to East of Amsganett, Southampton and East Hampton, Suffolk.	2	C
	D-DOT-40393-15: Route 66, Fairfax and Arlington Counties, Va	3	A
	D-DOT-40822-17: Mason County, Kentucky Highway Project, Kentucky-10.	1	E
	D-DOT-40967-17: APD 640 (5) and (2) Pike County, Ky	2	E
	D-DOT-40966-18: Haywood County, N.C., Canton to U.S. 276	1	E
	D-DOT-40965-18: Guilford County, High Point, N.C	1	E
	D-DOT-40962-28: S-Project No. 208(5) Jefferson County, Ind	1	F
	D-DOT-40529-30: T.H. 23, Lyon, Yellow Medicine, Chippewa County, Minn.	2	F
	D-DOT-41114-08: Route 206 Newton Bypass, N.J., No. 133	1	C
	D-DOT-51053-26: John F. Kennedy Memorial Airport (Ashland, Wis.).	1	F
	D-DOT-51052-27: Effingham County Airport (Illinois)	1	F
	D-DOT-40529-28: State Road 37, Perry County, Ind	1	F
	D-DOT-51097-25: Fremont Municipal Airport, Newaygo County, Mich.	1	F
	D-DOT-51097-30: Springfield Municipal Airport, Brown County, Minn.	1	F
	D-DOT-51098-25: Schoolcraft County Airport, Manistique County, Mich.	1	F
	D-DOT-40818-27: F.A. Route 45, Cook County, Ill	1	F
	D-DOT-40510-27: F.A. Route 24, S.B.I. Route 23, Livingston County, Ill.	1	F
	D-DOT-40826-34: Controlled Access Facility of SH288, Texas	2	G
	D-DOT-51054-32: Goldsby Airport (Norman, Okla.)	2	G
	D-DOT-40974-31: Project S-1418(1) 6 miles west U.S. 85 New Mexico	2	G
	D-DOT-40973-35: Federal Air Project No. F-399(12) State Route, in White Castle, Iberville Parish, La.	1	G
	D-DOT-40972-38: From 1.5 miles north of Monroe Overpass, Lubbock County, Tex.	2	G
	D-DOT-51119-34: Hemphill Municipal Airport (Hemphill, Tex.)	2	G
	D-DOT-40971-38: 24-44 F 072-1(19) Jefferson County, Kans	2	H
	D-DOT-40968-37: Freeway 520-Black Hawk County, Iowa	2	H
	D-DOT-40970-38: Proposed Improvement of U.S. 54 to Freeway Stand.	1	H
	D-DOT-40969-36: I-80-1 (11) and (12) S-259 (4) and S-620-A-Cheyenne County, Nebr.	2	H
	D-DOT-40824-37: Freeway 628 Woodbury County, Iowa	1	H
	D-DOT-40825-38: Highway Project, Miami County, Kans	2	H
	D-DOT-41097-42: F.020-7 Lake County, S. Dak	1	I
	D-DOT-40524-55: Warren-Scappoose Unit St. Helens-Columbia County. Line Se Section.	2	K
	D-DOT-40526-54: West Seattle Freeway Project	2	K
	D-DOT-40525-55: Industrial Freeway (I-505) Multnomah County, Ore.	2	K
	D-DOT-40821-55: Santa Clara-Eugene Section City-Eugene Highway	2	K
Federal Power Commission.	D-FPC-07035-54: Transmission Line Reconstruction, Seattle	1	K
	D-FPC-07036-54: South Substation-Delridge Substation 230 kv. Transmission.	1	K

APPENDIX I.—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 28, 1972 AND MARCH 15, 1972—Continued

Responsible Federal Agency	Title and number of statement	General nature of comments	Source for copies of comments
General Services Administration.	D-GSA-24030-15: Pentagon Sewer Connection to Arlington County System.	1	D
Housing and Urban Development.	D-HUD-85033-07: Granada, New Community Final Statement.....	2	C
Veterans Administration.	D-VA-81042-46: New 630 Bed V.A. Hospital, Loma Linda, Calif.....	2	J

APPENDIX II—PROPOSED REGULATIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 28, 1972 AND MARCH 15, 1972

Responsible Federal Agency	Title and number of statement	General nature of comments	Source for copies of comments
Interstate Commerce Commission.	R-ICC-90046-00: Procedures for Implementing the National Environmental Policy Act of 1969.	2	A
Department of Agriculture.	R-DOA-90045-00: National Forest Development Trails.....	1	A

APPENDIX III

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) General Agreement/Lack of Objections: The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate Information:*

The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major Changes Necessary:*

The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory:*

The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX IV

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-5402 Filed 4-10-72;8:45 am]

GEIGY AGRICULTURAL CHEMICALS

Notice of Extension of Temporary Tolerances

Geigy Agricultural Chemicals, Division of Ciba-Geigy Corp., Ardsley, NY 10502, was granted temporary tolerances for residues of the herbicide 2,4-bis-(isopropylamino) -6- methylthio-*s*-triazine in or on the raw agricultural commodities soybean fodder and forage at 1 part per million and soybeans at 0.25 part per million on August 8, 1969 (notice was published in the FEDERAL REGISTER of August 15, 1969 (34 F.R. 13286)). At the request of the firm, the temporary tolerances were extended to July 1, 1972 (notice was published in the FEDERAL REGISTER of August 17, 1971 (36 F.R. 15679)).

The firm has requested a 6-month extension to obtain additional efficacy data. It is concluded that such extension will protect the public health. A condition under which the temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Geigy Agricultural Chemicals name.

As extended, these temporary tolerances expire January 1, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 5, 1972.

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

[FR Doc.72-5477 Filed 4-10-72;8:48 am]

FEDERAL RESERVE SYSTEM

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of a nonoperating bank formed for the purpose of acquiring the assets and assuming the liabilities of Gulfgate State Bank of Houston, Houston, Tex. (Bank). The proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 7 banks with aggregate deposits of $1.3 billion, which amounts to 4.7 percent of the total commercial bank deposits in Texas. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972.) Applicant presently owns 38.8 percent of the voting shares of Bank ($31 million in deposits) and controls it. Consummation of this proposed transaction would merely strengthen an affiliation that has existed since Bank was organized in 1950. On the basis of the record, it appears that consummation of the proposal is not likely to have an adverse effect on existing or potential competition in any relevant area nor would any competing bank be adversely affected.

Acquisition of the remaining stock of Bank would continue Bank's access to qualified personnel and participations in more extensive projects beyond Bank's lending capabilities. Considerations related to the convenience and needs of the communities to be served weigh slightly in favor of approval. The financial and managerial resources and future prospects of applicant and its subsidiaries and of Bank are generally satisfactory and consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons sum-

marized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas, pursuant to delegated authority.

By order of the Board of Governors,[3] April 4, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5447 Filed 4-10-72;8:45 am]

POWHATAN COMMUNITY BANK

Order Approving Application for Merger of Banks

Powhatan Community Bank, Powhatan, Va., a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Bank of Powhatan, Powhatan, Va., under the name of Bank of Powhatan.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of Southern Bankshares, Inc. to acquire the Bank of Powhatan, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] April 4, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5448 Filed 4-10-72;8:46 am]

SOUTHERN BANKSHARES, INC.

