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Title 3—The President

PROCLAMATION 4125

Adjustment of Duties on Certain Ceramic Tableware

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) (hereinafter referred to as "the TEA"), the President, by Proclamations No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103); No. 2867 of December 22, 1949 (64 Stat. A380); No. 2888 of May 13, 1950 (64 Stat. A405); No. 2929 of June 2, 1951 (65 Stat. c12); No. 3105 of July 22, 1955 (69 Stat. c44); No. 3513 of December 28, 1962 (77 Stat. 970, 979); and No. 3822 of December 16, 1967 (82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out certain trade agreements into which he had entered;

2. WHEREAS among the proclaimed modifications were modifications in the rates of duty on certain kinds of ceramic tableware which are now included within items 533.28, 533.31, 533.33, 533.35, 533.36, 533.38, 533.71, 533.73, and 533.75 of the Tariff Schedules of the United States (hereinafter referred to as "ceramic tableware");

3. WHEREAS the United States Tariff Commission has submitted to the President a report of its Investigation No. TEA–I–22 under section 301 of the TEA (19 U.S.C. 1901), on the basis of which investigation and a hearing duly held in connection therewith the said Commission has determined that ceramic tableware is, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing like or directly competitive products;

4. WHEREAS section 351(a)(1) of the TEA (19 U.S.C. 1981 (a)(1)) authorizes the President, upon receiving an affirmative finding of the Tariff Commission under section 301(b) of the TEA with respect to an industry, to proclaim such increase in, or imposition of, any duty or other import restriction on the articles causing or threatening to cause serious injury to such industry as he determines to be necessary to prevent or remedy serious injury to such industry;

5. WHEREAS section 302(a)(2) and section 302(a)(3), respectively, of the TEA (19 U.S.C. 1902(a)(2) and 19 U.S.C. 1902(a)(3))

authorize the President, upon receiving an affirmative finding of the Tariff Commission under section 301(b) of the TEA with respect to an industry, to provide with respect to such industry that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under Chapter 2 of Title III of the TEA (19 U.S.C. Chapter VII, Subchapter III, Part II) and that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3 of Title III of the TEA (19 U.S.C. Chapter VII, Subchapter III, Part III);

6. WHEREAS I have determined that the rates of duty hereinafter proclaimed are, when coupled with the adjustment assistance hereinafter provided, necessary to remedy serious injury to the industry producing earthen tableware;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 350(a)(1)(B) of the Tariff Act of 1930, as amended; and sections 201(a)(2), 302(a)(2) and (3), and 351(a) of the Trade Expansion Act of 1962; and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

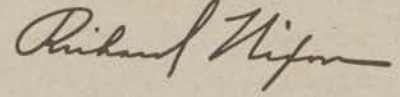
1. The tariff concessions on ceramic tableware for items 533.28, 533.31, 533.33, 533.35, 533.36, 533.38, 533.71, 533.73 and 533.75 in Part I of Schedule XX to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (19 UST (pt. 2) 1530 *et seq.*) are modified to conform with the provisions set forth in the annex to this proclamation for such time and to such extent as this proclamation remains in effect.

2. Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States is modified by the insertion, after item 922.50 and before item 923.31, of such new items as are set forth in the annex to this proclamation.

3. The modifications in rates of duty established by paragraphs 1 and 2 shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after May 1, 1972.

4. Provision is hereby made with respect to the industry producing earthen tableware that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under Chapter 2 of Title III of the Trade Expansion Act of 1962 and that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3 of Title III of the Trade Expansion Act of 1962.

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



ANNEX

Item	Articles	Rates of duty	
		1	2
	Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:		
	Of fine-grained earthenware or of fine-grained stoneware:		
	Available in specified sets:		
923.01	In any pattern for which the aggregate value of the articles listed in headnote (2b) of subpart C, part 2 of schedule 5 is over $12 but not over $22 (provided for in item 533.28)	10¢ per doz. pcs. + 21% ad val.	No change
	Not available in specified sets:		
923.03	Steins and mugs, if valued not over $3.60 per dozen (provided for in item 533.31)	10¢ per doz. pcs. + 25% ad val.	No change
923.05	Cups valued not over $0.50 per dozen; saucers valued not over $0.30 per dozen; plates not over 9 inches in maximum diameter and valued not over $0.50 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $1 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $1 per dozen (provided for in item 533.33)	5¢ per doz. pcs. + 14% ad val.	No change
923.07	Cups valued over $0.50 but not over $3.10 per dozen; saucers valued over $0.30 but not over $1.75 per dozen; plates not over 9 inches in maximum diameter and valued over $0.50 but not over $2.85 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $1 but not over $4.85 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $1 but not over $6.20 per dozen (provided for in items 533.35, 533.36, and 533.38)	10¢ per doz. pcs. + 21% ad val.	No change
	Of nonbone chinaware or of subporcelain:		
	Household ware:		
923.11	Steins and mugs, if valued not over $3.60 per dozen (provided for in item 533.71)	45% ad val.	No change
923.13	Cups valued not over $1.35 per dozen; saucers valued not over $0.90 per dozen; plates not over 9 inches in maximum diameter and valued not over $1.30 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $2.70 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $4.50 per dozen (provided for in item 533.73)	10¢ per doz. pcs. + 48% ad val.	No change
923.15	Cups valued over $1.35 but not over $4 per dozen; saucers valued over $0.90 but not over $1.90 per dozen; plates not over 9 inches in maximum diameter and valued over $1.30 but not over $3.40 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $2.70 but not over $6 per dozen; creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $4.50 but not over $11.50 per dozen (provided for in item 533.75)	10¢ per doz. pcs. + 55% ad val.	No change

[FR Doc.72-6425 Filed 4-24-72; 12:53 pm]

Rules and Regulations

Title 7—AGRICULTURE

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

[Lime Reg. 32]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided will tend to effectuate the declared policy of the act.

(2) The recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. Limited shipments of limes are currently being made subject to grade and size restrictions which became effective November 15, 1971 (36 F.R. 22008). Shipments of limes, in volume, are expected to begin on or about May 1, 1972. The grade and size requirements specified herein are the same as those in effect during the period November 15, 1971, through April 30, 1972, and are necessary to prevent the handling, on and after May 1, 1972, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida limes are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the regulation herein specified for the period May 1 through May 31, 1972, is identical with that currently in effect; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 12, 1972, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; other necessary supplemental information was submitted to the Department on April 18, 1972; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, except for the effective period thereof, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with this regulation, will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.334 Lime Regulation 32.

(a) Order: During the period May 1, 1972, through May 31, 1972, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided,* That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

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

Dated: April 21, 1972.

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

[FR Doc.72-6375 Filed 4-25-72;8:49 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-475]

PART 545—OPERATIONS

Change of Office Location by Federal Savings and Loan Associations

APRIL 19, 1972.

Resolved that, notice and public procedure having been afforded (37 F.R. 243) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) relating to change of office locations by Federal savings and loan associations for the purpose of requiring publication of notice of such proposed changes and providing opportunity for the filing of protest to such changes of locations. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by revising § 545.16 to read as follows, effective May 26, 1972:

§ 545.16 Change of office location.

(a) *General provisions.* A Federal association may not change the location of

its home office or any branch office without prior approval by the Board or its Supervisory Agent, as provided in this section. All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant association is located or any other officer or employee of such bank designated by the Board as agent as provided in § 501.10 or § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with applications for permission to change the location of any office shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(b) *Application form; supporting information.* An application for permission to change the location of an office shall be in form prescribed by the Board and may be obtained from the Supervisory Agent. Information shall be furnished in support of the application designed to show the need for the change of location from the standpoint of the future operation of the association and to show that the operation of the office in its new location will not cause undue injury to properly conducted existing local thrift and home-financing institutions.

(c) *Supervisory objection.* No application for permission to change the location of an office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(d) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to change the location of an office is complete, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the office at the new location, a notice of the filing of the application in the following form:

NOTICE OF FILING APPLICATION FOR CHANGE OF OFFICE LOCATION

Notice is hereby given that, pursuant to the provisions of § 545.16 of the rules and regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association, _____, _____, has filed an application for permission to change the location of its office which is now located at _____, _____, _____, to or in the immediate vicinity of _____, _____, _____. The application

(City) (State) (Street Address) (City) (State) (Street Address) (City) (State)

has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, _____, _____. Any

(City) (Street Address) (City)

person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communications should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid Office of the Supervisory Agent.

_____ Federal Savings and Loan Association _____

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, and person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or may waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(5) The provisions of subparagraphs (1) to (4) of this paragraph shall not be applicable if the Supervisory Agent determines that there is no reasonable likelihood that a change of office location will cause undue injury to properly conducted local thrift and home-financing institutions.

(e) *Approval by Supervisory Agent.* If (1) no objection has been filed, pursuant to the public notice of the application, by any institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation and which is located within the same savings service area as the new location, (2) it has been determined that there is no supervisory objection to approval of the application, and (3) the Supervisory Agent has determined that the new location of an office will serve substantially the same savings service area as the existing location, the Supervisory Agent is authorized in his discretion to approve the application. All other applications shall be forwarded by the Supervisory Agent to the Board with a recommendation as to approval or disapproval.

(f) *Oral argument*—(1) *General provisions.* Oral argument on the merits of any application filed pursuant to this section may be heard upon the written request of an applicant or of any person who has filed a communication in protest of an application within the time specified in subparagraph (3) of paragraph (d) of this section, if such request is received by the Supervisory Agent within 10 days after the expiration of the time specified in said subparagraph for filing communications in protest of an application. Such oral argument shall also be heard if the Supervisory Agent, after review of the application and all pertinent information, considers it desirable. When oral argument is to be held, the Supervisory Agent shall mail a notice, fixing the time and place thereof, to the applicant and to all persons who have filed a communication in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of the notice.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, shall have authority to hear oral argument and determine all matters relating to the conduct of such argument. The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application. A reasonable time shall be allowed for oral argument, but, unless waived, not less than 1 hour shall be allowed for all oral argument against an application and not less than 1 hour shall be allowed for all oral argument in favor of an application. A transcript shall be made of any oral argument and shall be included in the application file.

(g) *Temporary change of location.* The Supervisory Agent is authorized in his discretion to approve an application for permission to change temporarily the location of an office to a new location, not more than one-half mile distant, pending construction, alteration, repair, or improvement of premises at an existing office location. If the Supervisory Agent determines that such an application should not be approved, he shall forward it to the Board for decision, together with his recommendation as to disapproval. An application under this paragraph shall not be subject to the provisions of paragraphs (d), (e), and (f) of this section unless the Supervisory Agent is of the opinion that the construction, alteration, repair, or improvement of premises at an existing location will probably require more than 2 years.

(h) *Change of designation of home office and a branch office.* The requirements and procedure specified in this section shall not apply to the designation

of the location of an existing branch office as the new location of the home office of a Federal association and the designation of the former home office location as the new location of such existing branch office. However, a Federal association shall not make such changes in designation except upon application to and approval by the Board and upon appropriate amendment of its charter as to the location of its home office. The application shall show the desirability of the designation of the new home office location from the standpoint of the future operation of the association. The Supervisory Agent may approve any such application on behalf of the Board, but shall forward to the Board with his recommendation any such application which he deems should be acted on by the Board itself. In the case of a change of location of a home office to a location at which there is no existing branch office, with retention of the existing home office location as a branch office location, the association shall first make application under § 545.14 for permission to establish a branch office at the new location. The application under this paragraph for change of designation of the home office and the new branch office shall be made concurrently with such application for permission to establish the new branch office which, if approved, is to be redesignated as the home office. In such a case, the following language shall be published preceding the notice required to be published pursuant to § 545.14:

NOTICE

---------- Federal Savings and Loan Association, ----------, ----------, has filed
(City) (State)

an application with the Federal Home Loan Bank Board to redesignate its existing home office as a branch office and to redesignate a new office as its home office. In order to obtain such a new office, it has also filed with said Board an application for permission to establish a branch office which, if approved, will be redesignated as its home office. The following notice is therefore given pursuant to applicable regulations: (here insert notice required by § 545.14).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6351 Filed 4-25-72;8:48 am]

Title 22—FOREIGN RELATIONS

Chapter X—Inter-American Foundation

PART 1002—AVAILABILITY OF RECORDS

A new Part 1002 is added to Title 22 to read as follows:

Sec.

AUTHORITY: The provisions of this Part 1002 issued under 5 U.S.C. 552, and 31 U.S.C. 483(a).

§ 1002.1 Introduction.

(a) It is the policy of the Inter-American Foundation that information about its operations, procedures, and records be freely available to the public in accordance with the provisions of the Freedom of Information Act.

(b) The Foundation will make the fullest possible disclosure of its information and identifiable records consistent with the provisions of this Act and the regulations in this part.

§ 1002.2 Definitions.

As used in this part, the following words have the meaning set forth below:

Act. "Act" means the Act of June 5, 1967, sometimes referred to as the "Freedom of Information Act" or the Public Information Section of the Administrative Procedure Act, as amended, Public Law 90–23, 81 Stat. 54, and codified at 5 U.S.C. 552.

Foundation. "Foundation" means the Inter-American Foundation.

President. "President" means the President of the Foundation.

Records. The word "records" includes all books, papers, or other documentary materials made or received by the Foundation in connection with the transaction of its business which have been preserved or are appropriate for preservation by the Foundation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities, or because of the informational value of data contained therein. Library or other material acquired and preserved solely for reference or exhibition purposes, and stocks of publications and processed documents are not included within the definition of the word "records."

§ 1002.3 Access to Foundation records.

Any person desiring to have access to Foundation records should call or apply in person between the hours of 10 a.m. and 4 p.m. on weekdays (holidays excluded) at the Foundation offices at 1515 Wilson Boulevard, Arlington, VA 22209. Requests for access should be made to the Director, Administration and Finance Division (A&F Director) at the Foundation offices. If request is made for copies of any record, the Office of A&F will assist the person making such request in seeing that such copies are provided according to the rules in this part.

§ 1002.4 Written requests.

In order to facilitate the processing of written requests, every petitioner should:

(a) Address his request to:

Director, Administration and Finance Division, Inter-American Foundation, Fifth Floor, 1515 Wilson Boulevard, Arlington, VA 22209.

(b) Identify the desired record by name or brief description, or number, and date, as applicable. The identification should be specific enough so that a record can be readily identified and found;

(c) Include a check or money order to the order of the "Inter-American Foundation" covering the appropriate search and copying fees, or request a determination of fee;

(d) Allow a reasonable amount of time for reply. Furnishing the requested information will involve search and retrieval of records, copying and mailing;

(e) Blanket requests or requests for "the entire file of" or "all matters relating to" a specified subject will not be accepted.

§ 1002.5 Records available at the Foundation.

The Administration and Finance Division will make available, to the extent not authorized to be withheld, the following works or classes of information:

(a) A copy of Agency regulations, including a copy of Title 22 of the Code of Federal Regulations, or of any other title of the Code in which Agency regulations may have been published;

(b) Final unclassified reports;

(c) Copies of grants, loans, or other agreements in force;

(d) Personnel information affecting the public;

(e) Procurement information affecting the public;

(f) Contracts;

(g) Reimbursable agreements with other agencies.

§ 1002.6 Records of other Departments and Agencies.

Requests for records that have been originated by or are primarily the concern of another U.S. Department or Agency will be forwarded to the particular Department or Agency involved, and the petitioner notified. In response to requests for records or publications published by the Government Printing Office or other Government printing activity, the Foundation will refer the petitioner to the appropriate sales office and refund any fee payments therefor which accompany the request.

§ 1002.7 Fees.

Except as otherwise specifically provided by the Foundation, a fee will be levied for all searches for, or copies of, records. These fees will be computed so as to recover the full cost of searching and copying.

(a) *Advance payment and deposits.* When the amount of a fee can be readily computed (as, for example, when a specified number of copy pages are requested) advance payment will be required. When the amount cannot be readily computed (as, for example, when an unknown amount of staff time must be used in complying with a request), the A&F Director may require payment of a reasonable deposit before undertaking to collect the requested records. At the earliest practicable time, the A&F Director will determine the full amount of the fee and, before complying fully

with the request, will require payment of any balance due or refund any overpayment.

(b) *Schedule of fees.* The following fees apply for services rendered to the public:

(1) Searching for records and collateral assistance, per hour or fraction thereof	$5.00
(2) Making copies (Xerox or comparable) per page	.40

Should a situation arise which is not covered by the above schedule, the fee to be charged will include all direct and indirect costs of the service, including but not limited to materials, labor, and the like. The amount of the fee (including charges, if any, for records printed by contractors or grantees will be determined by the A&F Director.

(c) *Revision of schedule.* The fee schedule will be revised from time to time, without notice, to assure recovery of the cost of rendering information services to any person. The revised schedule will be available without charge.

§ 1002.8 Exemptions.

The Act authorizes exemption from disclosure of records and information concerning matters that are:

(a) Specifically required by Executive order to be exempt from disclosure in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices by the Foundation;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from any person which is privileged or confidential;

(e) Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Foundation;

(f) Personnel and medical files and similar files the disclosure of which would constitute an unwarranted invasion of personal privacy;

(g) Investigatory files (including security investigation files and files concerning the conduct of employees) compiled for law enforcement purposes except to the extent available by law to a private party.

The Foundation will not honor requests for exempt records or information.

§ 1002.9 Denial of records; review.

If a request for records is denied, the person who made the request is entitled to have the denial reviewed by the Foundation President as promptly as circumstances permit. If the President determines that the withholding is improper, he will direct in writing that the requested records be made available in accordance with these regulations. If he determines that the withholding is proper, he will so notify such person in writing, and his determination will constitute the final Foundation decision.

[FR Doc.72-6354 Filed 4-25-72;8:47 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. R—406; Order 452]

PART 154—RATE SCHEDULES AND TARIFFS

Purchased Gas Cost Adjustment Provision in Natural Gas Pipeline Companies' FPC Gas Tariffs

APRIL 14, 1972.

On October 22, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 16743) wherein it proposed to amend § 154.38(d) of its regulations under the Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, to permit the inclusion of a purchased gas cost adjustment provision (PGA clause) in natural gas pipeline companies' FPC Gas Tariffs. Interested persons were given until November 17, 1970, to submit data, views, comments, and suggestions in writing. This date was extended on request until January 12, 1971.

Forty-eight written comments were filed; 25 express support,[1] 11 express opposition,[2] and 12 indicate neither support for nor opposition to the proposed rule.[3] Upon request of the parties, a conference among interested parties and Commission Staff was held on February 24, 1971, to discuss the proposed amendment.

[1] Algonquin Customer Group; Mr. Alex H. Calvert; Cincinnati Gas and Electric Co.; Cities Service Gas Co.; Colorado Interstate Gas Co.; Columbia Gas System Service Corp.; Consolidated Gas Supply Corp.; El Paso Natural Gas Co.; Florida Gas Transmission Co.; General Services Administration; Great Lakes Gas Transmission Co.; Independent Natural Gas Association of America; Iowa-Illinois Gas and Electric Co.; Michigan-Wisconsin Pipe Line Co.; Natural Gas Pipeline Co. of America; New York Public Service Commission; Northern Illinois Gas Co.; Northern Natural Gas Co.; Panhandle Eastern Pipe Line Co., et al.; Phillips Petroleum Co.; Southwest Gas Corp.; Tennessee Gas Pipeline Co., et al.; Texas Gas Transmission Corp.; Transcontinental Gas Pipe Line Corp.; United Natural Gas Co.

[2] American Industrial Clay Co. of Sandersville, et al.; American Public Gas Association; Brooklyn Union Gas Co.; California Public Utilities Commission; City Council of International Falls, Minn.; Iowa Electric Light and Power Co., et al.; Memphis Light, Gas and Water Division; Minnesota Natural Gas Co.; Mr. Saul T. Penn; Philadelphia Gas Works Division of UGI Corp.; Tennessee Valley Municipal Gas Association.

[3] Algonquin Gas Transmission Co.; Laclede Gas Co.; Louisville Gas and Electric; North Central Public Service Co.; Metropolitan Utilities District of Omaha; U.G.I. Corp.; Washington Gas Light Corp.; Willmut Gas and Oil Co.; Wisconsin Public Service Commission; Iowa Electric Light and Power Co.; Illinois Power Co.; Chattanooga Gas Co.

For most natural gas pipeline companies the cost of purchased gas constitutes the largest single component of their cost of service. If their suppliers become obligated to make refunds, pipeline companies must flow through the jurisdictional portion of the refunds to their jurisdictional customers. Texas Eastern Transmission Corp., 39 FPC 630 (1968), aff'd, 414 F. 2d 344 (CA5, 1969), cert. denied, 398 U.S. 928 (1970). It is thus the responsibility of pipeline companies to protect themselves against supplier rate increases by filing rate increases of their own to cover such additional costs. Many pipeline companies, consequently, have been making "tracking" filings based on supplier rate increases. Tracking authority has generally been a product of settlement agreements between pipeline companies and their customers. Not all pipeline companies have obtained tracking authority through settlement procedures. When provided for, tracking authority has been limited to 1 or 2 years' duration.

In the absence of tracking authority it is likely that general rate increase applications by pipeline companies would have been more frequent. It is desirable to curb the frequency of general rate increase applications because of resulting administrative delays in the final determination of rates for all companies. The inclusion of a PGA clause in pipeline companies' tariffs would permit pipeline companies to protect themselves against supplier rate increases without frequent general rate increase applications, would make purchased gas adjustments available to all pipeline companies, and would make adjustments available for more than a temporary period of time. To the extent that the procedures adopted herein have a limiting effect on the number of rate increase applications to be filed in the future, charges collected from the pipeline companies' customers subject to refund should be greatly reduced with corresponding reductions in the refund obligations of the pipeline companies. As a result, therefore, the frequency of extensive shifts in charges to consumers of natural gas would be reduced. Also, our action herein should help prevent a backlog of "pancaked" rate filings which cause prolonged delays in the final determination of proper rate levels and frustrate the administrative process. The ratepayer is protected under our new rule since it requires companies to automatically reduce rates to reflect purchased gas cost decreases and provides for periodic review and investigation into the companies' total cost of service.