Order Approving Acquisition of Banks

Southern Bankshares, Inc., Richmond, Va., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to (1) Bank of Powhatan, Powhatan, Va. (Powhatan Bank), and (2) Bank of Goochland, Goochland, Va. (Goochland Bank).

The banks into which Powhatan Bank and Goochland Bank are to be merged have no significance except as a means of acquiring the voting shares of each Bank. Accordingly, the proposed acquisitions of the successor organizations are treated herein as the proposed acquisitions of the shares of each Bank.

Notice of receipt of the applications has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls two banks with total deposits of $120.5 million, representing 1.4 percent of the total deposits in commercial banks in Virginia, and is the State's 11th largest banking organization. (All banking data are as of June 30, 1971, and unless otherwise noted, reflect holding company formations and acquisitions approved through February 29, 1972.) Acquisition of Powhatan Bank (deposits of $30 million) and Goochland Bank (deposits of $14.3 million) would increase Applicant's share of deposits in the State by approximately 0.6 percentage point and advance its rank to 10th in the State. Consummation of the proposed transactions would not significantly increase the concentration of banking resources in the State.

Powhatan Bank is the only banking organization located in Powhatan and Cumberland Counties, which approximates both its primary service area and the relevant banking market. Goochland Bank is the only bank located in its service area approximated by Goochland County. Both Banks serve largely rural counties lying to the west, and adjacent to, the Richmond SMSA. Applicant's lead bank, Southern Bank & Trust Company (SBT), is located in Richmond and serves the Richmond SMSA, which represents a separate banking market from the banking markets in which Powhatan Bank and Goochland Bank compete. SBT's closest office to Powhatan Bank and Goochland Bank is 11 miles and 4.2 miles, respectively, from those institutions. There is minimal competition existing between Powhatan Bank and Goochland Bank, and some competition between the proposed subsidiaries and banks in the Richmond SMSA. However, the competition which exists is not regarded as significant. Moreover, there appears to be no significant incentive for applicant to establish a de novo bank in either of the markets served by Powhatan Bank or Goochland Bank. The Board, therefore, concludes that the effects on existing as well as potential competition resulting from consummation of the proposed acquisitions would be only slightly adverse. Applicant would remain the fifth largest among 12 banking organizations represented in the Richmond SMSA, where it controls 7.3 percent of market deposits. The proposed transactions should have no adverse effect on competing banks.

On the basis of the foregoing, the Board concludes that the competitive effects of the proposal are not inconsistent with approval of the applications, and for the reasons discussed hereinafter, any elimination of existing or potential competition that may result may be regarded as outweighed by the benefits that would result from the proposal.

The financial and managerial resources of Applicant are generally satisfactory and prospects for the group appear favorable. Both Powhatan Bank and Goochland Bank lack successor management, and applicant should be able to provide such management to avert any serious problem from arising. Banking factors, therefore, lend weight toward approval of the application. Although there is no evidence that significant banking needs of the communities involved are going unserved, consummation of the proposed acquisitions will enable both Powhatan Bank and Goochland Bank to initiate new services which will include trust, computer, and credit services as well as give each a larger lending capacity. Convenience and needs considerations lend some weight toward approval. It is the Board's judgment that the proposed transactions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] April 4, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5449 Filed 4-10-72;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31,

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer and Sheehan. Absent and not voting: Chairman Burns and Governor Maisel.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Maisel.

1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on April 5, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of California from severe storms and flooding, beginning about January 20, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of California. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. Terrence S. Meade, Disaster Assistance Coordinator, OEP Region 9, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of California to have been adversely affected by this declared major disaster:

The counties of:

Del Norte. Humboldt.

Dated: April 5, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72–5495 Filed 4–10–72;8:49 am]

MICHIGAN

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitle "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on April 5, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Michigan from a severe storm and freezing, beginning about March 13, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Michigan. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. Robert E. Connor, Regional Director, OEP Region 5, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Michigan to have been adversely affected by this declared major disaster:

The counties of:

Allegan. Ingham.
Barry. Jackson.
Calhoun. Kalamazoo.
Eaton.

Dated: April 5, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72–5496 Filed 4–10–72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CANADIAN JAVELIN LTD.

Order Suspending Trading

APRIL 5, 1972.

The common stock, no par value, of Canadian Javelin Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 6, 1972, through April 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–5484 Filed 4–10–72;8:48 am]

[59–114]

DELMARVA POWER & LIGHT CO., ET AL.

Notice of and Order for Hearing

APRIL 5, 1972.

In the matter of Delmarva Power & Light Co., Delmarva Power & Light Company of Maryland, Delmarva Power & Light Company of Virginia, respondents 800 King Street, Wilmington, DE 19899 (59–114).

The Commission having been advised by its Division of Corporate Regulation (Division) that the Division, pursuant to sections 11(a), 18(a), and 18(b) of the Public Utility Holding Company Act of 1935 (Act), has examined the corporate structure of Delmarva Power & Light Co., the corporate structure of its subsidiary companies, the relationships among the companies in the holding company system, the character of the interests thereof and the properties owned or controlled thereby; and it appearing to the Division from such examination that:

I. 1. Delmarva Power & Light Co. (Delmarva), formerly Delaware Power & Light Co., is a corporation incorporated under the laws of Delaware; it maintains its principal offices in the city of Wilmington, Del. Delmarva is both an electric utility company and a gas utility company, and also a holding company registered as such under section 5 of the Act.

2. Delmarva has two subsidiary companies: Delmarva Power & Light Company of Maryland (Delmarva-Md.), a Maryland corporation engaged exclusively in the electric utility business within the State of Maryland; and Delmarva Power & Light Company of Virginia (Delmarva-Va.), a Virginia corporation engaged exclusively in the electric utility business within the Commonwealth of Virginia. As an operating company, Delmarva is engaged within the State of Delaware in the electric, gas, and steam business. Together the utility businesses of Delmarva and its subsidiary companies (Delmarva System) are conducted within these three States in a total area of about 5,700 square miles having a total population in excess of 842,000. Delmarva holds 100 percent of the voting securities of its two utility subsidiaries.

3. (a) The consolidated gross operating revenues of the Delmarva System for the year ended December 31, 1970, amounted to $110,860,715, consisting of $87,195,679 from the sale of electricity; $18,336,942 from the sale of gas; and the balance ($5,328,094) from steam and electric service to a nonaffiliated oil refinery in the State of Delaware. Of the consolidated electric revenues (including steam revenues), about 75 percent were applicable to Delmarva, 21 percent to Delmarva-Md., and 4 percent to Delmarva-Va.

(b) As of December 31, 1970, the property account of the Delmarva System was as follows:

Property, plant, and equipment including intangibles:	
Electric plant	$446,791,693
Gas plant	45,735,801
Steam and Electric (Refinery service)	22,194,539
Common plant	12,252,986
Total	[1] 526,975,019
Less reserves for depreciation	124,454,451
Net property, plant and equipment including intangibles	$402,520,568

[1] Includes a total of $87,199,722 construction work in progress.

4. (a) The Delmarva System renders retail electric service in 12 municipalities, each with a population in excess of 10,000; of these municipalities, six are in Delaware, two in Maryland and four in

Virginia. The System also renders wholesale electric service to 12 municipalities, three REA Cooperatives and two nonaffiliated utility companies. Of these wholesale customers, many of which purchase 100 percent of their electric energy requirements from the Delmarva System, nine municipalities and one Cooperative are located in Delaware; three municipalities, one Cooperative and the two nonaffiliated utilities are located in Maryland; and one Cooperative is in Virginia.

(b) The electric energy to meet the requirements of the Delmarva System in 1970 were supplied largely from four steam-electric generating plants, eight gas-turbine generating units and 10 internal combustion generating plants owned and operated by system companies; and from two mine-mouth steam-electric plants jointly owned with nonaffiliates. At December 31, 1970, the net system effective generating capacity, including 4,500 kw. of leased capacity, was 1,188,800 kw. In 1970, the system companies generated a total of approximately 5.9 billion kilowatt-hours, of which 92 percent was generated by Delmarva, 7 percent by Delmarva-Md. and 1 percent by Delmarva-Va.

5. (a) The service areas of the three companies in the Delmarva System are contiguous, all being located in the "Delmarva Peninsula" region of Delaware, Maryland, and Virginia. The system companies are physically interconnected and intrasystem interchanges of electric power is normal procedure, as more fully indicated in the following description of the electric operations of each of the system companies.

(b) (i) As an electric utility company, Delmarva owns and operates facilities for the generation, transmission and distribution of electric energy for sale. Delmarva's utility operations are conducted in the State of Delaware, where electric service is provided to approximately 145,000 retail customers in six cities and towns including the city of Wilmington, each having a population in excess of 10,000, within an aggregate area of about 2,057 square miles having an aggregate population of about 543,000. Delmarva also sells electric energy for resale to nine municipal utility systems and one REA Cooperative, and interchanges electric energy with Delmarva-Md. and with Philadelphia Electric Co., a nonaffiliate. Interchanges with the latter company are effected through the Pennsylvania-New Jersey-Maryland (PJM) Interconnection System, with which Delmarva is affiliated. In 1970, Delmarva generated 5,437,313,700 kw.-hr. and purchased (exclusive of interchange transactions) 78,934,400 kw.-hr. of energy. Its interchange transactions resulted in net deliveries of 155,405,000 kw.-hr. to Philadelphia Electric Co. and 930,567,900 kw.-hr. to Delmarva-Md. Its bulk sales for resale amounted to 545,844,400 kw.-hr., and its steam-electric service to an oil refinery customer included 7,702,000 pounds of steam. Delmarva's gross operating revenues from the sale of electricity in 1970 amounted to $69,623,410, including revenues of $5,328,094 from the steam-electric refinery service. At December 31, 1970, its gross electric utility plant, including construction work in progress, amounted to $378,503,732.

(ii) Delmarva-Md. owns and operates facilities for the generation, transmission and distribution of electricity for sale in eastern Maryland. Its service area comprises about 3,000 square miles, and its serves about 56,000 customers. In 1970, its total energy sales amounted to 1,184,821,300 kw.-hr., including 149,922,000 kw.-hr. of net interchange deliveries to Delmarva-Va. Its net interchange purchases from Delmarva amounted to about 70 percent of its total energy sales, and the 30 percent balance was derived from its own generation. The total energy sales included 261,777,400 kw.-hr. to nonsystem entities for resale. Gross operating revenues of Delmarva-Md. in 1970 amounted to $19,800,386; it gross utility plant at the end of that year amounted to $89,979,653.

(iii) Delmarva-Va. owns and operates facilities for the generation, transmission, and distribution of electricity in Accomack and Northampton Counties of Virginia. It serves about 12,400 customers in an area of about 666 square miles having a total population of about 37,400. In 1970, its gross operating revenues amounted to $3,298,511, and at the end of that year it had gross utility plant of $12,755,833. Delmarva-Va.'s total extra-System sales of electric energy in 1970 amounted to 165,824,000 kw.-hr., including 36,772,000 kw.-hr. to an REA Cooperative for resale. Its net purchases of interchange energy from Delmarva-Md. represented about 88 percent of these total sales.

II. 6. (a) Delmarva conducts the entire gas utility business of the Delmarva System. Its gross gas utility plant at December 31, 1970, amounted to $45,735,801, or 10.8 percent of its combined electric and gas gross utility plant. In the year ending on that date its gross operating revenues from the sale of gas amounted to $18,336,942, or 20.9 percent of its total gross operating revenues. Delmarva's gas operations are conducted in New Castle County, Del., within territory served by it with electricity. In 1970, it provided gas service to about 73,000 customers in an area including the city of Wilmington, of about 275 square miles having a total population of 382,000.

(b) Natural gas is distributed through approximately 973 miles of gas mains, and is supplemented with propane-air gas during periods of high usage. In 1970, Delmarva was supplied with natural gas by Transcontinental Pipe Line Corp. (Transco). Its contracts with Transco, as of the end of 1970, entitled Delmarva to receive 54,300 mcf per day of firm gas and an additional 30,844 mcf per day of storage and peaking gas during winter months. Delmarva has under construction a storage facility for liquefied natural gas with a storage capacity of 250,000 mcf equivalent, and an output capability of 50,000 mcf per day.

III. It appearing to the Commission, on the basis of the above allegations of the Division of Corporate Regulation, that a proceeding should be instituted under section 11(b)(1) of the Act with respect to the Delmarva Power & Light Co. holding company system:

It is ordered, That a proceeding be and the same hereby is instituted under section 11(b)(1) of the Act with respect to the Delmarva Power & Light Co. and each of its subsidiary companies hereinbefore named, all of which are made respondents herein.

It is further ordered, That a hearing be held at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549 at a date later to be specified by the Secretary of the Commission. On such day the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that, upon the basis of its preliminary examination of the Delmarva Power & Light Co. holding company system, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(a) Whether the electric utility assets of the Delmarva Power & Light Co. holding company system constitute a single integrated electric utility system or more than one such system;

(b) Whether the gas utility operations of the Delmarva Power & Light Co. holding company system constitute a single integrated gas utility system or more than one such system;

(c) The nature, extent and location of the "single integrated public-utility system" of the Delmarva Power & Light Co. holding company system;

(d) Whether, along with the Delmarva Power & Light Co. holding company system's "single integrated public-utility system," any of its additional electric or gas utility systems may be retained under common control under the provisions of section 11(b)(1) of the Act, specifically Clauses (A), (B), and (C) thereof;

(e) What action is necessary to be taken by the Delmarva Power & Light Co. holding company system to limit the operations of the system to those of a single integrated public-utility system, together with such additional utility systems, and such other businesses, if any, as are retainable under the standards of section 11(b)(1) of the Act;

It is further ordered, That at the aforesaid hearing, consideration be given to the foregoing matters and questions, without prejudice to the presentation of additional matters and questions.