In opposition to the proposed amendment it is argued that PGA clauses are not permissible because they are prohibited by sections 4 and 5 of the Natural Gas Act. These sections deal with the Commission's authority to fix just and reasonable rates. The Commission, however, is "not bound by the use of any single formula or combination of formulae in determining rates," F.P.C. v. Hope Natural Gas Co., 320 U.S. 591, 602 (1944).

It is therefore within the scope of the Commission's authority to allow tariff provision which permit adjustments to a rate previously determined to be just and reasonable. This authority is being exercised herein with adequate safeguards for consumer interests by means of provisions for Commission surveillance and review of PGA clauses and PGA rate changes.

Subdivision (i) of § 154.38(d)(4) as proposed has been modified to require that the cost study accompanying the proposed PGA clause conform with the requirements of § 154.63 of the Commission's regulations under the Natural Gas Act. This type of cost study allows flexibility in the selection of filing dates, averts a crush of filings, and ensures that recent data are used. If a cost-of-service study having a base period ending less than 12 months before the proposed PGA clause is submitted is on file in another docket, that study may be utilized instead of a study based upon most recently available data. A comment filed herein suggested that permitting companies to use the former study (in which some items may be normalized for known changes in the 9 months following the base period as is done in sections 4 and 5 cases) discriminates against companies which must use the latter study (in which normalization for such changes is not permitted) where the other is not available. The purpose of a cost study here is to test the appropriateness of rates existing at the time the PGA clause is proposed and not to justify the existing rates on the basis of future changes. The company using the study with normalization is not favored because our review will focus on the costs as they exist at the time the PGA clause is proposed.

Subdivision (ii) of § 154.38(d)(4) permits new purchases to be annualized and other significant changes in purchase pattern to be reflected in determining changes in purchased gas cost. As adopted herein, this provision satisfies the comments of several persons. A suggestion was also made that small producer rates should not be included. The added provision for the cost of gas purchased from small producers to be shown separately facilitates review under the provisions of Order No. 428 (issued March 18, 1971). This review will provide adequate surveillance over small producer rates for PGA rate changes. It was suggested that the Commission prescribe in its regulations the manner in which PGA rate changes should be applied. This provision as adopted herein appears in subdivision (ii).

The 1 mill per Mcf triggering level for PGA rate changes has been retained in subdivision (iii) of § 154.38(d)(4). Suggestions were made that other triggering levels be used to avert losses. The 1-mill level has been used with favorable results in tracking authorizations. No loss will be incurred by pipeline companies with increased costs, or by customers due reductions, which are individually too small to trigger a PGA rate change, because of the method of deferred accounting being adopted for these items (see subdivision (d)(4)(iv) infra).

Subdivision (iv) of § 154.38(d)(4) provides for deferred accounting for certain supplier rate changes, including those of producers, and thus assures the recovery of all purchased gas costs. Suggestions were made that PGA rate changes be limited to infrequent intervals. Other suggestions were made that any lag in reflecting cost changes be eliminated. Pipeline supplier rate changes amounting to 1 mill are permitted to be flowed through immediately, rather than accumulated, because of their relatively larger impact as a cost item. The clearing-account concept utilized herein accomplishes a reduction in the frequency of PGA rate changes on account of producer rate changes.

Subdivision (v) of § 154.38(d)(4) has been modified to require 45 days' notice of any PGA rate changes. Some persons suggested that the notice period be longer, and some suggested that it be eliminated. A 45-day period has been adopted because it allows time for pipeline companies' customers to seek adjustment of their rates, for the Commission to verify the supplier rate changes, and for deficiencies to be cured without delay of the PGA rate changes.

Subdivision (vi) of § 154.38(d)(4) has been revised to provide for companies to file a cost study and tariff sheets(s) restating their Base Tariff Rate and the adjustment resulting from the operation of the PGA clause as a single rate. In case a reduction in jurisdictional rates below the new Base Tariff Rate is necessary as a result of review, the last previous effective rate establishes a floor, and the extent of liability for refunds will be known. Any rate reductions below the last previous effective rate will be prospective and not retroactive in ratemaking effect. Thus objections by several persons against retroactivity are satisfied. Suggestions were made that cost studies be required in less than 3-year intervals. Adequate surveillance and review have been provided so that more frequent cost studies are unnecessary.

Subdivision (vii) of § 154.38(d)(4) as adopted provides for the flow through of refunds with interest. This provision corresponds with filed comments. Other requirements for refunds are left to be decided by pipeline companies and interested persons or by the Commission.

Upon consideration of these matters and the comments from interested persons, it is concluded that the regulations under the Natural Gas Act should be amended to permit the inclusion of a PGA clause in natural gas pipeline companies' FPC Gas Tariffs. The amendment adopted herein embodies certain changes in the amendment proposed in the October 22, 1970, notice based on the comments submitted.

The Commission finds:

(1) Adoption of this amendment to the Commission's regulations under the Natural Gas Act is necessary and appropriate for the administration of the Natural Gas Act.

(2) The notice and opportunity to participate in this rule making proceeding with respect to the matter presently before this Commission through the submission of written comments and presentation of data, views, comments, and suggestions at a conference held on February 24, 1971, in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. section 553.

(3) Since the revisions to the originally proposed regulations for Purchased Gas Cost Adjustment Provisions in Natural Gas Pipeline Companies' FPC Gas Tariffs result essentially from suggestions made by the respondents to the notice of proposed rule making herein and since these revisions do not impose a further burden on persons subject to these regulations and do not amount to a substantial departure from that originally proposed, no further notice and hearing prior to adoption is necessary.

(4) Good cause exists for the amendment herein adopted to become effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Natural Gas Act as amended, particularly sections 4, 10, and 16 (52 Stat. 822, 826, and 830; 76 Stat. 72; 15 U.S.C. secs. 717c, 717i, and 717o), orders:

(A) Subchapter E, regulations under the Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, is amended by deleting the words "purchased gas cost adjustment clauses" in § 154.38(d)(3) and by adding a new paragraph (d)(4) immediately after paragraph (d)(3) as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) * * *

(4) A natural gas pipeline company may submit a purchased gas cost adjustment provision (PGA clause) to flow through changes in its cost of purchased gas.[4] No PGA clause shall become effective until approved by the Commission. No request for approval of a PGA clause will be considered by the Commission unless the proposed PGA clause indicates the following terms and conditions:

(i) The proposed PGA clause shall be accompanied by a cost study in conformity with the requirements of § 154.63. This study must be based upon actual costs for the 12 months of most recently

[4] For the purposes of this subparagraph, purchased gas cost represents the cost of wellhead purchases, field line purchases, plant outlet purchases and transmission line purchases from existing suppliers at existing delivery points. Nonconcurrent exchange transactions may be reflected as a cost of purchased gas. If a company has underground storage, the cost of purchased gas included in Accounts 800, 801, 802, 803, and where applicable, Account 806, shall be debited or credited to reflect the net injections or withdrawals from underground storage. This adjustment shall be prorated between pipeline and producer supply. Liquefied natural gas, synthetic natural gas, and gas from coal gasification shall not be reflected in a PGA clause.

available actual experience and may include annualization for changes which actually occurred in the 12 month period. If a cost-of-service study having a test period ending less than 12 months prior to the date of submission of the proposed PGA clause is on file in another docket, that cost study may be utilized in lieu of filing a cost study with the proposed PGA clause.

(ii) The method(s) of determining changes in cost of gas purchased from producer and pipeline suppliers shall be separately established. Increases in cost of gas purchased from small producers shall be shown separately, and the provisions of Order No. 428 shall apply to these increases. Producer rate changes shall be applied to the commodity component of the existing rates of a pipeline company's two-part rates and to the volumetric rates of a pipeline company's one-part rates. Pipeline supplier rate changes shall be applied "as billed" to a pipeline company's two-part rates and shall be applied to a pipeline company's volumetric rates in the manner which maintains the pipeline company's existing one-part rate design.

(iii) The purchased gas cost adjustment shall be reflected in the company's rates only when it represents a dollar amount equal to at least 1 mill ($0.001) per Mcf of annual jurisdictional sales. This limitation is not applicable to the unrecovered purchased gas costs for which provision is made in subdivision (iv) of this subparagraph.

(iv) Rate changes shall be computed and filed not more frequently than semi-annually to reflect the current cost of producer purchases. Rate changes shall be computed and filed to coincide with the effective date of pipeline supplier rate changes if the change represents a change of at least 1 mill ($0.001) per Mcf of annual jurisdictional sales.

(*a*) To assure the recovery of all purchased gas costs, the Commission Staff has been directed to propose an accounting change to the Uniform System of Accounts for natural gas companies. The new account will provide that the costs of purchased gas, which are includible in the utility rate schedules on file with the Commission and are not subject to immediate tracking provisions, may be deferred and recovered under future rate schedules. This account will also be used to accumulate purchased gas cost reductions that cannot be incorporated into the existing tariff.

(*b*) After the initial 6-month period following the effectiveness of the PGA clause and after the company has chosen to maintain an unrecovered purchase gas cost account, the company shall adjust its rate(s), either positively or negatively, to include a surcharge to recover or return the balance which has accumulated in the unrecovered purchase gas cost account in the preceding 6-month period. This procedure will be followed in each succeeding 6-month period.

(*c*) In the interim, pipeline companies may use Account 186, Miscellaneous Deferred Debits, under the following conditions:

(*1*) Account 186 shall only be used to include purchased gas costs related to Commission approved PGA clauses when such costs are not includible in the utility's rate schedules on file with the Commission. The account shall be debited or credited, as appropriate, each month for increases or decreases in purchased gas costs. After a change in a rate schedule recognizing the increases or decreases in purchased gas costs in this account is approved by the Commission, Account 186 shall be debited or credited, as appropriate, with contra entries to gas purchased accounts so that the balance accumulated in this account will be amortized over the succeeding 6-month period. Separate subaccounts shall be maintained for the amounts relating to the period in which the increase or decrease is accumulated and for the amortization of purchased gas increases or decreases, as applicable, so as to keep each period separate. The amounts in Account 186 provided for above will not be allowed in the rate base, nor will carrying charges be allowed on any balances pertaining to unrecovered purchased gas costs.

(v) The company shall file with the Commission and post pursuant to § 154.16 at least forty-five (45) days prior to the date on which any change(s) in its existing rates is to become effective, a single tariff sheet, entitled Original PGA–1, which contains the information in the margins as set out and required in § 154.33(d) and which shows the following:

NOTICE OF PURCHASED GAS COST ADJUSTMENT RATE CHANGE

Rate schedule	Base tariff rate [1]	Current adjustment	Cumulative adjustment	Rate after current adjustment

[1] The Base Tariff Rate is the jurisdictional rates which the Commission lists as the pipeline company's just and reasonable rates in its order approving the pipeline company's proposed PGA clause.

Simultaneously with the filing of the above described tariff sheet, the company shall furnish the Commission, jurisdictional customers, and interested state commissions a report containing detailed computations which clearly show the derivation of the Current Adjustment to be applied to its existing rates. Exhibit A [5] hereto details the information which is necessary for the Commission to verify the accuracy of the proposed adjustment. In the event the material submitted is deficient, the company will be notified of the deficiencies. If they are properly cured within 15 days from the date date of such notification, the requisite supplementary material will be deemed to have been filed as of the same date as the initial submittal of the proposed Current Adjustment; otherwise no filing date will be assigned until the deficiencies are eliminated.

(vi) Upon the passage of 36 months the company shall file a tariff sheet(s) restating its rates to establish a new Base Tariff Rate. The company shall state its agreement that this filing will automatically be subject to refund concurrently with the filing at the end of 36 months of the tariff sheet(s) establishing a new Base Tariff Rate until the reasonableness of any rate subsequent to the last effective rate is determined. If a section 4(e) or 5(a) case is adjudicated during the interim, the 36-month period shall start running and a new base rate shall be calculated at the effective date of the final Commission order in that case. With this tariff sheet(s), the company shall file a study in the form and with the content prescribed by § 154.63 to support the new Base Tariff Rate. This study shall be based upon actual costs for the 12 months of most recently available experience, and annualization for changes which actually occurred in the 12 months will be permitted. This study shall be served on the company's jurisdictional customers and interested State commissions no later than 90 days after the end of the 12-month period on which it is required to be based. If either as a result of conferences among the company, its jurisdictional customers, interested State commissions, and the Commission staff, or as a result of Commission determination after hearing, it is found, based on the aforementioned study, that the jurisdictional cost of service is lower than the jurisdictional revenues, collected for the same 12-month period, as adjusted, the company shall file with the Commission a revised tariff sheet(s) reflecting a reduction in its jurisdictional rates by an amount equal to the excess revenues agreed upon or determined, and shall refund to its jurisdictional customers any excess amounts collected from the date the rates were collected subject to refund to the date of billing under the revised tariff sheets, with interest to such date. Such refund obligation shall be limited to the amount collected in excess of the last effective rate, and rate reductions, if any, below the last effective rate shall be prospective from the date of the Commission's final order determining a new Base Tariff Rate.

(vii) The jurisdictional portion of all refunds received from suppliers applicable to purchases after initiation of the PGA clause shall be flowed through with interest to the company's jurisdictional customers. Refunds shall be made at 6-month intervals and shall be utilized, in conjunction with balances which have accumulated in the account provided for in subdivision (iv) of this subparagraph, to establish the surcharge for the subsequent 6-month period. Any requirement for the serving and the filing of reports, showing details of the computations of any such refunds, shall be either as agreed in settlement discussions held among the company, jurisdictional customers, interested State commissions, other interested parties, and the Commission staff, or as prescribed by Commission order.

(B) The amendment to the Commission's regulations under the Natural Gas Act contained in ordering paragraph (A)

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

above is effective as of the date of issuance of this order.

(C) Pipeline companies with a PGA clause in effect are required to conform it with this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6324 Filed 4-25-72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Aminopropazine Fumarate

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications for aminopropazine fumarate solution for injection (34-477V) and aminopropazine fumarate tablets (11-877V), filed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, Mo. 64141, proposing the safe and effective use of the products in dogs, cats, and horses. The supplemental applications are approved.

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

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

1. Section 135.501 is amended in paragraph (c) by adding a new code No. 062, as follows:

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

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
062	Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, Mo. 64141.
* * *	* * *

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

§ 135b.42 Aminopropazine fumarate sterile solution injection, veterinary.

(a) *Specifications.* Each milliliter of aminopropazine fumarate sterile aqueous solution, veterinary, contains aminopropazine fumarate equivalent to 25 milligrams of aminopropazine base.

(b) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for reducing excessive smooth muscle contractions, such as occur in urethral spasms associated with urolithiasis in cats and dogs and in colic spasms in horses.

(2) It is administered intramuscularly or intravenously to dogs and cats at a level of 1 to 2 milligrams per pound of body weight. It is administered intramuscularly or intravenously to horses at a level of 0.25 milligrams per pound of body weight. Dosage can be repeated every 12 hours, as indicated.

(3) Not for use in animals intended for food purposes.

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

3. Part 135c is amended by adding the following new section:

§ 135c.53 Aminopropazine fumarate tablets.

(a) *Specifications.* The drug is in tablet form. Each tablet contains aminopropazine fumarate equivalent to 25 milligrams of aminopropazine base.

(b) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs and cats for reducing excessive smooth muscle contractions, such as occur in urethral spasms associated with urolithiasis.

(2) It is administered at a dosage level of 1 to 2 milligrams per pound of body weight. The dosage can be repeated every 12 hours, as indicated.

(3) Not for use in animals intended for food purposes.

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-26-72).

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

Dated: April 18, 1972.

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

[FR Doc.72-6341 Filed 4-25-72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER A—NATIONAL INSURANCE DEVELOPMENT PROGRAM

[Docket No. R-72-174]

PART 1906—STANDARD REINSURANCE CONTRACT

Terms and Conditions of Reinsurance Contracts

The purposes of the following amendments to Part 1906 are (1) to update those provisions of the part which have applicability only to the Standard Reinsurance Contract for the 1971-72 contract year, and (2) to eliminate the necessity for annual revisions of this part by making the provisions of the part applicable to all Standard Reinsurance Contracts, commencing with the Standard Reinsurance Contract for the 1972-73 contract year.

Pursuant to § 1906.40, which became effective upon publication in the FEDERAL REGISTER at 37 F.R. 6185-86, on March 25, 1972, each reinsurance contract, commencing with the Standard Reinsurance Contract for the 1972-73 contract year, is to be offered by publication in the FEDERAL REGISTER of a notice of offer to provide reinsurance which shall include an offer, a statement of the method by which the offer may be accepted, and the terms and conditions of the Standard Reinsurance Contract being offered. The notice of offer of the Standard Reinsurance Contract (1972-73) was published on March 25, 1972, at 37 F.R. 6219-22. These amendments are consistent with and complement the offer of reinsurance made therein.

Since these amendments are for the purposes of clarification and the updating of those provisions of this part which become outdated as of the termination of coverage under the Standard Reinsurance Contract (1971-72), notice and public procedure on these amendments are unnecessary, and good cause exists for making these amendments effective on publication in the FEDERAL REGISTER.

Part 1906 of Subchapter A of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. In § 1906.21, paragraphs (h) and (i) are amended, and paragraph (o) is revised, to read as follows:

§ 1906.21 Definitions.

* * * * *

(h) "Losses" means all claims proved, approved, and paid by the company under reinsured policies, resulting from riots or civil disorders occurring in a State during the period of the contract, after making proper deduction for salvage and for recoveries other than reinsurance together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of eight per centum (8%) of the first $25,000 of any such claim, plus three per centum (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus one per centum (1%) of the amount by which the claim exceeds $100,000; it does not mean any claim excluded under the contract.

(i) "Net retention" means the amount of aggregate losses that the company must stand before the reinsurer's liability attaches under the contract and shall be one aggregate figure for each State which shall be the larger of either $1,000 or the amount determined by applying a factor of two and one-half per centum (2½%) to the specified percentage of the company's direct premiums earned in the State for the calendar year in which the annual contract period commences on those lines of insurance reinsured;

* * * * *

(o) "State pool" means any State Fair Plan pool or other insurance placement facility which is intended to meet the requirements of Part A of the Urban Property Protection and Reinsurance Act of 1968 (82 Stat. 558, 84 Stat. 1791, 12 U.S.C. 1749bbb–3—1749bbb–6a);

2. Section 1906.22 is revised to read as follows:

§ 1906.22 Offer to provide reinsurance.

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, and subject to the terms and conditions set forth in this part and in the contracts offered pursuant to this part, the reinsurer shall offer annually to enter into a contract to pay, as reinsurance of any eligible company, the amount of the company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as may be designated by the company separately for each State.

3. Section 1906.23 is revised to read as follows:

§ 1906.23 Effective date of offer.

The reinsurer's offer to provide reinsurance under the terms and conditions set forth in this part shall be effective upon publication in the FEDERAL REGISTER of the notice of offer to provide reinsurance required pursuant to § 1906.40.

4. Section 1906.24 is revised to read as follows:

§ 1906.24 Acceptance of offer.

Acceptance of the reinsurer's offer shall be in the manner specified in the notice of offer to provide reinsurance which is published in the FEDERAL REGISTER pursuant to § 1906.40.

5. The introduction in paragraph (a) of § 1906.25 is amended to read as follows:

§ 1906.25 Policies reinsured.

(a) Reinsurance, under a Standard Reinsurance Contract provided pursuant to this part, shall apply to:

* * * * *

6. Section 1906.26 is revised to read as follows:

§ 1906.26 Premiums.

(a) The aggregate basic premium due the reinsurer for the reinsurance coverage provided under the contract shall be computed by applying the percentage rate determined by the reinsurer in accordance with the requirements of the Act and specified in the contract to an aggregate premium base consisting of the sum of the products of a reinsured company's direct premiums earned in each State in each reinsured line for the calendar year in which the annual contract period commences, multiplied by the specified percentage of such earned premiums, as defined in § 1906.21 (f) and (m).

(b) The contract may also provide for an additional premium which shall be due the reinsurer in such amounts and under such conditions as are specified in the contract: *Provided,* That an additional premium payment or payments shall only be required if the total amount of all excess aggregate losses paid by the reinsurer under all contracts for the contract period exceeds the total amount of all aggregate basic premiums paid or payable to the reinsurer under all contracts for that period.

(c) An advance premium, which shall be an estimated premium only, shall be computed by each reinsured company on the basis of its direct premiums earned in the calendar year preceding the calendar year in which the annual contract period commences, in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of the contract for which a reinsured company had no premium writings in the calendar year preceding the calendar year in which the annual contract period commences, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of the contract. In no event shall the advance premium be less than $25 for each State in which reinsurance is provided under the contract. The advance premium shall be paid to the reinsurer without demand within 30 days from the effective date of coverage. The actual amount of the aggregate basic premium shall subsequently be computed and adjusted in accordance with the provisions of this section and § 1906.31.

(d) If the contract requires payment of an additional premium, the reinsurer shall have the option of requiring payment of the additional premium as an additional advance premium on an estimated basis: *Provided,* That an estimated additional premium payment or payments may only be required if the total amount of all excess aggregate losses paid by the reinsurer under all contracts for the contract period exceeds the total amount of all advance premiums collected by the reinsurer under all contracts for that period. If payment of an additional premium on an estimated basis is required under the contract, the actual amount of the additional premium shall subsequently be computed and adjusted in accordance with the provisions of this section and § 1906.31.