It is further ordered, That the Respondents shall file with the Secretary of the Commission on or before May 22,

1972, their joint or several answers in the form prescribed in Rule 25 under the Act admitting, denying, or otherwise explaining their respective positions as to each of the allegations of Parts I and II hereof. The answer should state which of the properties and facilities of the Delmarva Power & Light Co. holding company system constitutes the retainable "single integrated public-utility system." Any such answer may include a statement of the claim of the Respondents, or any of them, as to: (a) The action, if any, which is necessary and should be required to be taken by any of the Respondents (including the divestment of control, securities or other assets), to limit the operations of the system to a single integrated public-utility system; and (b) the extent to which the system should be permitted to continue to control, in addition to its claimed "single integrated public-utility system," one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B), and (C) of section 11(b)(1) of the Act. Any such answer may, if such Respondents so desire, state that they propose and are prepared to take such action as will cause them to comply with section 11(b)(1) within the meaning of the Act, together with a description of such action and the time within which they propose to take action.

It is further ordered, That any person, other than the Respondents, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before June 6, 1972, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. 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 Respondents 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. Persons filing an application to participate or be heard will receive notice of the date of hearing or any adjournment thereof as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid by mailing a copy of this Notice of and Order for Hearing by certified mail to each of the respondent companies; the Federal Power Commission; the U.S. Department of Justice; the Maryland Public Service Commission; the Delaware Public Service Commission; the Virginia State Corporation Commission; the city of Wilmington, Del.; and the county of New Castle, Del.; and that notice of said hearing is hereby given to the aforesaid and to all States, municipalities, and political subdivisions of States within which are located any of the physical assets of the respondent companies, to all State commissions, State securities commissions and all agencies, authorities, or instrumentalities of any State, municipality, or other political subdivision having jurisdiction over any of the respondent companies or any of the business affairs or operations of any of them, and to all other interested persons, such notice to be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.72-5485 Filed 4-10-72;8:48 am]

[File No. 24SF-3852]

DINKY'S INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 5, 1972.

I. Dinky's Inc., First National Bank Building, Suite 703, Las Vegas, Nev. 89101, incorporated in the State of Nevada on October 27, 1971, filed with the San Francisco Regional Office a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 100,000 shares of its common stock at $5 per share for an aggregate offering of $500,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Contemporary Securities Corp., a registered broker-dealer having its principal place of business in New York City, was the named underwriter for the proposed offering.

II. The Commission on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Notification and Offering Circular of Dinky's Inc. omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and contain untrue statements of material facts, particularly with respect to:

1. The fact that Samuel R. Calabrese and Charles Calabrese were promoters of Dinky's Inc.;

2. The fact that Samuel R. Calabrese was an affiliate of Dinky's Inc.;

3. The fact the Samuel R. Calabrese is the subject of an injunction involving violations of the Federal securities laws; and

4. The issuance and sale of its shares to its officers and directors.

B. The terms and conditions of Regulation A have not been complied with in that:

1. Items 2 and 3 of the notification failed to contain the names of Samuel R. Calabrese and Charles Calabrese;

2. Item 6 of the notification failed to describe the injunction which affects Samuel Calabrese; and

3. Item 9 of the notification failed to reflect accurately the sale of Dinky's Inc. shares and the consideration paid for them.

C. Regulation A is not available to Dinky's Inc. pursuant to Rule 252(d)(2) because Samuel R. Calabrese, a promoter and affiliate of the company, is the subject of a consent injunction enjoining him from other further violations of the Securities Act of 1933 and the Securities Exchange Act of 1934.

D. The offering, if made, would be in violation of sections 5 and 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Dinky's Inc. under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the by the Commission.

By the Commission.

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

[FR Doc.72-5486 Filed 4-10-72;8:48 am]

FINANCIERA METROPOLITANA, S.A., AND INSTITUCION FINANCIERA & FIDUCIERIA

Notice of Filing of Application for Order Exempting Company From Act

APRIL 5, 1972.

Notice is hereby given that Financiera Metropolitana, S.A. Institucion Financiera Y Fiducieria (Applicant), Avenida Juarez No. 42, Eighth Floor, Mexico 1, D.F., Mexico, a Mexican credit institution, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with

the Commission for a statement of the material representations therein which are summarized below.

Applicant was incorporated on January 27, 1944, pursuant to Mexican law. Applicant has assets of over $67 million as of June 30, 1971, and states that as of December 31, 1971, its capital stock was held by 17 shareholders. Applicant represents that it does not offer its equity securities to the public, and that its business consists of borrowing money from other lenders, and reloaning the funds borrowed to various enterprises in Mexico.

Applicant's Form S–1 Registration Statement filed with the Commission registering an offering of its Financial Certificates, Series F (Financial Certificates) was declared effective on December 19, 1968, and is currently effective.

Applicant maintains that it should be granted an exemption because the purposes for which the Act is intended are in fact satisfied. Applicant states that its current registration and offering in the United States of its Financial Certificates complies with the provisions of the Trust Indenture Act of 1939. Applicant contends further protection to United States investors is offered by Applicant's currently effective registration covering the offering of its Financial Certificates pursuant to the Securities Act of 1933 (Securities Act).

Applicant represents that it is regulated under Mexican law. All financieras, such as Applicant, are required to deposit with the Bank of Mexico all funds acquired from the sale of financial certificates, bonds, and notes of varying maturities issued by them.

Applicant states that the Bank of Mexico and the Comision Nacional Bancaria (National Banking Commission) establish the basic credit policies of financieras, fix the interest rates which they may pay and charge, and establish their cash reserve requirements, and the types of business in which financieras may engage are explicitly limited by Mexican law. Financieras are prohibited from financing real estate transactions. They may not conduct banking functions such as accepting deposits of money or offering checking accounts. Financieras are also regulated so as to prevent them from acquiring control of other corporations by the purchase of equity securities. They may acquire shares only of those companies registered with the National Securities Commission of Mexico. Special authorization is required to acquire more than 25 percent of the shares of any other corporation. The acquisition of more than 50 percent of the shares of any other corporation is prohibited. Applicant's charter provides for the annual election of one or more "shareholders' examiners," who are charged with observing the conduct of Applicant's business and reporting to the shareholders annually. Such examiners can call shareholder meetings whenever they believe such meetings to be in the interest of shareholders. Business transactions by Applicant with its officers and/or shareholders' examiners are prohibited and such transactions with its board of directors are subject to approval of the disinterested directors.

The Philadelphia National Bank (Trustee), a national banking association duly organized under laws of the United States, and Applicant have entered into a Trust Indenture dated as of November 1, 1968 (Indenture) and Supplemental Indentures thereto dated as of April 1, 1969, May 1, 1970, and February 1, 1972, relating to the issuance of the Financial Certificates. The Trustee prepared a Statement of Eligibility and Qualification under the Trust Indenture Act of 1939 on Form T–1, filed with the Commission on July 19, 1968, as part of Applicant's Securities Act registration statement on Form S–1. Applicant represents the Indenture is made in full compliance with the provisions of the Trust Indenture Act of 1939. The Indenture provides that in the event of default the Trustee may institute proceedings with the National Banking Commission to have Applicant fulfill its obligations with respect to the Financial Certificates. The Trustee is also empowered to institute and prosecute any proceedings to enforce the rights of holders of the Financial Certificates.

Applicant states that the Supplemental Indentures offer U.S. purchasers of Financial Certificates additional rights. A Certificateholder can institute suit against Applicant for claims arising out of the offering of the Financial Certificates or an Event of Default under the Supplemental Indenture. A Certificateholder, who has obtained a judgment in the United States based on such a claim, may direct the Trustee to retain Mexican counsel in his behalf for the purpose of obtaining execution of this judgment in Mexico. In this regard, Applicant has appointed John Hoyt Stookey, an attorney, as its agent for service of process and its authorized representative in the United States.

Section 6(c) of the Act, as here pertinent, authorizes the Commission, by order upon application, conditionally or unconditionally to exempt any person or any class or classes of persons from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 26, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–5487 Filed 4–10–72;8:49 am]

[File No. 500–1]

FIRST FIDELITY CO.

Order Suspending Trading

APRIL 5, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of First Fidelity Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 6, 1972, through April 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–5488 Filed 4–10–72;8:49 am]

[File No. 500–1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

APRIL 5, 1927.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from April 6, 1972, through April 15, 1972.

By the Commission.

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

[FR Doc.72-5489 Filed 4-10-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 6, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51146 Sub 205, Schneider Transport & Storage, Inc., continued to June 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7669, T. R. Dinnery & Ernest N. Bendle, doing business as D & B Leasing Co., and Fanita Bendele, doing business as Drivers Unlimited—Investigation of Operations and Practices, now assigned at Dallas, Tex., postponed indefinitely. The hearing date is May 4, 1972.

MC 107993 Sub 15, J. J. Willis Trucking Company, MC 108676 Sub 31, A. J. Metler Hauling and Rigging, Inc., and MC 124947 Sub 8, Machinery Transports, Inc., now assigned May 22, 1972, at Washington, D.C., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5521 Filed 4-10-72;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 6, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42394—*Artificial Rubber and Rubber Compounds from Kountze, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-299), for interested rail carriers. Rates on rubber, artificial, neoprene or synthetic, crude, also rubber compounds, NOIBN, in carloads, as described in the application, from Kountze, Tex., to various points in Colorado, Georgia, Illinois, Louisiana, Missouri, and New Jersey.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 24 to Southwestern Freight Bureau, agent, tariff ICC 4982. Rates are published to become effective on May 13, 1972.

FSA No. 42395—*Plasticizers from Bridgeport, N.J.* Filed by Southwestern Freight Bureau, agent (No. B-307), for interested rail carriers. Rates on plasticizers, resin, in tank carloads, as described in the application, from Bridgeport, N.J., to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—Water competition.

Tariff—Supplement 179 to Southwestern Freight Bureau, agent, tariff ICC 4847. Rates are published to become effective on May 13, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5520 Filed 4-10-72;8:51 am]

[Notice 48]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 5, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 22 TA), filed March 22, 1972. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends*, from the plantsite of National Can Corp., Danbury, Conn., to Cranston, R.I., Elmsford and Long Island City, N.Y., on automated equipment, for 180 days. Supporting shipper: National Can Corp., 5959 South Cicero Avenue, Chicago, IL 60638. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 3854 (Sub-No. 17 TA), filed March 21, 1972. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, NC 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in containers, from Knoxville and Johnson City, Tenn., to points in North Carolina and points in Virginia in and west of Tazewell and Smyth Counties, Va., for 180 days. Supporting shipper: Agrico Chemical Division, Continental Oil Co., Post Office Box 346, Memphis, TN 38101. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 30837 (Sub-No. 450 TA), filed March 20, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160 (53141), Kenosha, WI 53140. Applicant's representative: Paul L. Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, chassis, and station wagon type vehicles* on truck chassis designed to transport passenger and property, with or without bodies or parts thereof, in secondary movements, in truckaway service, from Framingham, Mass., and points within 20 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Restriction: Restricted to the transportation of vehicles manufactured or assembled at the IHC Plants at Fort Wayne, Ind.; Springfield, Ohio; San Leandro, Calif., and Chatham, Ontario, Canada, which have had a prior movement by rail or truck, for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60622 (J. M. Gamble, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 85621 (Sub-No. 7 TA), filed March 23, 1972. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Applicant's representative: Henslee & Bradley, Post Office Box 246, Gadsden, AL 35902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport-

[1] Except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

ing: *General commodities* having a prior or subsequent movement by air except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities requiring special equipment: (1) Between Huntsville Municipal Airport at or near Huntsville, Ala., and points in Alabama as follows: (a) Between Huntsville and Cleveland, Ala., from Huntsville, Ala., over U.S. Highway 431 to its junction with Alabama State Highway 79, thence over Alabama State Highway 79 to its junction with U.S. Highway 231 to Cleveland, Ala., and return over the same route; from Huntsville, Ala., over U.S. Highway 231 and Alabama State Highway 53 to Cleveland, Ala., and return over the same route, serving all intermediate points and the off-route points of Grant, Ala., and the plantsite of Monsanto Chemical Co. near Guntersville, Ala.; (b) between Huntsville and Fort Payne, Ala., from Huntsville, Ala., over U.S. Highway 431 to its junction with Alabama State Highway 79, thence over Alabama State Highway 79 to Scottsboro, Ala., thence over Alabama State Highway 35 to Fort Payne, Ala., and return over the same route, from Huntsville, Ala., thence over U.S. Highway 431 to Albertville, Ala., thence over Alabama State Highway 75 to Rainsville, Ala., and return over the same route, serving all intermediate points and serving the off-route points on Crossville, Dutton, Pisgah, Henegar, and Sylvania, Ala.; (c) between Huntsville and Arab, Ala., serving all intermediate points, from Huntsville, Ala., over U.S. Highway 431 to Guntersville, Ala., thence over Alabama State Highway 69 to Arab, Ala., annd return over the same route, serving all intermediate points;

(2) Between Gadsden Municipal Airport at or near Gadsden, Ala., and points in Alabama as follows: (a) Between Gadsden, Ala., and Valley Head, Ala., from Gadsden, Ala., over U.S. Highway 278 to Attalla, Ala., thence over U.S. Highway 11 and Interstate Highway 59 to Valley Head, Ala., and return over the same route, serving all intermediate points; (b) between Gadsden and Fort Payne, Ala., from Gadsden, Ala., over U.S. Highway 278 to Piedmont, Ala., thence over Alabama State Highway 9 to Centre, Ala., thence over Alabama State Highway 35 to Fort Payne, Ala., and return over the same route, serving all intermediate points; (c) between Gadsden, and Albertville, Ala., from Gadsden, Ala., over U.S. Highway 431 to Albertville, Ala., and return over the same route, serving all intermediate points; (d) between Gadsden and Talladega, Ala., from Gadsden, Ala., over U.S. Highway 278 to Attalla, Ala., thence over Alabama State Highway 77 to Talladega, Ala., and return over the same route, serving all intermediate points; (e) between Gadsden and Collinsville, Ala., from Gadsden, Ala., over U.S. Highway 411 to Centre, Ala., thence over Alabama State Highway 68 to Collinsville, Ala., and return over the same route, serving all intermediate points; (3) between Anniston Municipal Airport at or near Anniston, Ala., and points in Alabama as follows: (a) Between Anniston and Piedmont, Ala., from Anniston, Ala., over Alabama State Highway 21 to Piedmont, Ala., and return over the same route, serving all intermediate points; (b) between Anniston and Gadsden, Ala., from Anniston, Ala., over U.S. Highway 431 to Gadsden, Ala., and return over the same route, serving all intermediate points; (c) between Anniston and Talladega, Ala., from Anniston, Ala., over Alabama State Highway 21 to Talladega, Ala., and return over the same route, serving all intermediate points; (d) between Gadsden and Jacksonville, Ala., from Gadsden, Ala., as specified immediately above to the junction of Alabama State Highway 204 and thence over Alabama State Highway 204 to Jacksonville, Ala., and return over the same route, serving all intermediate points; and