(e) With the exception of the advance premium which is due without demand of the reinsurer within 30 days from the effective date of coverage, premium amounts shall be due 30 days after the demand of the reinsurer. Interest shall accrue at six per centum (6%) per annum on any portion of any premium amount which is not received on or before 30 days from its due date.

(f) The aggregate basic premium, together with any additional premium which may be due the reinsurer in accordance with the preceding paragraphs, shall constitute the minimum reinsurance premium payable for coverage under the contract; and such reinsurance premium shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in § 1906.30.

7. The introductory paragraph of § 1906.27 is amended to read as follows:

§ 1906.27 Assessments.

If any company (or companies) reinsured by the reinsurer under a Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of the contract, which in total exceed its net retention for all such lines and as a result lodges claims against the reinsurer, then each reinsured company, on demand of the reinsurer, shall pay to the reinsurer an assessment sufficient to meet the company's equitable share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed the unused net amount of all reinsurance premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from August 1, 1968, through April 30 of the calendar year during which the annual contract period expires (including interest earned thereon), for reinsurance in such State. Such share shall be in the proportion that—

* * * * *

8. Paragraphs (a) and (d) of § 1906.28 are amended to read as follows:

§ 1906.28 Claims.

(a) Each reinsured company shall advise the reinsurer by letter (1) of all losses from a single occurrence which exceed $50,000, and (2) whenever it appears that aggregate losses have been incurred in an amount equal to ninety per centum (90%) of the company's net retention in any State, on the basis of its direct premiums earned and reported to the reinsurer for the calendar year preceding the calendar year in which the annual contract period commences.

* * * * *

(d) Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year preceding the calendar year in which the annual contract period commences shall be recomputed and adjusted at the termination of the coverage provided by the contract on the basis of direct premiums earned in reinsured lines for the calendar year in which the annual contract period commences.

9. In § 1906.29, paragraph (a) is revised, and paragraph (b) is amended, to read as follows:

§ 1906.29 Inception and expiration dates.

(a) Provided a company has requested coverage by States and lines of coverage in the manner specified in the notice of offer published pursuant to § 1906.40, on or before April 30 of any year, the contract shall be in effect from 12:01 a.m., e.s.t., on May 1 of that year, and shall expire at 12 p.m. (midnight), e.s.t., on the following April 30, unless sooner terminated.

(b) If a company applies for coverage on or after May 1 of any year, the contract shall be effective from 12:01 a.m., e.s.t., on the day after such application is dispatched, as determined by the date of postmark or telegram, provided the company requests coverage by State and line and otherwise complies with the eligibility requirements of the contract.

* * * * *

10. In § 1906.30, paragraphs (c) (2) and (d) are amended to read as follows:

§ 1906.30 Cancellations.

* * * * *

(c) * * *

(2) The total number of days of coverage provided under the contract from the inception of such coverage up to and including April 30 of the calendar year in which the annual contract period expires.

(d) In the event of any cancellation of reinsurance coverage under this § 1906.30, the net retention and assessment of such company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year during which the annual contract period commenced. Refunds of premiums, if any, due a company upon cancellation may, at the discretion of the reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of § 1906.31.

11. In § 1906.31, paragraphs (a) and (c) are amended to read as follows:

§ 1906.31 Adjustments.

(a) Each reinsured company shall report to the reinsurer within 60 days after request its direct premiums earned for the calendar year in which the annual contract period commenced in all reinsured lines in all States for which reinsurance was provided under the contract, for the purpose of computing and adjusting the reinsurance premium due to the reinsurer with respect to the coverage provided. The direct premiums earned to be reported for any line of insurance added during the contract term for any State in which a company had no premuim writings in such line in the calendar year in which the annual contract period commenced shall be the direct premiums earned for the first 4 months of the calendar year in which the annual contract period expires, as estimated by the company, subject to audit by the reinsurer.

* * * * *

(c) On or before July 31 of the calendar year in which the annual contract period expires, or such later date as may be permitted at the option of the reinsurer, each reinsured company shall report to the reinsurer its aggregate losses.

* * * * *

12. Paragraph (c) of § 1906.36 is amended to read as follows:

§ 1906.36 Limitations on reinsurance.

* * * * *

(c) Notwithstanding the foregoing provisions, reinsurance may at the election of the company be continued, up to and including April 30 of the calendar year in which the contract term expires, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this § 1906.36, provided the company pays the reinsurance premiums in such amounts as may be required. For the purposes of this § 1906.36, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made.

* * * * *

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); sec. 1103, 82 Stat. 566; 12 U.S.C. 1749bbb-17; and Secretary's delegation of authority published at 34 F.R. 2680, Feb. 27, 1969)

Effective date. These amendments shall be effective on publication in the FEDERAL REGISTER (4-26-72).

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-6348 Filed 4-25-72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A-72.1—Procurement of Stores Stock Items

AMENDED MONTHLY SUPPLY POTENTIAL AND METHOD OF AWARD CLAUSES AND CORRESPONDING GUIDELINES

Section 5A-72.105-16 is amended as follows:

§ 5A-72.105-16 Monthly Supply Potential (MSP) and Method of Award clauses.

* * * * *

(c) * * *

(4) Normally, the estimated peak monthly requirement (EPMR), if it is stated in the solicitation, represents a quantity which is higher than the monthly average of the estimated quantity. This may be the result of (i) anticipated seasonal or other upward fluctuation in requirements or (ii) the Government's ordering pattern, primarily economic order quantity (EOQ) buying, whereby orders are placed during the life of a contract at irregular and usually greater than monthly intervals. As an extreme example of the latter situation, a single order could be placed during a 1-year life of a contract for approximately the total estimated quantity. As a rule, the larger the estimated total quantity, the greater will be the ordering frequency and the closer will be the EPMR in relation to the average monthly quantity. Conversely, if the total estimated quantity is small, it would be ordered less frequently than monthly. If the EPMR furnished by the Office of Supply Control on the basis of the EOQ is so high that the contractor's obligation appears unreasonable compared to the estimated quantity and the latter is small compared with the estimated quantity for similar items in the solicitation and contractors can be reasonably expected to be capable of furnishing the entire estimated quantity regardless of when ordered, omission of the EPMR for these items should be considered. When establishing the EPMR consideration shall be given to the estimated quantity provided by the Office of Supply Control. If the EPMR is to be omitted, its omission must be authorized by a branch chief in the Procurement Operations Division; the Director, Special Programs Division; the Director, ADP Procurement Division; or the chief of a regional Procurement Division, as applicable. Such authorization is also required when the EPMR to be included in solicitations exceeds 150 percent of the average monthly quantity.

(d) *The Monthly Supply Potential clause.*

MONTHLY SUPPLY POTENTIAL

This provision applies only to those items or groups of items for which estimated requirements for the period of this contract and estimated peak monthly requirements are set forth in the schedule of items. In order to preclude the placement of orders with any Contractor in excess of his production capacity, offerors are requested to indicate in the spaces provided the total quantity per month which they are willing to furnish of any item or group of items involving the use of the same production facilities. Since the number of items or groups of items on which any offeror may be eligible for award cannot be determined in advance of opening of offers, offerors are urged, in setting their monthly supply potentials, to group as many items or groups of items as possible. Such grouping will make it possible for the Government to make fullest use of the production facilities of each offeror. For example, if an offeror's production facilities can be used to produce any of the items or groups of items covered by the solicitation, the offeror may insert a single overall limitation on the quantity he can supply applicable to all items or groups of items. Bidders are cautioned that in order to qualify for an award, the offeror's monthly supply potential must cover the Government's estimated peak monthly requirement for each group or individual item to be awarded to the offeror. Groups or individual items will not be subdivided for award purposes.

Inasmuch as the spaces provided below are for offerors to indicate their monthly supply potential on items showing an estimated peak monthly requirement, offerors are requested to avoid any reference to items for which no estimated peak monthly requirement is shown. If an offeror includes a reference to items for which no estimated peak monthly requirements are specified, it will be disregarded.

OFFEROR'S MONTHLY SUPPLY POTENTIAL

Items or groups of items	*Offeror's monthly supply potential*

The Government is obligated to place pursuant to this contract all orders for the supplies covered herein except (1) orders for less than that which may be specified in a

Minimum Order Limitation clause, (2) orders in excess of that which may be specified in a Maximum Order Limitation clause, and (3) in the case of exigencies as specified in the Scope of Contract clause.

The Government's estimated peak monthly and estimated requirements for the period of this contract are furnished for the information of offerors, but shall not be construed to represent any amount which the Government shall be obligated to purchase under the contract (except as may be provided in a Guaranteed Minimum Clause).

If an offeror *does not provide a monthly supply potential*, he will be deemed to offer to furnish one hundred and twenty-five percent (125%) of the Government's estimated peak monthly requirement for the item or group of items, which quantity shall then be considered as his stated monthly supply potential.

For each item or groups of items awarded him pursuant to this solicitation, the successful offeror (Contractor) shall be obligated to fill all orders received by him during any 1 month of the contract, calculated from the commencement of the contract, the total of which does not exceed either his stated monthly supply potential or one hundred and twenty-five percent (125%) of the estimated peak monthly requirement for the item or group of items, *whichever is less.*

The Contractor may, with respect to any item(s) or group of items, refuse to accept orders, or portions thereof, received during any 1 month which exceed *the monthly quantities he is required to accept; Provided,* That such refusal to accept is communicated in writing to the office issuing such order(s) within 5 days of receipt of the order by the Contractor. Further, the Contractor is requested to notify the Contracting Officer when he has reached the required monthly quantity and will not accept additional orders for that month. Failure to communicate the refusal to accept to the office issuing the order within the time required shall be deemed to be acceptance of the order by the Contractor. Delivery (or Shipment, as the case may be) of all orders, or portions thereof, in excess of the required monthly quantity which have been accepted, or deemed to have been accepted, by the Contractor shall be made within the same number of days as is required for those orders not in excess of the required monthly quantity. The Contractor shall not accept any of these orders against the required monthly quantity for the succeeding month. Orders, or portions thereof, which have been properly refused by the Contractor may be procured outside of this contract without prejudice to either party.

(e) * * *

METHOD OF AWARD

(a) (1) *Items or groups of items for which estimated peak monthly requirements are set forth in the schedule of items:*

Award will be made in accordance with (b), below, on the basis of the Government's estimated peak monthly requirements to the low responsive offeror(s) up to their stated monthly supply potentials. Within the limits prescribed by the offeror, the Government will apply offeror's monthly supply potential to any items or groups of items offered, as the Government's interests require. In order to qualify for an award, the offeror's monthly supply potential must cover the Government's estimated peak monthly requirement for each group or individual item to be awarded to the offeror. Groups or individual items will not be subdivided for award purposes.

2. *Items or groups of items for which no estimated peak monthly requirements are set forth in the schedule of items:*

Award will be made in accordance with (b), below, to the low responsive offeror(s). With respect to any quantities ordered, where no estimated peak monthly requirement is set forth in the solicitation, the Contractor's delivery obligation stated in the Scope of Contract clause applies.

(b) Award will be made as follows:

1. Groups_____: In the aggregate by group. The low aggregate offeror will be determined by multiplying the unit price submitted on each item by the estimated quantity specified and adding the resultant extensions. In order to qualify for an award on a group, prices must be submitted on each item within the group.

2. Items_____: Item-by-item.

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

Effective date. This regulation is effective 30 days after the date shown below but may be observed earlier.

Dated: April 14, 1972.

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

[FR Doc.72-6353 Filed 4-25-72;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5206]

[Arizona 6598]

ARIZONA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

1. The departmental order of October 16, 1931, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 21 W.,
Sec. 30, E½NE¼, NE¼SE¼.

The area described aggregates 120 acres in Mohave County.

2. This revocation is in furtherance of a Federal program to acquire privately owned lands within the Lake Mead National Recreation Area by exchange under the provisions of the Act of October 8, 1964, 78 Stat. 1039, 16 U.S.C. section 460n-1 (1970). Accordingly, the lands described in this order have been classified as being suitable for such exchange. The lands, therefore, will not be subject to other use or disposition under the public land laws, including the mining and mineral leasing laws, in the absence of a modification or revocation of such classification (43 CFR 2440.4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 20, 1972.

[FR Doc.72-6315 Filed 4-25-72;8:45 am]

[Public Land Order 5207]

[Idaho 3874]

IDAHO

Withdrawal for National Forest Recreation and Scenic Areas

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. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of the programs of the Department of Agriculture:

SAWTOOTH NATIONAL FOREST

BOISE MERIDIAN

Five Points Recreation Area

T. 2 N., R. 14 E.,
Sec. 5, lot 3.

Worswick Hot Springs Recreation Area

T. 3 N., R. 14 E.,
Sec. 28, S½SW¼NE¼, S½SE¼NW¼, NE¼SW¼, NW¼SE¼, N½SW¼SE¼.

BOISE AND CHALLIS NATIONAL FORESTS

BOISE MERIDIAN

Middle Fork Salmon Scenic River Area

T. 14 N., R. 9 E.,
Sec. 24.

T. 14 N., R. 10 E. (Unsurveyed),
Secs. 19, 29, and 30.

Beginning at the E. ¼ sec. cor., sec. 24, T. 14 N., R. 9 E. (an iron post/brass-capped monument of the U.S. Public Land Survey, in place), with coordinates X=160,973.52; Y=1,048,180.52, thence along the east-west centerline of sec. 24, E., to a point intersecting the westerly boundary of the Middle Fork Salmon Wild River Area, thence in a southeasterly direction along the Wild River area boundary to an intersecting point with Dagger Creek, thence on a course approximating the alignment of Dagger Creek to the Middle Fork Salmon River, thence on a direct line to point 120 on the easterly boundary of the Middle Fork Salmon Wild River Area, thence northwesterly along the Wild River Area boundary to a point intersecting the east-west centerline of unsurveyed sec. 19, T. 14 N., R. 10 E., thence along the east-west centerline to the point of beginning, and more particularly described as follows:

ANGLE POINTS

From—	To—	Bearing	Distance (feet)
E. ¼ sec. Cor. sec. 24, T. 14 N., R. 9 E.	A	N. 89°05′ W.	1,994
A	99	S. 60°26′ E.	3,541
99	C	S. 32°26′ E.	4,238
C	99a	N. 64°59′ E.	357
99a	99b	N. 26°15′ E.	415
99b	99c	N. 37°17′ E.	334
99c	99d	N. 62°22′ E.	364
99d	99e	N. 80°37′ E.	352
99e	120	N. 35°26′ E.	1,922
120	121	N. 43°26′ W.	3,117
121	B	N. 10°51′ W.	876
B	East ¼ sec. Cor.	N. 89°05′ W.	4,013

Said ¼ section corner (east), sec. 24, T. 14, N., R. 9 E., Boise meridian, being the point of beginning.

X=East.
Y=North.

The areas described aggregate 600.78 acres in Camas, Custer, and Valley Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 20, 1972.

[FR Doc.72-6316 Filed 4-25-72;8:45 am]

[Public Land Order 5208]

[Colorado 12469, 13142]

COLORADO

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

1. The departmental orders of September 4, 1936, and March 15, 1946, withdrawing lands for the Western Slopes Survey, and the Blue River-South Platte Project respectively, are hereby revoked so far as they affect the following described lands:

WESTERN SLOPES SURVEY

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 86 W.,
Sec. 19, All; and
Sec. 20, N½, SW¼.
T. 1 N., R. 87 W.,
Sec. 25, W½NW¼, NW¼SW¼;
Sec. 26, S½NE¼, SE¼NW¼, and S½;
Sec. 27, S½SE¼;
Sec. 34, NE¼; and
Sec. 35, NW¼NE¼, N½NW¼.

BLUE RIVER-SOUTH PLATTE PROJECT

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 80 W.,
Sec. 3, lots 10, 11, E½SW¼, and SE¼;
Sec. 4, lots 13, 14, 15, NW¼SE¼;
Sec. 9, lots 1 to 4, inclusive, and W½; and
Sec. 10, lots 1 to 5, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼.

The areas described aggregate 3,362.78 acres in Eagle and Garfield Counties.

2. The described lands are within and part of the White River and Routt National Forests. A portion of the lands described as lots 14 and 15, NW¼SE¼, sec. 4, and lots 1 and 2, sec. 10, T. 7 S., R. 80 W., are withdrawn from any form of disposition as may by law be made of national forest lands, including the U.S. mining laws, and from leasing under the mineral leasing laws, for Federal Power Project No. 2511, pursuant to the filing of an application for a preliminary permit on March 3, 1965. Portions of the lands described as sec. 19, All, N½NW¼ NE¼, N½NW¼, sec. 20, T. 1 N., R. 86 W., and the NW¼NW¼, sec. 25, N½S½ NE¼, SW¼, SW¼NE¼, NW¼NW¼ SE¼, S½SE¼NW¼, NE¼SE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼, sec. 26, S½SE¼, sec. 27, N½N½NE¼, SW¼NW¼NE¼, sec. 34, and the N½NW¼NW¼, sec. 35, T. 1 N., R. 37 W., are withdrawn from all forms of location, entry, and purchase under the U.S. mining laws, but not from leasing under the mineral leasing laws, for national forest campgrounds and recreation areas, by Public Land Orders No. 1467 and No. 2589 of August 9, 1957, and January 15, 1962, respectively. All of these described lands will remain so withdrawn.

3. At 10 a.m., May 26, 1972, all of the lands except those described in paragraph 2 of this order, 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 20, 1972.

[FR Doc.72-6317 Filed 4-25-72;8:45 am]

[Public Land Order 5209]

[Arizona 5951]

ARIZONA

Withdrawal for National Forest Recreation Area

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. Subject to valid existing rights, the following national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

COCONINO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Pinegrove Campground

T. 19 N., R. 9 E.,
Sec. 16, Those parts of the SW¼NW¼, NW¼SW¼, and N½SW¼SW¼ not included in the area withdrawn by Public Land Order No. 3152 for Forest Highway No. 3 roadside;
Sec. 17, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, and N½S½SE¼.

The areas described aggregate 333.12 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 20, 1972.

[FR Doc.72-6318 Filed 4-25-72;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-57; Amdts. 171-14, 172-14, 173-61, 174-14, 175-7, 177-21]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170–189 OF THIS CHAPTER

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 175—CARRIERS BY RAIL EXPRESS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Classification of Corrosive Hazards; Notice of Board Action To Authorize Immediate Compliance

On March 23, 1972, the Hazardous Materials Regulations Board published Docket No. HM-57; Amendments Nos. 171-14, 172-14, 173-61, 174-14, 175-7, 177-21 (37 F.R. 5946) prescribing new regulations for the classification, packaging, marking, labeling, and transportation of corrosive materials. It was stated that these amendments became effective December 31, 1972, however, compliance was authorized as of October 1, 1972.

The Board has been advised that the 3-month period authorized effectively limits the conversion period in a manner that precludes efficient changeover, particularly where leadtimes in packaging orders and disposal of existing stock are highly variable. It has been suggested that compliance be authorized immediately to permit the needed latitude. The Board Members for the Federal Aviation Administration, the Federal Highway Administration, and the Federal Railroad Administration have agreed to expand the implementation period and to advise the public by notice thereof in the FEDERAL REGISTER effective with the publication of this notice.

Accordingly, all amendments in Docket No. HM-57 continue to be effective December 31, 1972; however, compliance with the regulations as amended in this docket is authorized immediately.

Issued in Washington, D.C., on April 21, 1972.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-6338 Filed 4-25-72;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 121]

ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

Notice of Proposed Rule Making

APRIL 18, 1972.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to revise Part 121, Subchapter K, Chapter I, Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 161 of the Revised Statutes (5 U.S.C. 301).

In the main, this revision consists of the realignment of materials to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes. In addition, certain additions, changes and deletions in these proposed regulations are designed to more fully explain and implement the policy of the Secretary of the Interior.

The major changes and revisions are as follows:

1. Section 121.1(e): A definition of competency is set out, whereas previously there was no such standard of general application in Part 121. This definition is the only precise standard for the determination of competency set out by the Congress, and, although it was prescribed in an act which applies only to the Five Civilized Tribes (Act of Aug. 11, 1955 (69 Stat. 666)), it seems reasonable that the standard be used generally.

2. Section 121.2: This provides for withholding action to be applied in order to facilitate consolidation of Indian lands where possible. The addition will make regulatory the principles of the December 4, 1961, memorandum of the Commissioner of Indian Affairs and provide, in addition, a right of appeal from withholding action.

3. Section 121.5(a): Under the present regulations if an applicant is competent, the issuance of a fee patent is mandatory. This revision would reflect the authority derived from the authorizing acts and allow the exercise of discretion in the issuance of fee patents as it may now be exercised in the issuance of orders removing restrictions and certificates of competency.

4. Section 121.5(d): This implements and explains the Act of June 30, 1954 (68 Stat. 358), which grants unrestricted rights in oil and gas to certain Indians of the Fort Peck Reservation and makes provision for the future issuance of fee patents covering oil and gas, as well as the issuance of fee patents covering the entire interest in certain land.

5. Section 121.12(b): This section has been changed to permit negotiated sales of lands belonging to certain members of the Five Civilized Tribes after the issuance of a conditional order removing restrictions. Under the present regulations (§ 121.37) the land included in a conditional order removing restrictions must be advertised.

6. Section 121.14: This section simplifies the procedure for an administrative appeal from a decision to issue an order removing restrictions to a member of the Five Civilized Tribes without application under the Act of August 11, 1955 (69 Stat. 666). It provides that to the extent possible, such appeals will be handled under the procedure prescribed in Part 2.

7. The heading for former §§ 121.9 through 121.22, Sales and Exchanges of Individually Owned Trust or Restricted Land, Exclusive of Five Civilized Tribes Land, is now applicable to §§ 121.17 through 121.32 and the heading has been changed to "Sales, Exchanges and Conveyances of Trust or Restricted Lands", to permit such sales by members of the Five Civilized Tribes if no statutory authority exists to prevent such transfers under these sections.

8. Section 121.32: This section has been changed pursuant to the Solicitor's Opinion M-36708 dated July 18, 1967, as to lands owned or acquired by an Indian in fee simple status.

9. Section 121.33: This section implements the Act of May 18, 1916 (39 Stat. 127; 25 U.S.C. 378), which authorizes the Secretary, in certain instances, to partition an inherited trust allotment without the consent of all heirs.

10. Section 121.35: This section has been changed to permit deferred payments sales under such terms as are acceptable to the Secretary and the Indian owners.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

LOUIS R. BRUCE,
Commissioner.

PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

Sec.

PARTITIONS OF INHERITED ALLOTMENTS

Sec.
121.33 Partition.

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

121.34 Approval of mortgage and deeds of trust.
121.35 Deferred payment sales.

AUTHORITY: The provisions of this Part 121 issued under R.S. 161; 5 U.S.C. 301. Interpret or apply sec. 7, 32 Stat. 275, 34 Stat. 1018, sec. 1, 35 Stat. 444, sec. 1 and 2, 36 Stat. 855, as amended, 856, as amended, sec. 17, 39 Stat. 127, 40 Stat. 579, 62 Stat. 236, sec. 2, 40 Stat. 606, 68 Stat. 358, 69 Stat. 666; 25 U.S.C. 378, 379, 405, 404, 372, 373, 483, 355, unless otherwise noted.

CROSS REFERENCES: For further regulations pertaining to the sale of irrigable lands, see Parts 129, 128 and § 211.4 of this chapter. For Indian money regulations, see Parts 104, 101, 107, 105, and 102 of this chapter. For regulations pertaining to the determination of heirs and approval of wills, see Part 15 and §§ 11.30–11.32C of this chapter.

§ 121.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Agency" means an Indian agency or other field unit of the Bureau of Indian Affairs having trust or restricted Indian land under its immediate jurisdiction.

(c) "Restricted land" means land or any interest therein, the title to which is held by an individual Indian, subject to Federal restrictions against alienation or encumbrance.

(d) "Trust land" means land or any interest therein held in trust by the United States for an individual Indian.

(e) "Competent" means the possession of sufficient ability, knowledge, experience, and judgment to enable an individual to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to him and the income or proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof. (Act of August 11, 1955 (69 Stat. 666).)

(f) "Tribe" means a tribe, band, nation, community, group, or Pueblo of Indians.

§ 121.2 Withholding action on application.

Action on any application, which if approved would remove Indian land from restricted or trust status, may be withheld, if the Secretary determines that such removal would adversely affect the best interest of other Indians, or the tribes, until the other Indians or the tribes so affected have had a reasonable opportunity to acquire the land from the applicant. If action on the application is to be withheld, the applicant shall be advised that he has the right to appeal the withholding action pursuant to the provisions of Part 2 of this chapter.

ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

§ 121.3 Information regarding status of applications for removal of Federal supervision over Indian lands.

The status of applications by Indians for patents in fee, certificates of competency, or orders removing restrictions shall be disclosed to employees of the Department of the Interior whose duties require that such information be disclosed to them; to the applicant or his attorney, upon request; and to Members of Congress who inquire on behalf of the applicant. Such information will be available to all other persons, upon request, 15 days after the fee patent has been issued by the Bureau of Land Management, or 15 days after issuance of certificate of competency or order removing restrictions, or after the application has been rejected and the applicant notified. Where the termination of the trust or restricted status of the land covered by the application would adversely affect the protection and use of Indian land remaining in trust or restricted status, the owners of the land that would be so affected may be informed that the application has been filed.

§ 121.4 Application for patent in fee.

Any Indian 21 years of age or over may apply for a patent in fee for his trust land. A written application shall be made in the form approved by the Secretary and shall be completed and filed with the agency having immediate jurisdiction over the land.

§ 121.5 Issuance of patent in fee.

(a) An application may be approved and fee patent issued if the Secretary, in his discretion, determines that the applicant is competent. When the patent in fee is delivered, an inventory of the estate covered thereby shall be given to the patentee. (Acts of Feb. 8, 1887 (24 Stat. 388), as amended (25 U.S.C. 349); June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and other authorizing acts.)

(b) If an application is denied, the applicant shall be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of Part 2 of this chapter.

(c) White Earth Reservation: The Secretary will, pursuant to the Act of March 1, 1907 (34 Stat. 1015), issue a patent in fee to any adult mixed-blood Indian owning land within the White Earth Reservation in the State of Minnesota upon application from such Indian, and without consideration as to whether the applicant is competent.

(d) Fort Peck Reservation: Pursuant to the Act of June 30, 1954 (68 Stat. 358), oil and gas underlying certain allotments in the Fort Peck Reservation were granted to certain Indians to be held in trust for such Indians and provisions was made for issuance of patents in fee for such oil and gas or patents in fee for land in certain circumstances.

(1) Where an Indian or Indians were the grantees of the entire interest in the oil and gas underlying a parcel of land, and such Indian or Indians had before June 30, 1954, been issued a patent or patents in fee for any land within the Fort Peck Reservation, the title to the oil and gas was conveyed by the act in in fee simple status.

(2) Where the entire interest in the oil and gas granted by the act is after June 30, 1954, held in trust for Indians to whom a fee patent has been issued at any time, for any land within the Fort Peck Reservation, or who have been or are determined by the Secretary to be competent, the Secretary will convey, by patent, without application, therefor, unrestricted fee simple title to the oil and gas.

(3) Where the Secretary determines that the entire interest in a tract of land on the Fort Peck Reservation is owned by Indians who were grantees of oil and gas under the act and he determines that such Indians are competent, he will issue fee patents to them covering all interests in the land without application.

§ 121.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.

Whenever the Secretary determines that trust land, or any interest therein, has been acquired through inheritance or devise by a non-Indian, or by a person of Indian descent to whom the United States owes no trust responsibility, the Secretary may issue a patent in fee for the land or interest therein to such person without application.

§ 121.7 Application for certificate of competency.

Any Indian 21 years old or over, except certain adult members of the Osage Tribe as provided in § 121.9, who holds land or an interest therein under a restricted fee patent may apply for a certificate of competency. The written application shall be made in the form approved by the Secretary and filed with the agency having immediate jurisdiction over the land.

§ 121.8 Issuance of certificate of competency.

(a) An application may be approved and a certificate of competency issued if the Secretary, in his discretion, determines that the applicant is competent. The delivery of the certificate shall have the effect of removing the restrictions from the land described therein. (Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372).)

(b) If the application is denied, the applicant shall be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of Part 2 of this chapter.

§ 121.9 Certificates of competency to certain Osage adults.

Applications for certificates of competency by adult members of the Osage Tribe of one-half or more Indian blood shall be in the form approved by the Secretary. Upon the finding by the Secretary that an applicant is competent, a

certificate of competency may be issued removing restrictions against alienation of all restricted property and terminating the trust on all restricted property, except Osage headright interests, of the applicant.

CROSS-REFERENCE: For regulations pertaining to the issuance of certificates of competency to adult Osage Indians of less than one-half Indian blood, see Part 123 of this chapter.

§ 121.10 Application for orders removing restrictions, except Five Civilized Tribes.

Any Indian not under legal disability under the laws of the State where he resides or where the land is located, or the court-appointed guardian or conservator of any Indian, may apply for an order removing restrictions from his restricted land or the restricted land of his ward. The application shall be in writing setting forth reasons for removal of restrictions and filed with the agency having immediate jurisdiction over the lands.

§ 121.11 Issuance of orders removing restrictions, except Five Civilized Tribes.

(a) An application for an order removing restrictions may be approved and such order issued by the Secretary, in his discretion, if he determines that the applicant is competent or that removal of restrictions is in the best interests of the Indian owner. The effect of the order will be to remove the restrictions from the land described therein.

(b) If the application is denied, the applicant will be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of Part 2 of this chapter.

§ 121.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.

When an Indian of the Five Civilized Tribes makes application for removal of restrictions from his restricted lands under authority other than section 2(a) of the Act of August 11, 1955 (69 Stat. 666), such application may be for either unconditional removal of restrictions or conditional removal of restrictions, but shall not include lands or interest in lands acquired by inheritance or devise.

(a) If the application is for unconditional removal of restrictions and the Secretary, in his discretion, determines the applicant should have the unrestricted control of the land described in his application, the Secretary may issue an order removing restrictions therefrom.

(b) When the Secretary, in his discretion, finds that in the best interest of the applicant all or part of the land described in the application should be sold with conditions concerning terms of sale and disposal of the proceeds, the Secretary may issue a conditional order removing restrictions which shall be effective only and simultaneously with the execution of a deed by said applicant upon completion of an advertised sale or negotiated sale acceptable to the Secretary.

§ 121.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.

When an Indian of the Five Civilized Tribes makes application for removal of restrictions under authority of section 2(a) of the Act of August 11, 1955 (69 Stat. 666), the Secretary will determine the competency of the applicant.

(a) If the Secretary determines the applicant to be competent, he shall issue an order removing restrictions having the effect stated in § 121.16.

(b) If the Secretary rejects the application, his action is not subject to administrative appeal, notwithstanding the provisions concerning appeals in Part 2 of this chapter.

(c) If the Secretary rejects the application, or neither rejects nor approves the application within 90 days of the application date, the applicant may apply to the State district court in the county in which he resides for an order removing restrictions. If that State district court issues such order, it will have the effect stated in § 121.16.

§ 121.14 Removal of restrictions, Five Civilized Tribes, without application.

Section 2(b) of the Act of August 11, 1955 (69 Stat. 666), authorizes the Secretary to issue an order removing restrictions to an Indian of the Five Civilized Tribes without application therefor. When the Secretary determines an Indian to be competent, he shall notify the Indian in writing of his intent to issue an order removing restrictions 30 days after the date of the notice. This decision may be appealed under the provisions of Part 2 of this chapter within such 30 days. All administrative appeals under that part will postpone the issuance of the order. When the decision is not appealed within 30 days after the date of notice, or when any dismissal of an appeal is not appealed within the prescribed time limit, or when the final appeal is dismissed, an order removing restrictions will be issued.

§ 121.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.

When an order removing restrictions is issued, pursuant to § 121.14, a copy of such order will be delivered to the Indian, to any person acting in his behalf, and to the Board of County Commissioners for the county in which the Indian resides. At the time the order is delivered written notice will be given the parties that under the terms of the Act of August 11, 1955 (69 Stat. 666), the Indian or the Board of County Commissioners has, within 6 months of the date of notification, the right to appeal to the State district court for the district in which the Indian resides for an order setting aside the order removing restrictions. The timely initiation of proceedings in the State district court will stay the effective date of the order removing restrictions until such proceedings are concluded. If the State district court dismisses the appeal, the order removing restrictions will become effective 6 months after notification to the parties of such dismissal. The effect of the issuance of such order will be as prescribed in § 121.16.

§ 121.16 Effect of order removing restrictions, Five Civilized Tribes.

An order removing restrictions issued pursuant to the Act of August 11, 1955 (69 Stat. 666), on its effective date shall serve to remove all jurisdiction and supervision of the Bureau of Indian Affairs over money and property held by the United States in trust for the individual Indian or held subject to restrictions against alienation imposed by the United States. The Secretary shall cause to be turned over to the Indian full ownership and control of such money and property and issue in the case of land such title document as may be appropriate; *Provided,* That the Secretary may make such provisions as he deems necessary to insure payment of money loaned to any such Indian by the Federal Government or by an Indian tribe; *And provided further,* That the interest of any lessee or permittee in any lease, contract, or permit that is outstanding when an order removing restrictions becomes effective shall be preserved as provided in section 2(d) of the Act of August 11, 1955 (69 Stat. 666).

SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

§ 121.17 Sales, exchanges and conveyances by, or with the consent of the individual Indian owner.

Pursuant to the Acts of May 27, 1902 (32 Stat. 275; 25 U.S.C. 379); May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U.S.C. 357); March 1, 1907 (34 Stat. 1018; 25 U.S.C. 405); May 29, 1908 (35 Stat. 444; 25 U.S.C. 404); June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), as amended May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d); June 18, 1934 (48 Stat. 984; 25 U.S.C. 464); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483); and pursuant to other authorizing acts, trust or restricted lands acquired by allotment, devise, inheritance, purchase, exchange, or gift may be sold, exchanged, and conveyed by the Indian owner with the approval of the Secretary or by the Secretary with the consent of the Indian owner.

§ 121.18 Sale with the consent of natural guardian or person designated by Secretary.

Pursuant to the Act of May 29, 1908 (35 Stat. 444; 25 U.S.C. 404), the Secretary may, with the consent of the natural guardian of a minor, sell trust or restricted land belonging to such minor; and the Secretary may, with the consent of a person designated by him, sell trust or restricted land belonging to Indians who are minor orphans without a natural guardian, and Indians who are non compos mentis or otherwise under legal disability. The authority contained in this act is not applicable to lands in Oklahoma, Minnesota, and South Dakota, nor to lands authorized to be sold by the

Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483).

§ 121.19 Sale by fiduciaries.

Guardians, conservators, or other fiduciaries appointed by State courts, or by tribal courts operating under approved constitutions or law and order codes, may, upon order of the court, convey with the approval of the Secretary or consent to the conveyance by the Secretary of trust or restricted land belonging to their Indian wards who are minors, non compos mentis or otherwise under legal disability.

§ 121.20 Sale by Secretary of certain land in multiple ownership.

Pursuant to the Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372), if the Secretary decides that one or more of the heirs who have inherited trust land are incapable of managing their own affairs, he may sell any or all interests in that land. This authority is not applicable to lands authorized to be sold by the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483).

§ 121.21 Sale or exchange of tribal land.

Certain tribal land may be sold or exchanged pursuant to the Acts of February 14, 1920 (41 Stat. 415; 25 U.S.C. 294); June 18, 1934 (48 Stat. 984; 25 U.S.C. 464); August 10, 1939 (53 Stat. 1351; 25 U.S.C. 463(e)); July 1, 1948 (62 Stat. 1214); June 4, 1953 (67 Stat. 41; 25 U.S.C. 293(a)); July 28, 1955 (69 Stat. 392), as amended August 31, 1964 (78 Stat. 747; 25 U.S.C. 608–608c); June 18, 1956 (70 Stat. 290; 25 U.S.C. 403a–2); July 24, 1956 (70 Stat. 626); May 19, 1958 (72 Stat. 121; 25 U.S.C. 463, Note); September 2, 1958 (72 Stat. 1762); April 4, 1960 (74 Stat. 13); April 29, 1960 (74 Stat. 85); December 11, 1963 (77 Stat. 349); August 11, 1964 (78 Stat. 389), and pursuant to other authorizing acts. Except as otherwise provided by law, and as far as practicable, the regulations in this Part 121 shall be applicable to sale or exchanges of such tribal land.

§ 121.22 Secretarial approval necessary to convey individual-owned trust or restricted lands or land owned by a tribe.

(a) *Individual lands.* Trust or restricted lands, or any interest therein, may not be conveyed without the approval of the Secretary. Moreover, inducing an Indian to execute an instrument purporting to convey any trust land or interest therein, or the offering of any such instrument for record, is prohibited and criminal penalties may be incurred. (See 25 U.S.C. 202 and 348.)

(b) *Tribal lands.* Lands held in trust by the United States for an Indian tribe, lands owned by a tribe with Federal restrictions against alienation and any other land owned by an Indian tribe may only be conveyed where specific statutory authority exists and then only with the approval of the Secretary unless the Act of Congress authorizing sale provides that approval is unnecessary. (See 25 U.S.C. 177.)

§ 121.23 Applications for sale, exchange or gift.

Applications for the sale, exchange or gift of trust or restricted land shall be filed in the form approved by the Secretary with the agency having immediate jurisdiction over the land. Applications may be approved if, after careful examination of the circumstances in each case, the transaction appears to be clearly justified in the light of the long-range best interest of the owner or owners or as under conditions set out in § 121.25(d).

§ 121.24 Appraisal.

Except as otherwise provided by the Secretary, an appraisal shall be made indicating the fair market value prior to making or approving a sale, exchange, or other transfer of title of trust or restricted land.

§ 121.25 Negotiated sales, gifts and exchanges of trust or restricted lands.

Those sales, exchanges, and gifts of trust or restricted lands specifically described in the following paragraphs (a), (b), (c), and (d) of this section may be negotiated; all other sales shall be by advertised sale, except as may be otherwise provided by the Secretary.

(a) *Consideration not less than the appraised fair market value.* Indian owners may, with the approval of the Secretary, negotiate a sale of and sell trust or restricted land for not less than the appraised fair market value: (1) When the sale is to the United States, States, or political subdivisions thereof, or such other sale as may be for a public purpose; (2) when the sale is to the tribe or a member of the tribe of the reservation where the land is located; or (3) when the Secretary determines it is impractical to advertise.

(b) *Exchange at appraised fair market value.* With the approval of the Secretary, Indian owners may exchange trust or restricted land, or a combination of such land and other things of value, for other lands or combinations of land and other things of value. The value of the consideration received by the Indian in the exchange must be at least substantially equal to the appraised fair market value of the consideration given by him.

(c) *Sale to coowners.* With the approval of the Secretary, Indian owners may negotiate a sale of and sell trust or restricted land to a coowner of that land. The consideration may be less than the appraised fair market value, if in the opinion of the Secretary there is a special relationship between the coowners or special circumstances exist.

(d) *Gifts and conveyances for less than the appraised fair market value.* With the approval of the Secretary, Indian owners may convey trust or restricted land, for less than the appraised fair market value or for no consideration when the prospective grantee is the owner's spouse, brother, sister, lineal ancestor of Indian blood or lineal descendant, or when some other special relationship exists between the grantor and grantee or special circumstances exist that in the opinion of the Secretary warrant the approval of the conveyance.

§ 121.26 Advertisement.

(a) Upon approval of an application for an advertised sale, notice of the sale will be published not less than 30 days prior to the date fixed for the sale unless a shorter period is authorized by the Secretary.

(b) The notice of sale will include (1) terms, conditions, place, date, hour, and methods of sale, including explanation of auction procedure as set out in § 121.27 (b) (2) if applicable; (2) where and how bids shall be submitted; (3) a statement warning all bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders or potential bidders; and (4) description of tracts, all reservations to which title will be subject and any restrictions and encumberances of record with the Bureau of Indian Affairs and any other information that may improve sale prospects.

§ 121.27 Procedure of sale.

Advertised sales shall be by sealed bids except as otherwise provided herein.

(a) (1) Bids, conforming to the requirements set out in the advertisement of sale, along with a certified check, cashier's check, money order, or U.S. Treasury check, payable to the Bureau of Indian Affairs, for not less than 10 percent of the amount of the bid, must be enclosed in a sealed envelope marked as prescribed in the notice of sale. A cash deposit may be submitted in lieu of the above-specified negotiable instruments at the bidder's risk. Tribes submitting bids pursuant to this paragraph may guarantee the required 10 percent deposit by an appropriate resolution; (2) the sealed envelopes containing the bids will be publicly opened at the time fixed for sale. The bids will be announced and will be appropriately recorded.

(b) The policy of the Secretary recognizes that in many instances a tribe or a member thereof has a valid interest in acquiring trust or restricted lands offered for sale. (1) With the consent of the owner and when the notice of sale so states, the tribe or members of such tribe shall have the right to meet the high bid. (2) Provided the tribe is not the high bidder and when one or more acceptable sealed bids are received and when so stated in the notice of sale, an oral auction may be held following the bid opening. Bidding in the auction will be limited to the tribe, and to those who submitted sealed bids at 75 percent or more of the appraised value of the land being auctioned. At the conclusion of the auction the highest bidder must increase his deposit to not less than 10 percent of his auction bid.

§ 121.28 Action at close of bidding.

(a) The officer in charge of the sale shall publicly announce the apparent highest acceptable bid. The deposits submitted by the unsuccessful bidders shall be returned immediately. The deposit submitted by the apparent successful bidder shall be held in a special account.

(b) If the highest bid received at an advertised sale is less than the appraised fair market value of the land, the Secretary with the consent of the owner may accept that bid if the amount bid approximates said appraised fair market value and in the Secretary's judgment is the highest price that may be realized in the circumstances.

(c) The Secretary shall award the bid and notify the apparent successful bidder that the remainder of the purchase price must be submitted within 30 days. (1) Upon a showing of cause the Secretary may, in his discretion, extend the time of payment of the balance due. (2) If the remainder of the purchase price is not paid within the time allowed, the bid will be rejected and the apparent successful bidder's 10 percent deposit will be forfeited to the landowner's use.

(d) The issuance of the patent or delivery of a deed to the purchaser will not be authorized until the balance of the purchase price has been paid, except that the fee patent may be ordered in cases where the purchaser is obtaining a loan from an agency of the Federal Government and such agency has given the Secretary a commitment that the balance of the purchase price will be paid when the fee patent is issued.

§ 121.29 Rejection of bids; disapproval of sale.

The Secretary reserves the right to reject any and all bids before the award, after the award, or at any time prior to the issuance of a patent or delivery of a deed, when he shall have determined such rejection to be in the best interests of the Indian owner.

§ 121.30 Bidding by employees.