(4) Between Birmingham Municipal Airport at or near Birmingham, Ala., and points in Alabama as follows: (a) between Birmingham, Ala., and Cleveland, Ala., serving all intermediate points and the off route points of Oneonta, Ala., and Altoona, Ala., from Birmingham, Ala., over Alabama State Highway 79 to Cleveland, Ala., and return over the same route; (b) between Birmingham, and Attalla, Ala., serving all intermediate points; from Birmingham, Ala., over U.S. Highway 11 and Interstate Highway 59 to Attalla, Ala., and return over the same route; (c) between Birmingham, Ala., Anniston, Ala., serving all intermediate points, from Birmingham, Ala., over U.S. Highway 78 to its junction with Alabama State Highway 202 to Anniston, Ala.; and return over the same route; (d) between Birmingham, and Oxford, Ala., from Birmingham, Ala., as specified immediately above and thence over U.S. Highway 78 to Oxford, Ala., and return over the same route, serving all intermediate points. Restriction: The authority is restricted against traffic moving as follows: (1) Traffic moving between Birmingham and Attalla-Gadsden, Ala.; (2) Traffic moving between Birmingham and Huntsville, Ala.; (3) Traffic moving between Birmingham and Anniston, Ala.; and (4) Traffic moving between Birmingham and Talladega, Ala., for 180 days. NOTE: The following above-described routes shall be tacked or joined with one another for the purpose of performing a through service. Supported by: There are approximately 39 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 106603 (Sub-No. 119 TA), filed March 16, 1972. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Louis E. Cain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products, urethane roofing and insulation and materials* used in the installation thereof, from the plantsite of the Philip Carey Co., Division of Panacon Corp., Elizabethtown, Ky., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Charles C. Kreutz, corporation manager of transportation, the Philip Carey Co., Division of Panacon Corp., 320 South Wayne Avenue, Cincinnati, OH 45215. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 609 TA), filed March 22, 1972. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing* (other than iron or steel), *fittings, connections, valves, hydrants, gaskets and pipe cement, and accessories used in the installation thereof*, from Henderson, Ky., and Evansville, Ind., to points in Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, and Kansas, for 180 days. Supporting shipper: Donald Orth, purchasing agent, Cresline Plastic Pipe Co., Inc., 955 Diamond Avenue, Evansville, IN 47717. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62804.

No. MC 108859 (Sub-No. 58 TA), filed March 15, 1972. Applicant: CLAIRMONT TRANSFER CO., 1803 South Seventh Avenue, North, Escanaboa, MI 49829. Applicant's Representative: Wilmer J. Wery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock commodities in bulk, household goods as defined by the Commission, classes A and B explosives, those requiring special equipment, and those injurious or contaminating to other lading, between Negaunee and Gwinn, Mich., over Michigan Highway 35, serving all intermediate points, between Marquette and Gwinn, Mich., via Marquette County Highway 553, and U.S. Highway 35, serving all intermediate points, for 180 days. NOTE: Applicant states it does intend to tack the authority with MC 108859. Supporting shippers: Paul G. Ameen, partner, Ameen Transfer Line, Marquette, Mich. 49855; H. G. Arbitee, owner, Arbitee's Sport Shop, Sands-Star Route, Gwinn, Mich. 49841; Gerald Froberg, owner, G. Froberg Co.,

Gwinn, Mich. 49841; Edward Mussatto, owner, Gambles, Gwinn, Mich. 49841; Gerald Froberg, owner, Froberg's Clothing, Gwinn, Mich. 49841; Brideson Wills, assistant superintendent, Gwinn Public Schools, Gwinn, Mich. 49841. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 111045 (Sub-No. 93 TA), filed March 23, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., and Escambia County, Ala., to Mobile, Ala., for 180 days. Supporting shipper: Sun Oil Co., 907 South Detroit Avenue, Post Office Box 2039, Tulsa, OK 74101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 113267 (Sub-No. 278 TA), filed March 20, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Piece goods, cotton or synthetic*, finished or unfinished, from Opelika, Pepperell, and Sylacauga, Ala., Augusta, Columbus, and Thomaston, Ga., Erwin, Greensboro, and Haw River, N.C., Graniteville and Greenville, S.C., and Brenham, Tex.; (2) *hardware*, from Lawrenceburg, Ky.; (3) *thread*, from Ft. Wayne, Ind., and Kansas City, Mo.; and (4) *zippers*, from St. Louis, Mo., to LeMars, Sheldon, Sioux City, Spencer and Storm Lake, Iowa, for 180 days. Supporting shipper: Wm. E. Rodawig, Aalfs Manufacturing Co., Post Office Box 3088, Sioux City, IA 51102. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 114290 (Sub-No. 65 TA), filed March 24, 1972. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pet food* when transported in the same vehicle with canned pet food, from points in California to points in Oregon and Washington, for 180 days. Supporting shipper: Lewis Foods Divison National Pet Food Corp., Post Office Box 788, Long Beach, CA 90801. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 114890 (Sub-No. 61 TA), filed March 22, 1972. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Terminal: A.A. Highway, Caterville, Mo. 64835. Applicant's representative: Frank Shagets (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc sulphate*, from Coffeyville, Kans., to Terre Haute, Ind., for 180 days. Supporting shipper: Sherwin Williams Chemicals, Post Office Box 855, Coffeyville, KS 67337. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115669 (Sub-No. 128 TA), filed March 20, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Howard N. Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* (except anhydrous ammonia), in bulk, in tank vehicles, from Fairfield, Nebr., to points in Kansas on and east of U.S. Highway 283, on and north of Highway I–70, on and west of U.S. Highway 75, for 180 days. Supporting shipper: Delmar Tjarks, Manager, Fairfield Non-Stock Co-op Fertilizer Association, Fairfield, Nebr. 68938. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 116073 (Sub-No. 226 TA), filed March 21, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, *and buildings and sections of buildings*, from Leola, Pa., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, New Jersey, Delaware, Maryland, West Virginia, and Virginia, for 180 days. Supporting shipper: Dawson Homes, Inc., 52 Hess Road, Leola, PA 17540. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 116164 (Sub-No. 7 TA), filed March 24, 1972. Applicant: ARROW TRANSPORTATION, 1911 Northeast 58th Avenue, Des Moines, IA 50313. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* from the plants of Can-Tex Industries, located near Des Moines, Mason City, Ottumwa, and Redfield, Iowa, to points in Indiana and Michigan, under contract with Can-Tex Industries, Division of Harsco Corp., for 180 days. Supporting shipper: Can-Tex Industries, Division of Harsco Corp., 3810 Ingersoll Avenue, Des Moines, IA 50312. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 123048 (Sub-No. 211 TA), filed March 20, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors designed to be used in the transportation of property on highways) and *tractor attachments and parts* in mixed loads with tractors, from the plant and warehouse facilities of J. I. Case Co., at Burlington, Iowa, to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, for 180 days. Supporting shipper: J. I. Case Co., 700 State Street, Racine, WI 53404 (James Pavel, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 133977 (Sub-No. 9 TA), filed March 1, 1972. Applicant: GENE'S, INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representative: Gene Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicle equipped with mechanical refrigeration (except in bulk in tank vehicles), from Washington Court House, Ohio, to Kansas City, Kans., Omaha, Nebr., Little Rock, Ark., Tulsa and Oklahoma City, Okla., and Dallas, Tex.; and *returned, rejected, and damaged shipments*, of the above specified commodities, from the above specified destination points to Washington Court House, Ohio, for 180 days. Supporting shipper: Avoset Food Corp., 80 Grand Avenue, Oakland, Calif. 94612. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5519 Filed 4–10–72;8:51 am]