Except as authorized by the provisions of Part 251 of this chapter, no person employed in Indian Affairs shall directly or indirectly bid, make, or prepare any bid, or assist any bidder in preparing his bid. Sales between Indians, either of whom is an employee of the U.S. Government, are governed by the provisions of Part 251 of this chapter (see 25 U.S.C. 68 and 441).

§ 121.31 Cost of conveyance; payment.

Pursuant to the Act of February 14, 1920 (41 Stat. 415), as amended by the Act of March 1, 1933 (47 Stat. 1417; 25 U.S.C. 413), the Secretary may in his discretion collect from a purchaser reasonable fees for work performed or expense incurred in the transaction. The amount so collected shall be deposited to the credit of the United States as general fund receipts, except as stated in paragraph (b) of this section.

(a) (1) The amount of the fee shall be $22.50 for each transaction.

(2) The fee may be reduced to a lesser amount or may be waived, if the Secretary determines circumstances justify such action.

(b) (1) If any or all of the costs of the work performed or expenses incurred are paid with tribal funds, an alternate schedule of fees may be established, subject to approval of the Secretary, and that part of such fees deemed appropriate may be credited to the tribe.

(2) When the purchaser is the tribe which bears all or any part of such costs, the collection of the proportionate share from the tribe may be waived.

§ 121.32 Irrigation fee; payment.

Collection of all construction costs against any Indian-owned lands within Indian irrigation projects is deferred as long as Indian title has not been extinguished. (Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a).) This statute is interpreted to apply only where such land is owned by Indians either in trust or restricted status.

(a) When any person whether Indian or non-Indian acquires Indian lands in a fee simple status that are part of an Indian irrigation project he must enter into an agreement, (1) to pay the pro rata share of the construction of the project chargeable to the land, (2) to pay all construction costs that accrue in the future, and (3) to pay all future charges assessable to the land which are based on the annual cost of operation and maintenance of the irrigation system.

(b) Any operation and maintenance charges that are delinquent when Indian land is sold will be deducted from the proceeds of sale unless other acceptable arrangements are made to provide for their payment prior to the approval of the sale.

(c) A lien clause covering all unpaid irrigation construction costs, past and future, will be inserted in the patent or other instrument of conveyance issued to all purchasers of restricted or trust lands that are under an Indian irrigation project.

CROSS-REFERENCE: See Part 128 and Part 129 and cross-references thereunder in this chapter for further regulations regarding sale of irrigable lands.

PARTITIONS OF INHERITED ALLOTMENTS

§ 121.33 Partition.

(a) *Partition without application.* If the Secretary of the Interior shall find that any inherited trust allotment or allotments (as distinguished from lands held in a restricted fee status or authorized to be sold under the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483)), are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent or order of extension of the trust period set out in said patent. (Act of May 18, 1916 (39 Stat. 127; 25 U.S.C. 378).) The authority contained in the Act of May 18, 1916, is not applicable to lands authorized to be sold by the Act of May 14, 1948, nor to land held in restricted fee status.

(b) *Application for partition.* Heirs of a deceased allottee may make written application, in the form approved by the Secretary, for partition of their trust or restricted land. If the Secretary finds the trust lands susceptible of partition, he may issue new patents or deeds to the heirs for the portions set aside to them. If the allotment is held under a restricted fee title (as distinguished from a trust title), partition may be accomplished by the heirs executing deeds approved by the Secretary, to the other heirs for their respective portions.

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

§ 121.34 Approval of mortgages and deeds of trust.

Any individual Indian owner of trust or restricted lands, may with the approval of the Secretary execute a mortgage or deed of trust to his land. Prior to approval of such mortgage or deed of trust, the Secretary shall secure appraisal information as he deems advisable. Such lands shall be subject to foreclosure or sale pursuant to the terms of the mortgage or deed of trust in accordance with the laws of the State in which the lands are located. For the purpose of foreclosure or sale proceedings under this section, the Indian owners shall be regarded as vested with unrestricted fee simple title to the lands (Act of March 29, 1956 (70 Stat. 62; 25 U.S.C. 483a)).

§ 121.35 Deferred payment sales.

When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. The terms of the sale will be incorporated in a memorandum of sale which shall constitute a contract for delivery of title upon payment in full of the amount of the agreed consideration. The deed executed by the grantor or grantors will be held by the Superintendent and will be delivered only upon full compliance with the terms of sale. If conveyance of title is to be made by fee patent, request therefor will be made only upon full compliance with the terms of the sale. The terms of the sale shall require that the purchaser pay not less than 10 percent of the purchase price in advance as required by the Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372); terms for the payment of the remaining installments plus interest shall be those acceptable to the Secretary and the Indian owner. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

[FR Doc.72-6356 Filed 4-25-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte 286]

DETERMINATION OF AVOIDABLE LOSSES

Order To Show Cause

APRIL 14, 1972.

It appearing, that by notice of proposed rulemaking and order (36 F.R.

8327) entered herein on March 23, 1971, the Commission instituted this proceeding and made the National Railroad Passenger Corporation (Amtrak) and all railroads providing intercity rail passenger service and operating in interstate commerce within the United States subject to the Interstate Commerce Act respondents;

It further appearing, that the notice of March 23, 1971: *Provided*, That initial statements should be filed on or before June 24, 1971 (a requirement with which several parties have complied) and that reply statements should be filed by July 14, 1971;

It further appearing, that Amtrak subsequently filed four requests for extensions of time to file initial statements, and that pursuant to its request filed February 10, 1972, the date for filing initial statements was fixed as April 3, 1972, and the date for filing replies as April 24, 1972;

It further appearing, that in its petition of February 10, 1972, Amtrak also requested an indefinite postponement of this proceeding, and that Southern Pacific Transportation Co., the trustees of the Penn Central Transportation Co., and the Pennsylvania Public Utilities Commission and city of Philadelphia jointly replied;

It further appearing, that by petition filed April 3, 1972, Amtrak seeks a further extension of the date for filing initial statements for an additional 30 days;

And it further appearing, that the continued failure of Amtrak, a necessary party to this proceeding, to file its initial statements has hampered the Commission in carrying out its statutory mandate to develop a formula for the determination of avoidable losses under the Rail Passenger Service Act of 1970, and good cause therefore having been shown:

It is ordered, That all respondents herein be, and they are hereby, required to show cause, within 30 days of publication of this order in the FEDERAL REGISTER, why the Commission should not proceed promptly to a final determination and conclusion of this proceeding on the basis of the record as heretofore made;

And it is further ordered, That notice of this order be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissioners or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Dated at Washington, D.C., this 10th day of April 1972.

By the Commission, Chairman Stafford.

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

[FR Doc.72-6371 Filed 4-25-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED APRICOTS

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering a revision of the U.S. Standards for Grades of Canned Apricots (7 CFR 52.2641–52.2657). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than October 1, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed revision. Prior to the start of the canning season of 1971 the standards committee of the California Canners League requested the U.S. Department of Agriculture review the grade standards for canned apricots with specific reference to the "Solid-Pack" portion. The request indicated a need for reflecting a quality level higher than the current maximum level of "Grade C."

Canned apricots are covered by Federal Food and Drug standards of identity and quality. These standards do not, however, cover solid-pack canned apricots. For this reason, and in consideration of the request of the Canners League of California, the Department is concurrently proposing the issuance of separate grade standards for canned solid-pack apricots and a revision of the current grade standards to include only the regular packs, which are covered by the Food and Drug standards.

The proposed revision of the current standards include the following major changes:

(1) A standard sample unit size which will remove the bias caused by varying amounts of product in different container sizes;

(2) A new format of presentation of definitions in the various quality factors which will provide for more clarity;

(3) Presentation of allowances for the various quality factors in table form making the allowances more readily accessible;

(4) Inclusion of fill weight and drained weight values for three new container sizes not covered in the current standards; and

(5) Exclusion of "Solid Pack" canned apricots which will be covered by a separate standard.

(6) Exclusion of the "Grade D" classification since this no longer serves a useful purpose in marketing channels.

No changes in the allowances for the various quality factors or in the drained weight or fill weight requirements are intended at this time. Slight differences in allowances that may occur are due solely to rounding off fractional numbers to whole numbers in the transposition to the standard sample unit size.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2641 Product description.
52.2642 Styles.
52.2643 Grades.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

52.2644 Liquid media and Brix measurements.
52.2645 Fill of container.
52.2646 Recommended minimum drained weights.
52.2647 Recommended minimum fill weights.

SAMPLE UNIT SIZE

52.2648 Sample unit size.

FACTORS OF QUALITY

52.2649 Ascertaining the grade.
52.2650 Ascertaining the rating for the factors which are scored.
52.2651 Color.
52.2652 Uniformity of size and symmetry.
52.2653 Defects.
52.2654 Character.

ALLOWANCES FOR QUALITY FACTORS

52.2655 Allowances for quality factors.

LOT INSPECTION AND CERTIFICATION

52.2656 Ascertaining the grade of a lot.

SCORE SHEET

52.2657 Score sheet for canned apricots.

AUTHORITY: The provisions of this subpart issued under secs. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2641 Product description.

(a) Canned apricots: "Canned apricots" is the product represented as defined in the Standards of Identity for canned apricots (21 CFR 27.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act, and prepared in one of the styles specified in § 52.2642; in one of the liquid media specified in § 52.2644; and is sealed in a container and so processed by heat as to prevent spoilage.

(b) The food may be seasoned with one or more of the optional ingredients permitted in the aforementioned standards of identity.

§ 52.2642 Styles.

(a) "Halves" are pitted apricots cut approximately in half along the suture from stem to apex.

(b) "Slices" are pitted apricots cut into thin sectors or strips.

(c) "Whole" is unpitted, apricots with stems removed.

(d) "Mixed pieces of irregular sizes and shapes" are cut apricot units that are predominantly irregular in size and shape which do not conform to a single style or which are a mixture of two or more of such styles.

(e) When the apricots are unpeeled the name of the style is preceded or followed by the word "unpeeled".

(f) When the apricots are peeled, the name of the style is preceded or followed by the word "peeled".

§ 52.2643 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of any style of canned apricots, except mixed pieces of irregular sizes and shapes that:

(1) Have similar varietal characteristics;

(2) Have normal flavor and odor;

(3) Have at least a reasonably good color that scores not less than 17 points;

(4) Are at least reasonably uniform in size and symmetry for the applicable styles except for limits of off-suture cuts in the style of halves;

(5) Are reasonably free from defects;

(6) Have at least a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of canned apricots of any style that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have a reasonably good color;

(4) Are at least fairly uniform in size and symmetry for the applicable styles except for the limits of off-suture cuts in the style of halves;

(5) Are reasonably free from defects;

(6) Have a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of canned apricots of any style that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have a good color;

(4) Are fairly uniform in size and symmetry;

(5) Are fairly free from defects;

(6) Have a fairly good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned apricots that fail to meet the requirements of U.S. Grade C.

(e) Grade restrictions: A sample unit of mixed pieces of irregular sizes and shapes may be assigned a score in the Grade A range for one or more applicable quality factors but may not be classified above U.S. Grade B (or U.S. Choice) regardless of the total score for the product.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

§ 52.2644 Liquid media and Brix measurements.

"Cut-out" requirements for liquid media in canned apricots are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designations of liquid packing media and the Brix measurements, where applicable, are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy apricot juice sirup".	25° or more but not more than 40°.
"Heavy sirup" or "Heavy apricot juice sirup".	21° or more but less than 25°.
"Light sirup" or "Light apricot juice sirup".	16° or more but less than 21°.
"Slightly sweetened water" or "Slightly sweetened apricot juice".	Less than 16°.
"In water"	Not applicable.
"In apricot juice"	Do.
"Artificially sweetened"	Do.

§ 52.2645 Fill of container.

The standard of fill of container for canned apricots is the maximum quantity of the apricot units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned apricots that do not meet this requirement are "Below Standard in Fill".

§ 52.2646 Recommended minimum drained weights.

(a) *General.* (1) The minimum drained weight recommendations for the various styles in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Definitions of symbols.* (1) $\overline{X}_L$—The minimum average drained weight of all the sample units in the sample.

(2) LL—Lower limit for the drained weight of an individual sample unit.

(c) *Method for ascertaining drained weight.* The drained weight of canned apricots is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(d) *Compliance with recommended minimum drained weights.* A lot of canned apricots is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\overline{X}_L$ in Table II; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Table II does not exceed the applicable acceptance number specified in Table I.

TABLE I.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	39	48	60	79
Acceptance No.	0	1	2	3	4	5	6	7	8

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED APRICOTS

Container size (metal, unless otherwise stated)		Unpeeled or peeled halves; slices; mixed pieces of irregular sizes and shapes		Whole unpeeled		Whole peeled	
		LL	$\overline{X}_d$	LL	$\overline{X}_d$	LL	$\overline{X}_d$
		IN EXTRA HEAVY AND HEAVY SIRUPS					
Designation	*Dimensions*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
5 Z	211 x 200	2.1	2.7				
5 Z	211 x 202	2.4	3.0				
7 Z	211 x 212	3.4	4.0				
8 Z tall	211 x 304	4.2	4.8	3.7	4.3	3.8	4.5
No. 300	300 x 407	7.9	8.6	6.8	7.6	7.2	8.0
No. 303 glass		8.7	9.5	7.6	8.5	8.0	8.9
No. 303	303 x 406	8.7	9.5	7.6	8.5	8.0	8.9
No. 2	307 x 409	10.6	11.5	9.6	10.5	9.8	10.8
No. 2½ glass		15.2	16.3	13.6	14.9	13.9	15.2
No. 2½	401 x 411	15.5	16.7	13.8	15.1	14.4	15.7
No. 10	603 x 700	59.7	62.0	57.5	60.0	57.9	60.4
		IN ANY OTHER LIQUID MEDIUM					
5 Z	211 x 200	2.2	2.8				
5 Z	211 x 202	2.5	3.1				
7 Z	211 x 212	3.5	4.1				
8 Z tall	211 x 304	4.3	4.9	3.8	4.4	3.9	4.6
No. 300	300 x 407	8.1	8.8	7.0	7.8	7.4	8.2
No. 303 glass		8.9	9.7	7.8	8.7	8.2	9.1
No. 303	303 x 406	8.9	9.7	7.8	8.7	8.2	9.1
No. 2	307 x 409	10.9	11.8	9.7	10.7	10.1	11.1
No. 2½ glass		15.7	16.8	14.0	15.3	14.3	15.6
No. 2½	401 x 411	16.0	17.2	14.2	15.5	14.8	16.1
No. 10	603 x 700	61.7	64.0	59.0	61.5	59.5	62.0

§ 52.2647 Recommended minimum fill weights.

(a) *General.* The minimum fill weight recommendations for the various styles in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* The fill weight of canned apricots is determined in accordance with the U.S. Department of Agriculture's "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\overline{X}'_{min}$ means the minimum lot average fill weight.
$LWL_{\overline{x}}$ means the lower warning limit for subgroup averages.
$LRL_{\overline{x}}$ means the lower reject limit for subgroup averages.
LWL means the lower warning limit for individual fill weight measurements.
LRL means the lower reject limit for individual fill weight measurements.
$\overline{R}'$ means a specified average range value.
R_{max} means a specified maximum range for a subgroup.

(d) *Subgroup size.* The subgroup size for the determination of fill weights shall be 5 sample units.

(e) *Sampling frequency*—(1) *Small lots.* For lots consisting of 100 cases or less which require 4 hours or more to pack use the "optional fill weight procedure" contained in the Instructions for Adaptation of the Variables Control Chart Plan to Fill Weights.

(2) *Other than small lots.* Draw at least one subgroup per code approximately every 40 minutes.

(f) *Compliance with recommended fill weights.* Compliance with the recommended fill weights for canned apricots shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture's "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

TABLE III—RECOMMENDED FILL WEIGHT VALUES FOR CANNED APRICOTS

Container size (metal unless otherwise stated)		$\overline{X}'_{min}$	$LWL_{\overline{x}}$	$LRL_{\overline{x}}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling allowance code
		UNPEELED OR PEELED HALVES—FILL WEIGHT VALUES							
Designation	*Dimensions*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	
5 Z	211 x 200	3.0	2.6	2.4	2.2	1.8	0.9	2.0	G
5 Z	211 x 202	3.3	2.9	2.7	2.5	2.1	0.9	2.0	
7 Z	211 x 212	4.4	3.9	3.7	3.4	2.9	1.2	2.5	I
8 Z tall	211 x 304	5.3	4.8	4.6	4.3	3.8	1.2	2.5	
No. 300	300 x 407	9.4	8.9	8.6	8.3	7.7	1.3	2.7	J
No. 303 glass		10.4	9.9	9.6	9.2	8.6	1.4	3.0	K
No. 303	303 x 406	10.4	9.9	9.6	9.2	8.6	1.4	3.0	
No. 2	307 x 409	12.6	12.0	11.6	11.2	10.5	1.6	3.4	M
No. 2½ glass		18.0	17.2	16.8	16.2	15.3	2.1	4.4	Q
No. 2½	401 x 411	18.4	17.6	17.2	16.6	15.7	2.1	4.4	
No. 10	603 x 700	69.5	68.2	67.5	66.5	65.0	3.5	7.4	X
		WHOLE UNPEELED—FILL WEIGHT VALUES							
8 Z tall		4.6	4.1	3.8	3.5	2.9	1.3	2.7	J
No. 300		8.3	7.7	7.4	7.0	6.3	1.5	3.2	L
No. 303 glass		9.2	8.6	8.2	7.8	7.1	1.6	3.4	M
No. 303		9.2	8.6	8.2	7.8	7.1	1.6	3.4	
No. 2		11.4	10.7	10.3	9.8	9.0	1.9	3.9	O
No. 2½ glass		16.2	15.3	14.8	14.2	13.2	2.3	4.9	S
No. 2½		16.5	15.6	15.1	14.5	13.5	2.3	4.9	
No. 10		65.0	63.5	62.7	61.6	59.9	4.0	8.4	Z
8 Z tall		5.0	4.5	4.2	3.9	3.3	1.3	2.7	J
No. 300		8.9	8.3	8.0	7.6	6.9	1.5	3.2	L
No. 303		9.9	9.3	8.9	8.5	7.8	1.6	3.4	M
No. 303		9.9	9.3	8.9	8.5	7.8	1.6	3.4	
No. 2		12.0	11.3	10 9	10.4	9.6	1.9	3.9	O
No. 2½ glass		17.0	16.1	15.6	15.0	14.0	2.3	4.9	S
No. 2½		17.5	16.6	16.1	15.5	14.5	2.3	4.9	
No. 10		66.5	65.0	64.2	63.1	61.4	4.0	8.4	Z
		PEELED OR UNPEELED SLICED—FILL WEIGHT VALUES							
5 Z	211 x 200	3.2	2.9	2.7	2.5	2.1	0.8	1.7	F
5 Z	211 x 202	3.5	3.2	3.0	2.8	2.4	0.8	1.7	
7 Z	211 x 212	4.7	4.3	4.1	3.8	3.3	1.1	2.2	H
8 Z tall	211 x 304	5.6	5.2	5.0	4.7	4.2	1.1	2.2	
No. 300	300 x 407	9.9	9.4	9.2	8.9	8.4	1.2	2.5	I
No. 303 glass		11.0	10.6	10.2	9.9	9.3	1.3	2.7	J
No. 303	303 x 406	11.0	10.6	10.2	9.9	9.3	1.3	2.7	
No. 2	307 x 409	13.3	12.8	12.5	12.1	11.5	1.4	3.0	K
No. 2½ glass		19.0	18.3	18.0	17.5	16.7	1.7	3.7	N
No. 2½	401 x 411	19.4	18.7	18.4	17.9	17.1	1.7	3.7	
No. 10	603 x 700	72.5	71.3	70.7	69.9	68.6	3.0	6.4	V
		MIXED PIECES OF IRREGULAR SIZES AND SHAPES—FILL WEIGHT VALUES							
No. 2½		18.7	17.9	17.5	16.9	16.0	2.1	4.4	Q
No. 10		70.5	69.2	68.5	67.5	66.0	3.5	7.4	X

SAMPLE UNIT SIZE

§ 52.2648 Sample unit size.

Compliance with requirements for the various quality factors is based on the following sample unit sizes:

(a) *Halves.* 50 halves.

(b) *Whole.* 25 whole apricots. In the case of the factors of color and defects only with respect to minor defects a whole apricot shall be considered halved along the suture and each half therefrom is a unit and the sample unit size thereby becomes 50 halves.

(c) *Slices.* 50 slices.

(d) *Mixed pieces of irregular sizes and shapes.* 30 ounces drained fruit finished product, 33 ounces raw fruit for in-plant control.

FACTORS OF QUALITY

§ 52.2649 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Uniformity of size and symmetry	20
(iii) Defects	30
(iv) Character	30
Total score	100

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the canned apricots are free from objectionable flavors and objectionable odors of any kind.

§ 52.2650 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2651 Color.

(a) *General.* (1) The color of canned apricots other than canned "spiced" apricots refers to the characteristic color of the outer, uncut surfaces of the units; and the varying degrees of pale yellow areas, light greenish-yellow areas, and light green areas.

(2) The factor of color for canned spiced apricots is not based on any detailed requirement and is not scored but the color shall be normal for canned spiced apricots; the other three factors (uniformity of size and symmetry, defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Definitions*—(1) *Well colored.* Well colored means that the units have a typical color characteristic of well-matured apricots. The units may have pale yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(2) *Reasonably well colored.* Reasonably well colored means that the units have a color typical of reasonably well matured apricots. The units may have pale yellow areas not exceeding one-half of the outer surface area or may have light greenish-yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(3) *Fairly well colored.* Fairly well colored means that the units have a typical color characteristic of fairly well matured apricots. The units may have pale yellow areas, may have light greenish-yellow areas not exceeding one-half of the outer surface area, or have light green areas not exceeding one-fourth of the outer surface area. The units may have a slight brown color due to oxidation, improper processing, or other causes.

(4) *Poorly colored.* Poorly colored means that the units have light greenish-yellow areas exceeding one-half of the outer surface area, and/or may have more than a slight brown color due to oxidation, improper processing, or other causes.

(c) (*A*) *classification.* Canned apricots that possess a good color may be given a score of 18 to 20 points. "Good color" means that the apricots are well colored; the sample unit as a mass is practically uniform in color, and the number of units that may be reasonably well colored does not exceed the number specified for the style in § 52.2655.

(d) (*B*) *classification.* Canned apricots that possess a reasonably good color may be given a score of 16 to 17 points. Canned apricots that score 16 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the apricots are at least reasonably well colored; the sample unit as a mass is reasonably uniform in color; and the number of units that may be fairly well colored does not exceed the number specified for the style in § 52.2655.

(e) (*C*) *classification.* Canned apricots that possess a fairly good color may be given a score of 14 or 15 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the apricots are fairly well colored; the sample unit as a mass is fairly uniform in color, and the number of poorly colored units does not exceed the number specified for the style in § 52.2655.

(f) (*SStd*) *classification.* Canned apricots that fail to meet the color requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2652 Uniformity of size and symmetry.

(a) *General.* The factor of uniformity of size and symmetry for the styles of slices and mixed pieces of irregular sizes and shapes is not based on any detailed requirement and is not scored; the other three factors (color, defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score. Uniformity of size and symmetry for the styles of halves and whole pertains to the percent by which the weight of the largest full-sized unit exceeds the weight of the smallest full-sized unit, and the number of off-suture cuts and detached or partially detached pieces in the style of halves. A unit that possesses an off-suture cut and is scoreable as such and in addition possesses a partially detached piece is scoreable either as an off-suture cut or a partially detached piece but not both.

(b) *Definitions*—(1) *Off-suture cut.* "Off-suture cut" in the style of halves means a halved unit which has been cut at a distance from the suture greater than one-fourth inch at the widest measurement from the suture.

(2) *Detached piece.* Detached piece is a piece in the style of halves which has the appearance of a slice resulting from an off-suture cut or improper cutting that is completely separated from the half from which cut.

(3) *Partially detached piece.* A partially detached piece in the style of halves, is a piece which has the appearance of a slice resulting from an off-suture cut or improper cutting and is detached more than one-third the length of the half along the suture or approximately parallel with the suture. A partially detached piece, together with the unit to which it is attached is considered as one unit.

(c) (*A*) *classification.* The styles of halves and whole canned apricots that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" means that the units are very symmetrical; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces in the style of halves, and/or the number of units of halves that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(d) (*B*) *classification.* The styles of halves and whole canned apricots that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. A sample unit of the style of halves that possess more than 5 units which have off-suture cuts shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and symmetry" means that the units are reasonably symmetrical; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces, and/or the number of units of halves that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(e) (*C*) *classification.* The styles of halves and whole canned apricots that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. Except for off-suture cuts in the style of halves, canned apricots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product; a sample unit of halves style that possesses more

than 8 units that have off-suture cuts shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and symmetry" means that the units may vary in size, thickness, and symmetry; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces, and/or the number of units of halves style that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(f) *(SStd) classification.* Canned apricots that fail to meet the uniformity of size and symmetry requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2654 Defects.

(a) *General.* (1) The factor of defects refers to the degree of freedom from pit material, loose pits, harmless extraneous material, short stems, peel, minor blemishes, major blemishes, and crushed or broken units.

(2) Canned whole apricots shall be considered as halved along the suture and each half therefrom considered a separate unit in evaluating the factor of defects with respect to minor blemishes only. Each whole apricot shall be considered as a separate unit in ascertaining compliance with allowances for major blemishes.

(b) *Definitions*—(1) *Harmless extraneous material.* "Harmless extraneous material" means any harmless vegetable substance (such as, but not limited to, a leaf or portion thereof or a large stem) that is harmless.

(2) *Short stem.* A "short stem" means the short, thick, woody, stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.* "Pit material" means any whole pit in all styles other than whole styles or any portion of an apricot pit, regardless of size, except when whole apricot pits or apricot kernels are permitted as seasoning ingredients in other than whole style.

(4) *Loose pit.* A "loose pit" means a whole, unbroken pit not adhering to the flesh of a unit in the styles of whole apricots.

(5) *Minor blemish.* "Minor blemish" in unpeeled styles includes "freckles" and also means:

(i) Light brown to brown surface areas which, singly or in combination on a unit, exceed in the aggregate the area of a circle one-eighth inch in diameter but do not exceed in the aggregate the area of a circle one-fourth inch in diameter; or

(ii) Single dark brown surface areas that do not exceed the area of a circle one-eighth inch in diameter but which, singly or in combination with other "minor blemishes" on a unit, affect materially but not seriously the appearance of the unit. Light brown to brown surface areas and "freckles" that are insignificant and less than the area of a circle one-eighth inch in diameter and which do not affect materially the appearance of the unit are not considered "defects".

(6) *Major blemish.* "Major blemish" in canned apricots includes units affected by scab, hail injury, discoloration, or other abnormalities in the following degree:

(i) Light brown to brown surface areas in unpeeled styles which, singly or in combination on a unit, exceed in the aggregate the area of a circle one-fourth inch in diameter;

(ii) Blemishes that extend into the fruit tissue regardless of area or depth;

(iii) Single dark brown surface areas in unpeeled styles that exceed the area of a circle one-eighth inch in diameter, whether or not the unit is affected by minor blemishes; or

(iv) Any blemish whether or not specifically defined or mentioned in this subparagraph which affects seriously the appearance of the unit but is not a filthy or decomposed substance.

(7) *Crushed or broken.* "Crushed or broken" means that:

(i) A unit in halves or whole style of canned apricots is "crushed" if the unit has definitely lost its normal shape and is crushed not due to ripeness; and

(ii) A unit in halves or whole style of canned apricots is "broken" if severed into definite parts; halves of canned apricots that are slightly or partially split or mashed from the edge to the pit cavity are not considered broken, or units in the style of peeled whole apricots that are mashed or very soft due to ripeness to the extent that the pit cavity is exposed or a seed missing therefrom is not crushed or broken. Portions equivalent to a full-size unit that has been broken are considered as one unit in determining compliance with the allowances for this defect.

(c) *(A) classification.* Canned apricots that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655; and

(2) The number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(d) *(B) classification.* Canned apricots that are reasonably free from defects may be given a score of 24 to 26 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655;

(2) With respect to all styles, the number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(e) *(C) classification.* Canned apricots that are fairly free from defects may be given a score of 21 to 23 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655;

(2) With respect to all styles, the number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(f) *(SStd) classification.* Canned apricots that fail to meet the defect requirements for Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2654 Character.

(a) *General.* The factor of character refers to the degree of ripeness, the texture, and condition of the flesh, the firmness and tenderness of the canned apricots and their tendency to retain their apparent original conformation and size without disintegration.

(b) *Definitions*—(1) *Good character.* "Good character" means that the units have a practically uniform tender, fleshy texture, typical of well-ripened, properly prepared and properly processed canned apricots; the units may be soft but hold their original conformation and size without material disintegration.

(2) *Reasonably good character.* "Reasonably good character" means that the units have a reasonably uniform, reasonably tender texture typical of properly ripened canned apricots that are properly processed; the texture is reasonably fleshy, and the units are reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or slightly ragged but are not mushy.

(3) *Fairly good character.* "Fairly good character" means that the units have a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy; the units may be lacking uniformity of tenderness; the units may be very soft to moderately firm or markedly ragged with frayed edges.

(4) *Poor character.* "Poor character" means the units may be lacking in fleshiness; may be not tender or may be very firm or may be mushy.

(c) *(A) classification.* Canned apricots that have a good character may be given a score of 27 to 30 points. To score in this classification, the number of units that possess reasonably good character does not exceed the number specified for the style in § 52.2655.

(d) *(B) classification.* Canned apricots that possess a reasonably good character may be given a score of 24 to 26 points. To score in this classification, the number of units that possess fairly good character does not exceed the number specified for the style in § 52.2655.

(e) *(C) classification.* Canned apricots that possess a fairly good character may be given a score of 21 to 23 points. Canned apricots that fall into this classification shall not be graded above U.S.

Grade C, regardless of the total score for the product (this is a limiting rule). To score in this classification, the number of units that possess poor character does not exceed the number specified for the style in § 52.2655.

(f) *(SStd) classification.* Canned apricots that fail to meet the character requirements for Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

Allowances for Quality Factors

§ 52.2655 Allowances for quality factors.

TABLE IV

STYLES—HALVES AND WHOLE

Factors	Maximum allowances permitted					
	A		B		C	
	Indv.[1]	Avg.[2]	Indv.	Avg.	Indv.	Avg.
Color: (Number of units):						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
UNIFORMITY OF SIZE (Number of units)						
Whole:						
Weight variation:						
More than 50%	1		No limit		No limit	
More than 75%	0		1		No limit	
More than 100%	0		0		3	
Halves:						
More than 50%	3		No limit		No limit	
More than 75%	0		3		No limit	
More than 100%	0		0		5	
Halves:						
Off-suture cuts and/or	2		7		15	
			Including		Including	
Detached and partially detached pieces	2		7		15	
Defects:						
Harmless extraneous material (No. of pieces)	0		1	0.5	2	
Short stem (count) peel	2		3		5	
	⅜ sq. in.		¾ sq. in.		1¼ sq. in.	
Loose pits (whole style only—count)	3		5		5	
Pit material (halves—count)	3	1	3	1	3	1
Crushed or Broken—						
Halves	2		2		2	
Whole	1		1		1	
Blemished—halves—minor	5		10		20	
	Including		Including		Including	
Major	2		5		10	
Whole: minor	5		10		20	
	Including		Including		Including	
Major	1		2		5	
Character:						
(Halves):						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
(Whole):						
Reasonably good	1		No limit		No limit	
Fairly good	0		2		No limit	
Poor	0		0		2	

[1] Indv.—means individual sample unit.
[2] Avg.—means average of all the sample units in the sample.

TABLE V

STYLE—SLICED

Factor	Maximum allowances permitted					
	A		B		C	
	Indv.[1]	Avg.[2]	Indv.	Avg.	Indv.	Avg.
Color:						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	
Defects:						
Harmless extraneous material (Number of pieces)	0		1	0.15	1	0.5
Short stems	1	0.5	1		2	1.5
Peel	3/32 sq. in.		3/16 sq. in.		5/16 sq. in.	
Pit material (count)	1	0.3	1	0.3	1	0.3
Blemished—Minor	3		6		10	
	Including		Including		Including	
Major	1		3		5	
Character:						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	

[1] Indv.—means individual sample unit.
[2] Avg.—means average of all the sample units in the sample.

TABLE VI

STYLE—MIXED PIECES OF IRREGULAR SIZES AND SHAPES

Factor	Maximum allowances permitted					
	A		B		C	
	Indv.[1]	Avg.[2]	Indv.	Avg.	Indv.	Avg.
Color (ounces):						
Reasonably good	2		No limit		No limit	
Fairly good	0		3		No limit	
Poor	0		0		3	
Defects:						
Harmless extraneous material (number of pieces)	0		1	0.6	2	
Short Stem (count)	4		4		6	
Peel (peeled style only)	½ sq. in.		½ sq. in.		1 sq. in.	
Pit material (count)	2	0.7	2	0.7	2	0.7
Blemished—Minor (oz.)	1.5		3		6	
	Including		Including		Including	
Major (oz.)	0.75		1		3	
Character (ounces):						
Reasonably good	1.5		No limit		No limit	
Fairly good	0		3		No limit	
Poor	0		0		3	

[1] Indv.—means individual sample unit.
[2] Avg.—means average of all the sample units in the sample.

Lot Inspection and Certification

§ 52.2656 Ascertaining the grade of a lot.

The grade of a lot of canned apricots covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

Score Sheet

§ 52.2657 Score sheet for canned apricots.

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces); ( ) Heavy pack
Brix measurement
Sirup designation (Extra heavy, heavy, etc.)
Style
Count (halves, whole)

Factors			Score points
Color	20	(A)	18–20
		(B)	[1] 16–17
		(C)	[1] 14–15
		(SStd)	[1] 0–13
Uniformity of size and symmetry	20	(A)	18–20
		(B)	[1] 16–17
		(C)	[1] 14–15
		(SStd)	[1] 0–13
Defects	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd)	[1] 0–20
Character	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd)	[1] 0–20
Total score	100		

Varietal characteristics: ( ) Similar; ( ) Dissimilar
Normal flavor and odor
Grade

[1] Limiting rule.

Dated: April 20, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6302 Filed 4-25-72;8:45 am]

[7 CFR Part 52]

CANNED SOLID-PACK APRICOTS

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance of U.S. Standards for Grades of Canned Solid-Pack Apricots. This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in duplicate not later than October 1, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed standard. Canned Solid-Pack apricots are at present included in the U.S. Standards for Grades of Canned Apricots.

The Canners League of California, representing a large number of the canners of the product, requested that the USDA amend the U.S. Standards for Grades of Canned Apricots to allow Canned Solid-Pack apricots to be assigned score points commensurate with the actual quality level, for color, defects, and character, while maintaining the present grade restriction.

Presently Canned Solid-Pack apricots are restricted to the Grade C score point range and a maximum grade of U.S. Grade C—Solid Pack.

A study of the problem provided the following facts:

(1) Canned apricots and Canned Solid-Pack apricots are actually two distinctive products differing in the number of applicable quality factors, product description, packing and processing methods. There is also little direct competition between the two products in the marketplace.

(2) Canned Solid-Pack apricots as they are presently packed vary enough to allow establishment of two meaningful quality levels.

(3) Because of the many styles and the multiple Food and Drug Standards of Identity requirements, the U.S. Standards for Grades of Canned Apricots, in effect now, is in need of simplification and revision.

(4) The Food and Drug Administration Standard of Identity covers Canned Apricots but not Canned Solid-Pack apricots.

The Department agrees that changes are required to make the U.S. Standards for Grades of Canned Apricots more effective and useful as a marketing tool. In regard to Canned Solid-Pack apricots, it is also apparent that an amendment to the present standard would not serve this purpose adequately.

Therefore, it is proposed to separate the product Canned Solid-Pack apricots from the present canned apricot standard and promulgate separate U.S. Standards for Grades of Canned Solid-Pack apricots.

The new standard, as here proposed, would cover two quality grades above substandard: U.S. Grade B (or U.S. Choice) and U.S. Grade C (U.S. Standard). The normal top quality classification of U.S. Grade A (or U.S. Fancy) has been omitted since the solid-pack product is not commensurate with this quality level.

The proposed standard is as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.6241 Product description.
52.6242 Grades of canned solid-pack apricots.

FILL OF CONTAINER, DRAINED WEIGHTS

52.6243 Recommended fill of container.
52.6244 Recommended drained weights.

SAMPLE UNIT SIZE

52.6245 Sample units size.

FACTORS OF QUALITY

52.6246 Ascertaining the grade of a sample unit.
52.6247 Ascertaining the rating for the factors which are scored.
52.6248 Color.
52.6249 Defects.
52.6250 Character.

LOT INSPECTION AND CERTIFICATION

52.6251 Ascertaining the grade of a lot.

SCORE SHEET

52.6252 Score sheet for canned solid-pack apricots.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.6241 Product description.

Canned solid-pack apricots are prepared from mature, sound apricots (prunus armeniaca), pitted and peeled or unpeeled or any combination of peeled and unpeeled. The product is packed with or without dry nutritive sweetening ingredients, and is sufficiently processed by heat in hermetically sealed containers to assure its preservation.

§ 52.6242 Grades of Canned Solid-Pack Apricots.

(a) "U.S. Grade B" or "U.S. Choice" is the quality of the product that:

(1) Has normal flavor and odor;

(2) Has at least a reasonably good color;

(3) Has at least a reasonably good character;

(4) Is reasonably free from defects; and

(5) Scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" or "U.S. Standard" is the quality of the product that:

(1) Has normal flavor and odor;

(2) Has at least a fairly good color;

(3) Has at least a fairly good character;

(4) Is fairly free from defects; and

(5) Scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality that fails to meet the requirements of "U.S. Grade C".

FILL OF CONTAINER, DRAINED WEIGHTS

§ 52.6243 Recommended fill of container.

The recommended fill of container for canned solid-pack apricots is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of apricots as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

§ 52.6244 Recommended minimum drained weights.

(a) *General.* The minimum drained weight recommendations in Table I are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Definitions of symbols.* (1) LL—Lower limit for individual drained weights.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

(2) $\overline{X}_d$—Minimum sample average drained weight value.

(c) *Method for ascertaining drained weight.* (1) The drained weight is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing the product to drain for 2 minutes.

(2) The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 12 inches in diameter is used.

(d) *Compliance with recommended minimum drained weights.* A lot of canned solid-pack apricots is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\overline{X}_d$) in Table I; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Table I does not exceed the applicable acceptance number specified in Table II.

TABLE I—RECOMMENDED DRAINED WEIGHTS FOR CANNED SOLID-PACK APRICOTS

	LL	$\overline{X}_d$
	Ounces	*Ounces*
No. 10.	89.5	92.0

TABLE II—ACCEPTANCE NUMBERS FOR RECOMMENDED DRAINED WEIGHT

Sample size (number of sample units).	3	6	13	21	29	38	48	60	72
Acceptance No.	0	1	2	3	4	5	6	7	8

SAMPLE UNIT SIZE

§ 52.6245 Sample unit size.

For purposes of evaluating quality factors, the sample unit size shall be the entire contents of a No. 10 container or equivalent.

FACTORS OF QUALITY

§ 52.6246 Ascertaining the grade of a sample unit.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.* (1) Flavor and odor.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
Color	20
Defects	40
Character	40
Total score	100

(c) *Definition of flavor and odor.* "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.6247 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which are scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.6248 Color.

(a) *General.* The color of canned solid-pack apricots refers to the characteristic color of the outer, uncut surfaces of the units, the varying degrees of "pale yellow areas", "light-greenish yellow areas", and "light green areas"; and the uniformity of the individual sample unit when viewed in mass.

(b) *Definitions*—(1) Reasonably well colored means that the units possess a color typical of reasonably well matured apricots. The units may possess pale yellow areas not exceeding one-half of the outer surface area, or may possess light greenish-yellow areas not exceeding one-fourth of the outer surface area. The units may possess a slight brown color due to oxidation, or other causes.

(2) Fairly well-colored means that the units may be pale yellow or may possess light greenish-yellow areas not exceeding one-half of the outer surface area, or greenish areas not exceeding one-fourth of the outer surface and/or may possess more than a slight brown color due to oxidation, or other causes, but not off-color.

(3) Poorly colored means that the units may possess light greenish-yellow areas exceeding one-half of the outer surface area, or green areas exceeding one-fourth of the outer surface area, or are off-color for any reason.

(c) (*B*) *classification.* Canned solid-pack apricots that possess a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that (1) the sample unit, in mass, is at least reasonably uniform in color; and (2) the apricots are at least reasonably well-colored, except that the weight of units that are fairly well-colored, and poorly colored does not exceed the weight specified in Table III.

(d) (*C*) *classification.* Canned solid-pack apricots that possess a fairly good color may be given a score of 14 to 16 points. "Fairly good color" means that (1) the sample unit, in mass, may be variable in color; and (2) the apricots are at least fairly well-colored, except that the weight of the units that are poorly colored does not exceed the weight specified in Table III. Canned solid-pack apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule).

(e) (*SStd*) *classification.* Canned solid-pack apricots that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6249 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from pit material, harmless extraneous material, short stems, minor blemishes and major blemishes, severe blemishes, and from any other defect not specifically mentioned.

(b) *Definitions and explanations of defects*—(1) *Harmless extraneous material.* Any vegetable substance (such as, but not limited to, a leaf or portion thereof or a large stem) that is harmless.

(2) *Short stem.* The short, thick, woody stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.* Any whole pit or any hard portion of an apricot pit, regardless of size.

(4) *Minor blemish.* (i) Light brown to brown surface areas, including "freckles" which singly or in combination on a unit, exceed in aggregate the area of a circle one-eighth inch in diameter but do not exceed in the aggregate the area of a circle one-fourth inch in diameter.

(ii) Any blemish or abnormality whether or not specifically defined which more than slightly but not materially affects the appearance or eating quality of the product.

(5) *Major blemish.* (i) Light brown to brown surface areas which, singly or in the aggregate on a unit, exceed the area of a circle one-fourth-inch diameter.

(ii) Dark brown surface areas which singly or in the aggregate on a unit, exceed the area of a circle one-eighth inch in diameter, but do not exceed the area of a circle three-eighth inch in diameter whether or not the unit is affected by minor blemishes.

(iii) Blemishes that extend into the fruit tissue regardless of area or depth.

(iv) Any blemish whether or not specifically defined which materially affects the appearance of the unit.

(6) *Severe blemish.* (i) Dark brown surface areas which singly or in the aggregate, exceed the area of a circle three-eighth inch in diameter.

(ii) Any blemish or abnormality whether or not specifically mentioned that seriously affects the appearance of the unit.

(c) (*B*) *classification.* Canned solid-pack apricots that are reasonably free from defects may be given a score of 34 to 40 points. "Reasonably free" from defects means that the defects present do not exceed the allowances specified in Table III.

(d) (*C*) *classification.* Canned solid-pack apricots that are fairly free from defects may be given a score of 28 to 33 points. "Fairly free" from defects means that the defects present do not

exceed the allowances specified in Table III. Canned solid-pack apricots that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard regardless of the total score for the product (this is a limiting rule).