[Notice 43]

MOTOR CARRIER TRANSFER PROCEEDINGS

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–73353. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Anthony George Forbeck, doing business as Lake Geneva Warehouse & Transfer Co., 910 Madison Street, Lake Geneva, WI 53147, of the operating rights in certificate No. MC–79498 issued March 14, 1956, to Harry J. LaDuc, doing business as Lake Geneva Warehouse & Transfer Co., 910 Madison Street, Lake Geneva, WI 53147, authorizing the transportation of household goods, as defined by the Commission, between Lake Geneva, Wis., and points in Wisconsin within 25 miles thereof, on the one hand, and, on the other, points in Illinois.

No. MC–FC–73354. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Anthony George Forbeck and Jennifer K. Forbeck, a partnership, doing business as Whitewater Transfer Co., 910 Madison Street, Lake Geneva, WI 53147, of the operating rights in certificate N. MC–117402 issued December 14, 1970, to Harry J. LaDuc and Marian R. LaDuc, a partnership, doing business as Whitewater Transfer Co., 910 Madison Street, Lake Geneva, WI 53147, authorizing the transportation of household goods, as defined by the Commission, between Whitewater, Wis., and points within 5 miles thereof, on the one hand, and, on the other, specified points in Illinois, and office furniture and equipment, and store fixtures, between points in Jefferson, Rock, and Walworth Counties, Wis., on the one hand, and, on the other, specified points in Illinois.

No. MC–FC–73477. By order of April 4, 1972, the Motor Carrier Board approved the transfer to David J. Ariola and Albert J. Ariola, a partnership, doing business as McHenry's Motor Service, Bellwood, Ill., of the certificate of registration in No. MC–100694 (Sub-No. 3), issued March 6, 1964, to John T. McHenry, doing business as McHenry's Motor Service, Chicago, Ill., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the authority granted in certificate No. 2646MC dated May 19, 1954, issued by the Illinois Commerce Commission. Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60063, attorney for applicants.

No. MC–FC–73576. By order of March 31, 1972, the Motor Carrier Board approved the transfer to Gerald N. Evenson, Inc., Pelican Rapids, Iowa, of Permit No. MC–133883 (Sub-No. 2), issued May 24, 1971, to Gerald Evenson, Pelican Rapids, Iowa, authorizing the transportation of: Kitchen and bathroom cabinets, from Fergus Falls, Minn., to points in the United States except Alaska and Hawaii, and return of materials and supplies from specified States to Fergus Falls, Minn.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–5516 Filed 4–10–72;8:51 am]

[Notice 43–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–73631. By application filed March 28, 1972, SILCON TRUCKING CO., INC., 411 West Street, West Bridgewater, MA 02379, seeks temporary authority to lease the operating rights of M. E. HICKS & SONS, INC., 30 Mechanic Street, Foxboro, MA 02035, under section 210a(b). The transfer to SILCON TRUCKING CO., INC., of the operating rights of M. E. HICKS & SONS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–5517 Filed 4–10–72;8:51 am]

[Notice 43–B]

MOTOR CARRIER TRANSFER PROCEEDINGS

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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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–73283. By order of March 31, 1972, Division 3, acting as an Appellate Division, approved the transfer to Honeg Trucking, Inc., Eureka, Ill., of the operating rights in Certificate No. MC–107757 (Sub-No. 31), issued March 12, 1971, to M. C. Slater, Inc., Granite City, Ill., authorizing the transportation of glass containers and closures therefor, and fiberboard boxes, from the plantsite and facilities of Obear-Nester Glass Co. at Lincoln, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Missouri (except points in Kansas City, Mo., and points in its commercial zone), Ohio, Tennessee, Wisconsin, and the Lower Peninsula of Michigan. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–5518 Filed 4–10–72;8:51 am]

[No. 35558]

ARKANSAS

Intrastate Freight Rates and Charges, 1972

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of March 1972.

By petition filed February 10, 1972, Chicago, Rock Island, and Pacific Railroad Co., The Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., Missouri Pacific Railroad Co., St. Louis-San Francisco Railway Co., and St. Louis Southwestern Railway Co., carriers by railroad within the State of Arkansas, state that the Arkansas Transportation Commission has not permitted increases in the intrastate rates and charges on soybean meal as permitted by this Commission on interstate commerce in Ex Parte Nos. 265, "Increased Freight Rates, 1970 and 1971," 339 ICC 125, nor has the Arkansas Commission permitted increases in the intrastate rates and charges on any traffic comparative to the increases permitted by this Commission on interstate commerce in Ex Parte No. 267, "Increased Freight Rates, 1970 and 1971," 339 ICC 125; and

It appearing, that the petitioners allege that the increases were authorized on interstate commerce based on revenue needs of the carriers and that the interstate rates are just and reasonable; that interstate and intrastate movements from, to, and between points in Arkansas are generally commingled and handled in the same trains; and that instrastate traffic is transported under conditions no more favorable than those surrounding interstate traffic; that the rates imposed by the Arkansas Commission, to the extent they fail to include increases sought herein, applied in the intended sequence on intrastate commerce within the State of Arkansas, deprive the petitioners of badly needed revenue; result in undue and unreasonable advantage to shippers and receivers in Arkansas intrastate commerce, and in undue and unreasonable prejudice to shippers of interstate traffic, to, from, and through Arkansas; and result in undue, unreasonable, and unjust discrimination against, and an undue burden upon, interstate commerce; thus, petitioners request that the Commission institute an investigation, under sections 13 and 15a(2) of the Interstate Commerce Act, of the Arkansas intrastate rates as more fully described above, and enter an order removing the alleged unlawfulness; and

that special expedition be given to the hearing and decision in this proceeding;

And it further appearing, that there have been brought in issue by the railroad petitioners matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of Arkansas; therefore,

It is ordered, That the petition be, and it is hereby granted.

It is further ordered, That an investigation be, and it is hereby instituted under sections 13 and 15a(2) of the Interstate Commerce Act to determine whether the intrastate rates and charges of the petitioning carriers by railroads, or any of them, operating in the State of Arkansas, for the intrastate transportation of property, made or imposed by the State of Arkansas, as previously indicated, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those authorized on interstate traffic by this Commission in Ex Parte No. 265, Increased Freight Rates, 1970, supra, on soybean meal, and Ex Parte No. 267, Increased Freight Rates, 1971, supra, on all traffic, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand, and those in interstate commerce, on the other, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Arkansas, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, within 30 days of the service date of this order, the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) to require the service of pleading by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time within which initial statements and replies must be filed.