(e) *(SStd) classification.* Canned solid-pack apricots that fail to meet the defect requirement of U.S. Grade C may be given a score of 0 to 27 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6250 Character.

(a) *General.* The factor of character refers to the degree of ripeness, the texture and condition of the flesh, the firmness, and tenderness of the canned solid-pack apricots.

(b) *Definitions—(1) Reasonably good character.* "Reasonably good character" means that the units possess at least a reasonably uniform, reasonably tender texture typical of properly ripened apricots that are properly processed; the texture is at least reasonably fleshy, and the units are at least reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or ragged, but are not mushy.

(2) *Fairly good character.* "Fairly good character" means that the units possess a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy and the units may be lacking uniformity of tenderness or may be markedly ragged with frayed edges or may be very soft or mushy, or may be moderately firm.

(3) *Poor character.* "Poor character" means that the units may be very mushy or may be very firm.

(c) *(B) classification.* Canned solid-pack apricots that possess a reasonably good character may be given a score of 34 to 40 points. To score in this classification, the weight of the units that possess fairly good character and poor character does not exceed the weight specified in Table III.

(d) *(C) classification.* Canned solid-pack apricots that possess a fairly good character may be given a score of 28 to 33 points. To score in this classification, the weight of units that possess poor character does not exceed the weight specified in Table III. Canned solid-pack apricots that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule).

(e) *(SStd) classification.* Canned-solid pack apricots which fail to meet the requirements of U.S. Grade C may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE III—ALLOWANCES FOR QUALITY FACTORS

Quality Factors	Grade B	Grade C
	(Ounces)	*(Ounces)*
Color:		
Fairly well-colored	9 including	----
Poorly colored	1	14
	(No. of defects)	*(No. of defects)*
Defects:		
Harmless extraneous material	0	3
Short stems	3	6
Pit material	3	6
Units affected by minor, major, and severe blemishes	18	36
Major blemishes	9	18
Severe blemishes	0	2
	(Ounces)	*(Ounces)*
Character:		
Fairly good character	9	----
Poor character	2	15

LOT INSPECTION AND CERTIFICATION

§ 52.6251 Ascertaining the grade of a lot.

The grade of a lot of canned solid-pack apricots covered by these standards is determined by the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products". (§§ 52.1 through 52.87, 22 F.R. 3535)

SCORE SHEET

§ 52.6252 Score sheet for canned solid-pack apricots.

Size and kind of container ----
Container mark or identification ----
Label ----
Net weight (ounces) ----
Vacuum (inches) ----
Drained weight (ounces) ----
Degrees Brix (if sweetened) ----

Factors		Score points	
Color	20	(B)	17–20
		(C)	[1] 14–16
		(SStd)	0–13
Defects	40	(B)	34–40
		(C)	[1] 28–33
		(SStd)	[1] 0–27
Character	40	(B)	34–40
		(C)	[1] 28–33
		(SStd)	[1] 0–27
Total score	100		

Normal flavor and odor ----
Grade ----

[1] Indicates limiting rule.

Dated: April 20, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6303 Filed 4-25-72;8:45 am]

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of limes grown in Florida by establishing grades and sizes, pursuant to § 911.52 *Issuance of regulations,* which was recommended by the Florida Lime Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. While shipments of limes for the current season are currently underway a heavier volume of shipments is expected to begin on or about June 1, 1972. The size and grade requirements specified herein are designed to prevent the handling, on and after June 1, 1972, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 911.335 Lime Regulation 33.

(a) Order: During the period June 1, 1972, through April 30, 1973, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags,

may fail to meet the applicable minimum size requirement: *Provided,* That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirements.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

Dated: April 21, 1972.

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

[FR Doc.72-6376 Filed 4-25-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 1]

[Docket No. 72-1]

CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL EFFECTS

Proposed Guidelines and Instructional Memorandum

Notice is hereby given that the Federal Highway Administration is considering the adoption of guidelines and instructional memorandum set forth below pursuant to section 136(b) of the Federal-Aid Highway Act of 1970, 23 U.S.C. 109(h). The purpose of the memorandum and the guidelines is to assure that all possible adverse economic, social, and environmental effects relating to any proposed highway project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects, and the following:

(1) Air, noise, and water pollution;

(2) Destruction or disruption of manmade and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

(3) Adverse employment effects, and tax and property value losses;

(4) Injurious displacement of people, businesses and farms; and

(5) Disruption of desirable community and regional growth.

The purpose of these guidelines is to build into State highway procedures specific processes whereby social, economic, and environmental effects will be considered, and to require, as part of the requirements of obtaining either design or location approval from the Federal Highway Administration, that adverse effects have been recognized and considered in making the determination to go forward with the project.

The proposed instructional memorandum changes PPM 20–8 by grouping the 23 factors listed in paragraph 4(c) of that memorandum into six general headings which are also expanded to encompass the matters set forth in section 136(b) of the 1970 Federal-Aid Highway Act. This memorandum further requires States, as part of their submissions for location or design approval after the effective date of the memorandum, or if such approvals have been given, upon a request for approval of plans, specifications and estimates to prepare a discussion of adverse social, economic, environmental, and engineering effects. The discussions must include a recognition of such adverse effects, an analysis of reasonable and prudent measures to eliminate or minimize such effects and the estimated cost of alternate measures considered. As much of this material has formerly been submitted in response to highway requirements under PPM 20–8 and the National Environmental Policy Act, State highway departments may make reference to studies formerly conducted if they meet the requirements of the memorandum.

It is contemplated that in order to meet the requirements of section 136(b) this instructional memorandum would take effect no later than October 1, 1972.

The process guidelines require each State highway agency to develop an action plan for meeting the requirements of section 136(b) within the framework set forth in those guidelines by October 1, 1973. It was viewed as impossible to have the States meaningfully meet the requirements of these guidelines before that date. The action plan adopted by each State will require the early identification of economic, social and environmental effects to permit complete analysis and consideration while alternatives are being formulated and evaluated. The plan will also require the involvement of other governmental agencies and the public early enough to influence both technical studies and final decisions of the plan, and will require full consideration of reasonable alternatives.

Other governmental agencies and the public must be fully informed of highway planning and their views solicited and considered at all phases of the highway planning procedure. In keeping with the requirements of the National Environmental Policy Act of 1969, a systematic, interdisciplinary approach to assure the integrated uses of the natural and social sciences and the environmental design arts in planning and decisionmaking is also to be structured into the action plan to assure that these goals are reached. Decisionmaking is required to be responsive to the technical studies, consideration of alternates, involvement of the public and interdisciplinary approach specified by the action plan.

The action plan would be formulated by each State highway department to meet the particular social, economic, and environmental conditions in various areas of the State and will be sufficiently detailed to assign responsibilities for the conduct of technical studies and for decisionmaking. The technical studies will be prepared as early as possible and meshed with the planning for highway projects within the State. Alternates will be required to be considered throughout the highway planning process in order to minimize adverse social, economic and environmental effects. The alternative of no highway construction and of serving transportation needs by means other than construction of highways must be specifically evaluated.

The proposed process guidelines further provide that these studies, public involvement, etc., are to be considered not only during project planning but during system planning as well. Because various regions of the individual States may demand different procedures in order to maximize the consideration of social, economic and environmental effects, different procedures may be adopted for these various regions. Further, because the full implementation of an action plan will require partial restructuring of highway departments, and the employment and training of persons in skills, in part, foreign to State highway departments, the guidelines also propose that the action plan may be implemented in stages.

Informal drafts of these guidelines have already been discussed with some interested groups and distributed to State highway departments.

Interested persons are invited to participate in the adoption of the proposed memorandum and guidelines by submitting written data, views, and arguments. Six copies of comments should be submitted to the Office of Environmental Policy, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. All comments received by May 15, 1972, will be considered before action is taken on the proposed guidelines.

Issued: Washington on April 12, 1972.

F. C. TURNER,
Federal Highway Administrator.

PPM 90—PROCESS GUIDELINES FOR CONSIDERATION OF ENVIRONMENTAL EFFECTS

A partial response to section 136(b) of the Federal-Aid Highway Act of 1970.

1. *Purpose.* To provide to highway agencies and Federal Highway Administration field offices guidelines for the development of Action Plans to assure adequate consideration of possible social, economic, and environmental effects of proposed highway projects and that the decisions on such projects are made in the best overall public interest. These guidelines identify issues to be considered in reviewing the present organization and processes of a highway agency as they relate to social, economic, and environmental considerations, and in developing desirable improvements. The guidelines recognize the unique situation of each State and do not prescribe specific organizations or procedures.

2. *Authority.* a. Title 23 U.S.C., section 109 (h) as contained in section 136(b) of the Federal-Aid Highway Act of 1970, Public Law

91-605, directs the following: "(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

"(1) Air, noise, and water pollution;

"(2) Destruction or disruption of man-made and natural resources, esthetic values, community cohesion and the availability of public facilities and services;

"(3) Adverse employment effects, and tax and property value losses;

"(4) Injurious displacement of people, businesses and farms; and

"(5) Disruption of desirable community and regional growth.

"Such guidelines shall apply to all proposed projects with respect to which plans, specifications and estimates are approved by the Secretary after the issuance of such guidelines."

3. *Definitions*—a. *Highway agency.* The State highway department or State Department of Transportation with the primary responsibility for initiating and carrying forward the planning, design, and construction of Federal-aid highway projects.

b. *Human environment.* The aggregate of all external conditions and influences (esthetic, ecological, biological, cultural, social, economic, historical, etc.) that affect the lives of humans.

c. *Environmental effects.* The totality of the effects of a highway project on the human and natural environment.

d. *A–95 Clearinghouse.* Those agencies and offices in State, metropolitan areas, and multi-State regions, which perform the coordination functions called for in the Office of Management and Budget Circular A–95.

e. The following definitions are provided solely to clarify the usage of the terms system planning, location, and design as they are used in these guidelines. A highway agency, however, may choose to use different definitions in responding to these guidelines. If not stated otherwise, the following definitions will be assumed to be applicable:

(1) *System planning.* Regional analysis of transportation needs and the identification of transportation corridors.

(2) *Location.* From the end of system planning through location approval.

(3) *Design.* From the completion of location approval through the approval of plans, specifications, and estimates.

4. *Policy.* It is the Federal Highway Administration's policy to assure that full consideration is given to economic, social, and environmental effects in the development of proposed Federal-aid projects, and that decisions are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing possible adverse economic, social, and environmental effects. To assure that project development procedures merit public confidence, it is the Federal Highway Administration's policy that:

a. Economic, social, and environmental effects are identified and studied early enough to permit analysis and consideration while alternatives are being formulated and evaluated;

b. Other agencies and the public are involved in project development early enough to influence technical studies and final decisions;

c. Appropriate consideration be given to reasonable alternatives, including the alternative of not building the project, and alternative modes.

5. *Application.* These guidelines apply to State highway agencies that propose projects for which plans, specifications, and estimates are approved by the Secretary. Other agencies forwarding projects for the approval of the Federal Highway Administration need not develop the "Action Plan" specified herein, but shall be guided by the principles herein in the development of such Federal-aid highway projects.

6. *Procedures.* a. To meet the requirements of these guidelines each highway agency shall develop an Action Plan which describes the organization and the processes to be followed in the development of Federal-aid highway projects from initial planning through design.

b. The Action Plan should be consistent with the requirements of PPM's 20–8, 90–1, and of other applicable directives.

c. Involvement of other State and local agencies, officials, and interested groups should be sought, including A–95 Clearinghouses, throughout the development stages of the Action Plan. Comments on the proposed Action Plan should be solicited from these agencies, groups, and individuals, and the plan forwarded to the Federal Highway Administration should include a summary of significant comments and views on the major features of the plan and the State's disposition of them. The Action Plan should also describe the steps taken to involve other agencies and the public during development of the plan.

d. The Action Plan shall be submitted to the Governor of the State for review and endorsement as a means of obtaining a high degree of interagency and intergovernmental coordination.

e. After approval by the Governor, the action plan shall be submitted to the Federal Highway Administration not later than April 1, 1973, for approval. The Federal Highway Administration will not give location approval on projects after October 1, 1973, unless the action plan has been approved.

7. *Implementation and revision.* a. The Federal Highway Administration may review the States' implementation of their action plans at appropriate intervals. The Federal Highway Administration may withhold approvals of requests for location approval if the plan is not followed.

b. If a Highway Agency prepares an Action Plan which requires major changes in organization and procedure which cannot be implemented by October 1, 1973, a program of staged implementation can be developed and described in the Plan. The Federal Highway Administration may withhold approval of requests for location approval if the schedule outlined by the State for staged implementation is not met.

c. The Action Plan may be revised by the Highway Agency. Major revisions will be reviewed and approved by the Federal Highway Administration by the same process as the initial Action Plan.

8. *Contents of the Action Plan.* a. The Action Plan shall indicate the procedures to be followed and the designation of positions, organizational units, or other agencies by the chief administrative officer within the Highway Agency to meet the requirements of these guidelines. Where participation of other agencies or consultants may be utilized, this should be so indicated.

b. The Action Plan shall detail the procedures to be followed and the assignment of responsibilities for the overall development of highway projects in accordance with these guidelines as elaborated in sections 9 through 15 of these guidelines.

c. The Highway Agency shall indicate the steps to be taken to implement the Plan, as elaborated in sections 16 through 18 of these guidelines.

CONDUCT OF STUDIES

9. *Identification of social, economic, and environmental effects.* a. Identification of potential social, economic, and environmental effects of alternative courses of action, both beneficial and adverse, should be made as early in the study process as feasible, in accordance with PPM 20–8 and IM.[1] Timely information on such effects should be produced so that the development and consideration of alternatives and studies can be influenced accordingly. Further, the costs, dollar and otherwise, of eliminating or minimizing possible adverse social, economic and environmental effects should be determined.

b. The Action Plan should identify:

(1) The assignment of responsibility for:

(a) Providing information on social, economic, and environmental effects in project studies (planning, location, and/or design stages);

(b) The control of technical quality of social, economic, and environmental studies;

(c) Monitoring current social, economic, and environmental research; monitoring environmental effects of completed projects, where appropriate; and for disseminating "state-of-the-art" information within the agency.

(2) Procedures to be followed to insure that timely information on social, economic, and environmental effects:

(a) Is developed in parallel with project alternatives and related engineering data, so that the development and selection of alternatives and other elements of technical studies can be influenced appropriately;

(b) Indicates the manner and extent to which specific groups and interests are beneficially and adversely affected by alternative proposed highway improvements;

(c) Is made available to other agencies and to the public early in project studies;

(d) Is developed with participation of staffs of local agencies and interested citizens;

(e) Is developed sufficiently to allow the estimates of costs of eliminating or minimizing the identified adverse effects.

10. *Consideration of alternative courses of action.* a. Alternatives considered should include, where appropriate, alternative types and scales of highway improvements and improvements to other transportation modes. The option of no highway improvement should be considered and used as a reference point for determining the beneficial and adverse effects of other alternatives. Appropriate alternatives which might minimize or avoid adverse social, economic, or environmental effects should be studied and described, particularly where there are unresolved conflicts concerning the use of available resources. The key trade-offs among the alternatives should be presented.

b. The Action Plan should identify the assignment of responsibility for and the procedures to be followed to insure that:

(1) The consequences of the no-highway-improvement option are set forth, with data of a level of completeness and of detail consistent with that developed for other alternatives;

(2) A range of alternatives is considered at each stage from system studies through final design;

(3) Nontransportation components of a comprehensive course of action, such as replacement housing programs, joint development and multiple use of rights-of-way, etc.,

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[1] Proposed Instructional Memorandum, Exhibit C, Attached.

are considered in effective coordination with transportation components.

(4) Suggestions from outside the agency are given careful consideration.

11. *Involvement by other agencies and the public.* a. The President has directed Federal agencies to "develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties" (Executive Order 11514). Policy and Procedure Memorandum 20–8 contains similar provisions. Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as the actions taken. Information about the existence, status, and results of studies should be made available to the public throughout those studies. The required public hearings (PPM 20–8) should be only one component of the agency's program to obtain public involvement.

b. The Action Plan should identify the assignment of responsibility and procedures to be followed:

(1) To ensure, throughout the duration of project studies that information made available to other agencies and the public is as clear and comprehensible as practicable concerning:

(a) The alternatives being considered;

(b) The effects of alternatives, both beneficial and adverse, and the manner and extent to which specific groups are affected;

(c) Right-of-way and relocation assistance programs and relocation plans;

(d) The proposed time schedule of project development.

(2) To ensure that interested parties, including local governments and metropolitan, regional, State and Federal agencies, and the public have an opportunity to participate in an open exchange of views throughout the stages of project development.

(3) To select and coordinate procedures, in addition to formal public hearings, to be used to obtain public involvement.

(4) To utilize appropriate agencies with areawide responsibilities to assist in the coordination of viewpoints during project development.

(5) To involve appropriately the organization which is officially established in urbanized areas of over 50,000 population to conduct continuing, comprehensive, cooperative transportation planning (consistent with PPM 50–9 and IM 50–3–71).

12. *Systematic interdisciplinary approach.* a. The National Environmental Policy Act of 1969 requires that agencies use "a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment."

b. The Action Plan should indicate procedural arrangements or assignments of responsibilities which will be necessary to meet this requirement, including:

(1) The organization and staffing of interdisciplinary project teams, including the possible use of consultants and representatives of other State or local agencies.

(2) Recruitment and training of personnel with skills which are appropriate to add on a full-time basis, and the development of appropriate career patterns, including management opportunities;

(3) Additional training for present personnel to enhance their capabilities to operate as members of interdisciplinary teams.

PROCESS MANAGEMENT

13. *Decisionmaking process.* a. The process of reaching various decisions on highway improvement projects should be reviewed to assure that it provides for the appropriate consideration of all economic, social, environmental, and transportation factors as required by these guidelines.

b. The Action Plan should identify:

(1) The processes through which other State and local agencies, Government officials, and/or private groups may contribute to reaching decisions, and the authority, if any, which other agencies or Government officials can exercise over decisions;

(2) Different decision processes, if any, for various categories of projects (e.g., interstate, primary, secondary, TOPICS) and for various geographic regions of the State (e.g., in various urban and rural regions) to reflect local differences in the nature of potential environmental effects or in the structure of local governments and institutions.

(3) The processes to be used to obtain participation in decisions by officials of appropriate agencies in other States for those situations in which the potential social, economic, and environmental effects are of interstate concern.

14. *Interrelation of system and project decisions.* a. Many significant economic, social, and environmental effects of a proposed project are difficult to anticipate at the system planning stage and become clear only during location or design studies. Conversely, many significant environmental effects of a proposed project are set at the system's planning stage. Decisions at the system and project stages shall be made with consideration of their social, economic, environmental, and transportation effects to the extent possible at each stage.

b. The Action Plan should identify:

(1) Procedures to be established to:

(a) Ensure that potential social, economic, and environmental effects are identified insofar as practicable in system planning studies as well as in later stages of project studies,

(b) Provide for reconsideration of earlier decisions which may be occasioned by further study, the availability of additional information, or the passage of time between decisions.

(2) Assignment of responsibility for ensuring that project studies are effectively coordinated with system planning on a continuing basis.

15. *Levels of action.* a. A highway agency may develop different procedures to be followed depending upon the economic, social, environmental, or transportation significance of the highway section to be developed. Different procedures may also be adopted for various categories of projects, such as TOP ICS, new route location, or secondary roads; and for various regions of the State, such as urban areas or zones of particular environment significance.

b. The Action Plan should identify:

(1) The categories which the highway agency proposes to establish to distinguish the different degrees of effort which under normal circumstances will be devoted to various types of projects;

(2) Assignment of responsibility for determining, initially and in periodic reviews, the category of each ongoing highway project;

(3) Procedures to be followed for each category (including identification of impacts, public involvement, decision process, and other issues covered in these guidelines).

IMPLEMENTATION OF THE ACTION PLAN

16. *Responsibility for implementation.* Assignment of responsibility for implementation of the Action Plan should be identified.

17. *Fiscal and other resources.* a. An important component of the Action Plan is identification of resources of the highway agency and of other agencies required to perform the identified procedures and execute these responsibilities.

b. The Action Plan should identify:

(1) The resources of the highway agency (in terms of personnel and funding) that will be utilized in implementing and carrying out the plan.

(2) Resources that are available in other agencies to provide to the highway agency required information on social, economic, and environmental effects.

18. *Consistency with existing laws and directives.* The highway agency should identify and report, either in the Action Plan or otherwise, areas where existing Federal and State laws and administrative directives prevent or hamper full compliance with these guidelines, and should indicate planned or proposed actions to overcome such difficulties, including recommendations for new legislation, changes in administrative directives, and addition of trained personnel, fiscal, or other resources.

GUIDELINES FOR CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL EFFECTS (PPM 20–8 AMENDMENT)

1. *Purpose.* a. This memorandum is issued to assure that:

(1) Possible adverse economic, social, and environmental effects relating to any proposed federally funded project on any Federal-aid highway system have been fully considered in developing such project.

(2) Final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects.

b. Policy and Procedure Memorandum 20–8, issued January 14, 1969, provided guidance for the consideration of social, economic, and environmental effects in the design and location of highways. This instructional memorandum consolidates the list of effects in paragraph 4.c. of PPM 20–8 and the effects listed in 23 U.S.C. 109(h), and sets forth reporting procedures to assure that the general types of consequences that may be expected from construction of the proposed highway improvement are being considered with respect to costs, gains and losses.

2. *Authority.* Sections 135(a), 135(b) and 136(b) of the Federal-Aid Highway Act of 1970; 23 U.S.C. 109(h), 128(a) and 128(b).