It is further ordered, That a copy of this order be served upon each of the said petitioners, and that the State of Arkansas be notified by sending copies of this order and the said petition by certified mail to the Governor of Arkansas, Little Rock, Ark., and to the Arkansas Transportation Commission, Little Rock, Ark.

And it is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein. Interested persons shall be afforded the opportunity to inspect the pleadings at the Office of the Secretary of the Commission in Washington, D.C.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5528 Filed 4-10-72;8:52 am]

[Ex Parte 265]

ALGERS, WINSLOW AND WESTERN RAILROAD CO. ET AL.

Increased Freight Rates, 1970

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125) the parties to these proceedings listed in Appendix A below of this order have severally petitioned the Commission for relief from the provisions of the order in Ex Parte No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and March 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission.

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed in Appendix A below of this order do not have a significant effect on the overall standards of service given to shippers by the railroads as a whole.

It is ordered, That the parties named in Appendix A below of this order be, and they are hereby, relieved of filing with the Commission quarterly reports of their actions to correct service deficiencies.

Dated at Washington, D.C., this 28th day of March 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

To order dated March 28, 1972.

Algers, Winslow, and Western Railway Co.
Angelina & Neches River Railroad Co.
Apalachicola Northern Railroad Co.
The Arcata and Mad River Rail Road Co.
Bath and Hammondsport Railroad Co.
Beech Mountain Railroad Co.
Belton Railroad Co.
Bevier & Southern Railroad Co.
Bonhomie and Hattiesburg Southern Railroad Co.
Brooklyn Eastern District Terminal
Carbon County Railway Co.
Chattahoochee Industrial Railroad
Chicago Short Line Railroad Co.
City of Prineville Railway
The Colorado & Wyoming Railway Co.
Columbia & Cowlitz Railway Co.
The Dansville and Mount Morris Rilroad Co.
Dardanelle & Russellville Railroad Co.
Detroit and Mackinac Railway Co.
Ferdinand Railroad Co.
Fernwood, Columbia & Gulf Railroad Co.
Fore River Railroad Corp.
Frankfort & Cincinnati Railroad Co.
Genesee and Wyoming Railroad Co.
Greenville and Northern Railway Co.
Hoboken Shore Railroad
Hollis & Eastern Railroad Co.
The Hutchinson and Northern Railway Co.
Iowa Terminal Railroad Co.
Marinette, Tomahawk & Western Railroad Co.
McCloud River Railroad Co.
Meridian & Bigbee Railroad Co.
Modesto and Empire Traction Co.
Montpelier and Barre Railroad Co.
Morehead and North Fork Railroad Co.
Nevada Northern Railway Co.
Norwood & St. Lawrence Railroad Co.
Ogdensburg Bridge and Port Authority
Oregon & Northwestern Railroad Co.
Pearl River Valley Railroad Co.
Pittsburgh and Ohio Valley Railway Co.
Port Terminal Railroad of South Carolina
Port Utilities Commission of Charleston, S.C.
The Prescott and Northwestern Railroad Co.
Sabine River & Northern Railway Co.
Salt Lake, Garfield & Western Railway Co.
San Francisco Belt Railroad
The San Luis Central Railroad Co.
Sand Springs Railway Co.
Sierra Railroad Co.
Skaneateles Short Line Railroad Corp.
Stockton Terminal and Eastern Railroad
Terminal Railway Alabama State Docks
Washington, Idaho & Montana Railway Co.
West Pittston—Exeter Railroad Co.
Wyandotte Terminal Railroad Co.

[FR Doc.72-5527 Filed 4-10-72;8:52 am]

[Ex Parte 265]

BIRMINGHAM SOUTHERN RAILROAD CO. ET AL.

Increased Freight Rates, 1970

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the carriers listed below have severally petitioned the Commission for

relief from the provisions of the order in Ex Parte No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and March 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission:

Birmingham Southern Railroad Co.;
New York, Susquehanna and Western Railroad Co.;
Union Railroad Co.;
Upper Merion and Plymouth Railroad Co.

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed herein have a significant effect on the overall standards of service given to shippers by the railroads as a whole; and that the petitions state no errors or fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petitions be, and they are hereby denied.

Dated at Washington, D.C., this 31st day of March 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5526 Filed 4-10-72;8:52 am]

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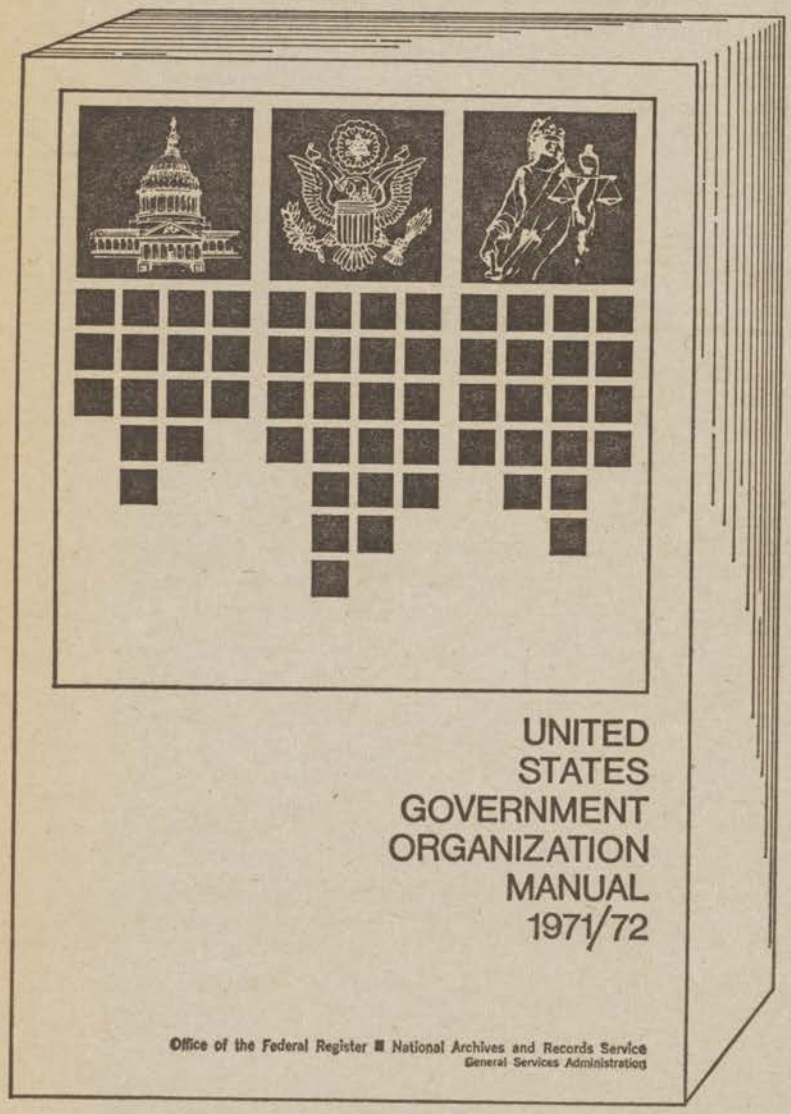

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