3. *Application.* This memorandum applies to proposed projects which have not received PS&E (plans, specifications, and estimates) approval as of the effective date of this memorandum. These guidelines do not apply to projects which are already in various stages of construction or are exempt under the emergency provisions of paragraph 3.c. of PPM 20–8.

4. *Procedures.* a. As of the effective date of this memorandum, projects which have received design approval (as defined in PPM 90–1), may receive PS&E approval if otherwise satisfactory, on the basis of past State Highway Department submissions which identify and document the economic, social and environmental effects previously considered with respect to these advanced projects, together with a supplemental report, if necessary, covering the consideration and disposition of the items not previously covered and now listed herein in paragraph 4.b. The supplemental report shall be prepared by the State and submitted to the division engineer not later than the time of submission of PS&E documents for the next Federal-aid improvement of the highway section. This supplemental documentation may take the form of statements in the program submission. (PR–1 or PR–9 forms and attachments), relative to the overall proposal being advanced, unless the division engineer determines that a more detailed report is warranted.

b. After the effective date of this memorandum a State highway department request for location and design approval, as required under PPM 20–8, shall be accompanied by reports and other documents showing that the development of the project has taken into consideration the need for fast, safe, and efficient transportation toegther with highway costs, traffic benefits and public services including provisions of national defense; and which discuss the anticipated economic, social, and environmental effects of the proposal and alternatives under consideration, to the extent applicable, on the following:

(1) "Regional and Community Growth" including general plans and proposed land use, total transportation requirements, and status of the planning process.

(2) "Conservation and Preservation" including soil erosion, sedimentation, and general ecology of the area; as well as man-made and natural resources, such as: Park and recreational facilities, wildlife and waterfowl areas, historic and natural landmarks.

(3) "Public Facilities and Services" including religious, health and educational facilities, and the availability of public utilities, fire protection and other emergency services.

(4) "Community Cohesion" including residential and neighborhood character and stability, highway impacts on minority and other specific groups and interests, and effects on local tax base and property values.

(5) "Displacement of People, Business, and Farms" including relocation assistance, availability of adequate replacement housing, economic activity (employment gains and losses, etc.).

(6) "Air, Noise, and Water Pollution" including consistency with approved air quality implementation plans, FHWA noise level standards [if location approval was secured after July 1, 1972], and any relevant Federal or State water quality standards.

(7) "Aesthetic and Other Values" including visual quality, such as: "view of the road" and "view from the road", and the joint development and multiple use of space.

c. In addition to coverage of the significant differences and reasons supporting the alternative locations and designs, discussions of the above items and other economic, social, and environmental effects, which were raised during public hearings or which were otherwise considered, shall include: (1) Identification of the adverse effects, (2) appropriate measures to eliminate or minimize the adverse effects,

(3) The estimated costs (expressed in either monetary, numerical or qualitative terms) of the measures considered.

d. The degree of analysis of the items may vary, depending upon the scope and the nature of the project, the stage of project development, and the extent of the adverse effect.

e. Where material required by this memorandum has been previously submitted pursuant to other requirements, such as those in PPM's 20–8 or 90–1, the State highway department may either resubmit such material or make reference to it.

5. *Effective date.* The effective date of this memorandum is ----------[1].

[FR Doc.72–6357 Filed 4–25–72;8:49 am]

[1] At present, the effective date of this memorandum is not known. It will be within 90 days after the submission of the report to Congress, as required under section 136(b) of the Federal-Aid Highway Act of 1970, but not later than October 1, 1972.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 95]

ASSISTANT ADMINISTRATOR FOR POPULATION AND HUMANITARIAN ASSISTANCE

Delegation of Authority Regarding Functions and Authorities

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 F.R. 10608), from the Secretary of State and in furtherance of my decision relating to the establishment of a Bureau for Population and Humanitarian Assistance in the Agency for International Development, as announced in A.I.D. General Notice of February 1, 1972, it is hereby ordered as follows:

SEC. 1. There is hereby delegated to the Assistant Administrator for Population and Humanitarian Assistance, all of the authorities and functions which are specified in any regulation (published or unpublished), manual order, policy directives or determinations, manual circular or circular airgram or instruction or communication of any nature, relating to:

a. The coordination of foreign disaster relief operations;

b. The furnishing of humanitarian assistance (excluding assistance under title II of Public Law 480); and

c. The development and implementation of interregional programs involving private nongovernmental entities excluding universities and labor unions.

SEC. 2. The authorities and functions enumerated above shall include the authority to sign or approve Project Implementation Orders—Technical Services (PIO/T) and grants relating to the above areas of responsibility.

SEC. 3. Each of the following delegations of authority is amended by inserting among the names of the Assistant Administrators in those delegations, the title of the following officer: "Assistant Administrator for Population and Humanitarian Assistance."

a. Delegation of Authority No. 19, dated October 3, 1962 (27 F.R. 10374), as amended, with respect to Participating Agency Service Agreements.

b. Delegation of Authority No. 40, dated April 17, 1964, (29 F.R. 5695), relating to Waivers of Procurement Source Requirements.

SEC. 4. Delegation of Authority No. 41, dated May 8, 1964 (29 F.R. 6892), relating to the Furnishing of Services and Commodities pursuant to section 607 of the Foreign Assitance Act of 1961, as amended, is amended by inserting the title "Assistant Administrator for Population and Humanitarian Assistance" after the title "Assistant Administrator for Administration" in paragraph 2.

SEC. 5. Delegation of Authority No. 76, as amended, is hereby revoked. The Assistant Administrator for Population and Humanitarian Assistance shall exercise the functions set forth in section 203 of Public Law 480 as amended, and in section 216 of the Foreign Assistance Act of 1961, as amended, of authorizing payment of transportation costs of shipments by voluntary agencies.

SEC. 6. The authorities made available hereunder may be exercised by an officer serving in an acting capacity and may be redelegated by the Assistant Administrator for Population and Humanitarian Assistance.

SEC. 7. Currently effective redelegations of authority issued by the Director, Office for Private Overseas Programs are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

SEC. 8. This delegation of authority shall be effective immediately.

Dated April 18, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc.72-6337 Filed 4-25-72;8:47 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

CAST IRON SOIL PIPE FITTINGS FROM POLAND

Withholding of Appraisement Notice

Information was received on January 14, 1971, that cast iron soil pipe fittings from Poland were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 20, 1971, on page 13338. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of cast iron soil pipe fittings from Poland is less, or is likely to be less, than the constructed value (section 206 of the Act; 19 U.S.C. 165).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and constructed value.

Purchase price will probably be calculated by deducting ocean freight charges from the C & F east coast price.

Since the merchandise under consideration was produced in a controlled economy country, constructed value will probably be based on the home market prices at which such or similar merchandise is sold by a non-controlled economy country. The country chosen for this purpose will probably be West Germany.

The home market price in West Germany will probably be based on the ex-factory price in the West German market. A deduction will probably be made for a discount. Adjustments will probably be made for differences in the merchandise.

Customs officers are being directed to withhold appraisement of cast iron soil pipe fittings from Poland in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), (153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

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

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

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (4-26-72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

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

Approved: April 24, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-6475 Filed 4-25-72;9:25 am]

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCES. For a document relating to a joint call for report of condition of insured banks, issued jointly by the Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation, see F.R. Doc. 72-6335, Federal Deposit Insurance Corporation, *infra*.

Internal Revenue Service

[Price Commission Ruling 1972-144]

CUMULATIVE PRICE INCREASES BY NONINSTITUTIONAL PROVIDERS

Price Commission Ruling

Facts. Dr. X, a noninstitutional provider of health services, last raised his fees on January 1, 1971. It had been his practice to review his prices every 2 years and update them depending on the general increase in the cost of living as it applied to his practice. It also was his practice not to make an adjustment in his fees if the adjustment would be less than 5 percent. Under Economic Stabilization Regulations, 6 CFR 300.19(c), 36 F.R. 25384 (December 30, 1971), he would be limited to a 2½-percent increase based on allowable costs. It is not his desire to increase his fees 2½ percent even though the allowable cost increases since his last fee increase would more than justify it. However, in accordance with his normal practice he would like to review his fees on January 1, 1973, and make an adjustment, if justified, for the period since his last increase. He intends, if cost justified, to add the 2½ percent that he could take January 1, 1972, to the 2½ percent that would be justified January 1, 1973 or, in other words, to increase his fees 5 percent on January 1, 1973.

Issue. May Doctor X carry over any unused portion of the 2½ percent allowed increase from 1 year to the next?

Ruling. Yes. If Doctor X does not raise his fees on an aggregate basis up to the limit of 2½ percent in 1972 based on allowable costs incurred since January 1, 1971, or his last price increase, he may adjust his fees January 1, 1973, up to 5 percent by adding the 2½ percent justified by allowable costs in 1973 and the portion of 1972 not previously taken.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 20, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6319 Filed 4-25-72;8:45 am]

[Price Commission Ruling 1972-145]

DEFINITION OF CONTROL

Price Commission Ruling

Facts. F, a large nonfood franchiser with gross sales of $500 million per year, leased to X the right to open up an outlet. X put up a limited amount of his own capital and received financing from F's credit subsidiary. F will then construct the outlet and X will manage the outlet. X must buy all his supplies from F. X has now opened the outlet and has annual revenues of $150,000.

Issue. Is X exempted from the posting requirements by Economic Stabilization Regulation, 6 CFR 300.13(e), 37 F.R. 1244 (January 27, 1972)?

Ruling. X is exempt from the posting requirements by § 300.13(e). Section 300.13(e) provides, "that paragraphs B and C don't apply to retailers with revenues of less than $200,000 annually * * *.". Economic Stabilization Regulation, 6 CFR 300.5, 37 F.R. 3913 (February 24, 1972) defines a retailer, "a person who carries on the trade or business of purchasing property and without substantially changing the form of the property, reselling it to ultimate consumers, and whenever the Price Commission considers it appropriate, includes any retailing subsidiary, division, affiliate or similar entity that is a part of, or is directly or indirectly controlled by, another person".

The franchiser's economic control over the franchisee does not bring the franchisee within the meaning of control in § 300.5. Since F has no interest in X other than selling products, X is deemed not to be controlled by F and does not have to post base prices, but is required to post signs announcing the availability of base price information.

This ruling has been approved by General Counsel of the Price Commission.

Dated: April 20, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6320 Filed 4-25-72;8:45 am]

[Price Commission Ruling 1972-147]

LIQUOR AS A FOOD PRODUCT

Price Commission Ruling

Facts. Retailer is in the business of selling alcoholic beverages to be consumed off the premises. He owns stores in two States. In State A, retail prices are controlled by the State. There is no price regulation in State B.

Issue. What base prices must retailer post?

Ruling. Retailer must post base prices for all of his alcoholic beverages. Economic Stabilization Regulations 6 CFR 300.13(b)(1)(i), 37 F.R. 2843 (February 8, 1972) requires a retailer to post base prices for all of its food products. The term "food products" was intended by the Price Commission to be interpreted in its broadest sense, i.e., anything serving as material for consumption. The word "food" would have been used had the Price Commission intended to restrict base price posting to solid edibles. "Food products" was used to include beverages, food additives, preservatives, spices and any other consumable product not generally regarded as food. As a general guide, retailers should consult the Standard Industrial Classification Manual. Alcoholic beverages are included in Major Group 20, Food and Kindred Products.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 20, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 20, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6321 Filed 4-25-72;8:45 am]

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 interest.

Bowman, Albert R., Gay Street, Salisbury, Pa., convicted on March 24, 1956, in the Court of Quarter Sessions of Somerset County, Pa.

Clemons, Daniel Clinton, 1405 Garden Avenue, Waterloo, IA, convicted on or about October 6, 1965, in the Delaware County District Court, State of Iowa; and on or about August 23, 1968, in the Black Hawk County District Court, State of Iowa.

Cogburn, Alvin Lee, 4511 Bryan Street, Apartment T, Dallas, TX, convicted on March 14, 1958, in the Superior Court for Los Angeles County, Calif.

Cote, Rene L., Saco Avenue, Old Orchard, Maine, convicted on June 1, 1967, in the York County Court, Maine.

Crum, Wayne Edward, Ferrum, Va., convicted on May 4, 1964, June 20, 1964, and on or about November 17, 1967, in the U.S. District Court for the Western District of Virginia, Roanoke Division.

Endsley, Leon Edwin, Route 1, Box 1355, Roseburg, OR, convicted on January 2, 1969, in the Superior Court of the State of California, in and for the County of Merced.

Falconieri, Joseph Richard, Central Avenue, Peak's Island, Portland, Maine, convicted on July 11, 1960, in the Cumberland County Superior Court, Portland, Maine; and on March 4, 1961, in the Portland Municipal Court, Portland, Maine.

Fleischer, Eugene, Rural Route 3, McGregor, Minn., convicted on March 23, 1949, and on March 17, 1952, in the Ramsey County District Court, St. Paul, Minn.; and on April 29, 1955, in the Hennepin County District Court, Minneapolis, Minn.

Fowler, David Junius, Route 2, Box 97, Courtland, VA, convicted on June 30, 1958, and on December 8, 1959, in the Nansemond County Circuit Court, Va.

Huff, Tommy Lawrence, 1510 Bradner Place South, Seattle, WA, convicted on August 8, 1966, in the Superior Court of the State of Washington for King County.

Hurst, Oscar Barnes, Route 1, Hiwassee, Va., convicted on September 1, 1944, in the Pulaski County Circuit Court, State of Virginia.

Kirk, Edgar, Box 234, Jonesville, VA., convicted on September 13, 1968, in the U.S. District Court, Western District of Virginia, Abingdon Division.

McCurdy, Raymond L., Jr., Box 182, Homer City, PA., convicted on February 20, 1961, in the Quarter Sessions Court, Ind.

Maldonado, George, 2095 Grand Concourse, Bronx, NY, convicted on November 24, 1952, in the Bronx County Court, N.Y.

Morgan, Paul Emmanuel, 3004 Brightseat Road No. 202, Lanham, MD, convicted on November 17, 1960, in the U.S. District Court for the District of Columbia.

Muloch, Wesley Harold, 195 Lost Street, Bonanza, OR, convicted on October 30, 1931, in the Superior Court of California in and for the County of San Diego.

Novitch, Robert Melvin, Sr., 3521 28th Avenue West, Seattle, WA, convicted on or about April 19, 1957, on or about October 14, 1957, on October 26, 1964, and on June 16, 1966, in the Cuyahoga County Court of Common Pleas, Ohio.

Paluch, Daniel Joseph, 5934 Chene Street, Detroit, MI, convicted on August 21, 1953, in the Recorder's Court for the city of Detroit, Mich.; and on August 15, 1955, in the Presque Isle County Circuit Court, Michigan.

Paradise, Thomas Joseph, 151 Mystic Street, Arlington, MA, convicted on September 14, 1954, in the Superior Court of Norfolk County, Mass.

Pitcher, David LaMar, 334 North Main, Smithfield, UT, convicted on March 9, 1964, in the First District Court of Utah, Logan, Utah.

Potterf, Albert Raymond, 2525 Cleveland Avenue, Everett, WA, convicted on October 4, 1965, in the Superior Court of the State of Washington, in and for the County of Jefferson.

Sanslow, Harold E., 270 West Second South No. 37, Salt Lake City, UT, convicted on September 22, 1952, in the District Court in and for Carbon County, State of Utah.

Scott, Alfred W., 52 Kingsgate Drive, Columbia, SC, convicted on February 16, 1964, in the U.S. District Court in and for the Eastern District of South Carolina.

Spann, William Fred, 443 Harvey Street, Pontiac, MI, convicted on October 9, 1963, and on December 18, 1962, in the Oakland County Circuit Court, State of Michigan.

Steele, David L., Rocky Ford Route, Porcupine, S. Dak., convicted on October 18, 1966, in the U.S. District Court for the District of South Dakota, Western Division.

Suiter, Donald E., 644 St. Joe Street, Spearfish, SD, convicted on June 22, 1970, in the Circuit Court of the Eighth Judicial Circuit, Lawrence County, S. Dak.

Van Nest, Charles William, Post Office Box 493, Nogales, AZ, convicted on September 4, 1959, in the Superior Court of San Bernardino County, Calif.; and on October 5, 1959, in the Municipal Court of Riverside Judicial District, Riverside County, Calif.

Wilson, Gary A., 3124–60 Street, Kenosha, WI, convicted on December 9, 1968, and on December 5, 1969, in the Kenosha County Court, Branch III, Kenosha, Wis.

Wolfe, Linnie Vale, R.F.D. Box 60, Ferndale, CA, convicted on May 24, 1968, in the Superior Court of California, County of Humboldt, Eureka, Calif.

Signed at Washington, D.C., this 19th day of April 1972.

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

[FR Doc.72-6374 Filed 4-25-72;8:49 am]

Office of the Secretary

[Treasury Dept. Order 82, Supp. 1]

OFFICE OF SECURITY

Transfer of Departmental Functions

By virtue of the authority granted to the Secretary by Reorganization Plan No. 26 of 1950, and delegated to me by Treasury Order No. 190 (Revision 7), the Office of Security is hereby abolished and its functions, with related staffing and records, transferred as follows:

To the Office of Personnel: Personnel security, pursuant to E.O. 10450, as amended.

To the Office of Administrative Programs: document security; communications security; buildings security; industrial security program, pursuant to E.O. 10865, as amended.

Program provisions of the following issuances remain in effect, modified only to the extent of the above transfer of functions:

1. Treasury Department Order No. 82, revised March 9, 1966.
2. TDO No. 160, revised July 16, 1968.
3. TDO No. 160–1.
4. TDO No. 160–3.
5. TDO No. 194, Rev. 2.
6. TDO No. 209, revised February 6, 1969.
7. Treasury Personnel Manual Chapter 736.
8. Administration Circular No. 208, April 5, 1971.
9. Administration Circular No. 191.
10. OAP Order No. 1.

Dated: April 20, 1972.

WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.72-6373 Filed 4-25-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4977]

CALIFORNIA

Opening of National Forest Lands

APRIL 17, 1972.

Pursuant to the vacating order of the Federal Power Commission issued January 6, 1972, and by virtue of the authority contained in Section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and in accordance with the authority redelegated to me by the State Director, California State Office, Bureau of Land Management, effective January 12, 1972 (37 F.R. 491), it is ordered as follows:

1. The Commission finds that the lands are no longer needed for power development and that the withdrawal for Project No. 237 should be vacated. The areas described below are hereby restored to disposition under applicable laws from the withdrawal for Federal Power Project No. 237, withdrawn on July 25, 1921, and April 6, 1922, subject to valid existing rights and the provisions of existing withdrawals.

TAHOE NATIONAL FOREST
MOUNT DIABLO MERIDIAN

T. 17 N., R. 10 E.,
Sec. 2, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 3, SE¼NE¼, lots 3 and 4, S½NW¼ (NW¼), SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 4, lots 1, 2, 3, 6, 7, and 13, portions of lots 37, 39, and 44A (NE¼, part of S½NW¼, and part of SW¼);
Sec. 9, lot 3 (part of N½NW¼), lot 4 and portion lot 39 (SW¼NW¼); and
Sec. 10, N½N½.

T. 18 N., R. 10 E.
Sec. 24, lot 1, SW¼SE¼ (S½SE¼);
Sec. 25, lot 4, lots 1 and 5 (N½NE¼), lot 6, portion lot 68 (NE¼NW¼), portion lot 8, lots 7 and 12, portion lots 68 and 69 (S½NW¼), lot 13, S½NE¼SW¼, NW¼SW¼ (N½SW¼), SW¼SW¼;
Sec. 34, SE¼SW¼, lots 9 and 10, portion lot 75 (S½SE¼);
Sec. 35, lots 1 and 2, W½NE¼ (NE¼), lot 7 and portion lot 75 (NW¼SW¼), lot 3 and NW¼SE¼ (N½SE¼), SW¼SE¼; and
Sec. 36, lots 1, 2, 9, 10, 11, and 12, W½NE¼, lot 6 (NW¼NW¼, NW¼SE¼).

T. 18 N., R. 11 E.,
Sec. 10, S½NE¼, NE¼SW¼, N½N½SW¼ SW¼, N½SE¼SW¼, N½S½SE¼SW¼, NW¼SE¼;
Sec. 12, N½N½, SE¼;
Sec. 14, lot 1, portion lot 68, NE¼SW¼, NW¼SE¼ (N½SW¼, NW¼SE¼);
Sec. 15, lots 5, 6, and 11, portion lots 38, 67, and 68, SE¼SW¼, W½SE¼ (S½SW¼, N½SE¼, SW¼SE¼);
Sec. 16, lots 2 and 3, lot 4 of NE¼, lot 4 of SW¼, lot 6, portion of lots 38, 51, and 52, and portion M.S. 3919, NE¼NE¼, SW¼NE¼, N½SW¼, SE¼SW¼, W½SE¼ (NE¼NE¼, S½NE¼, SW¼NW¼SE¼, S½SE¼);
Sec. 17, lot 6, E½SE¼;
Sec. 19, lots 9 and 10;
Sec. 20, NE¼NE¼, W½NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 21, N½N½;
Sec. 30, lots 1 and 2, N½ lot 3, lot 13, portion lot 48 and M.S. 3803 (lot 8), lots 9 and 10, N½NE¼, SW¼NE¼, NW¼SE¼; and
Sec. 31, lot 1, NE¼NW¼.

T. 18 N., R. 12 E.,
Sec. 2, lots 1, 2, 3, and 4, SE¼NW¼;
Sec. 6, lot 7, SE¼SW¼, S½SE¼ (S½S½); and
Sec. 7, lots 1, 2, and 3, NE¼NE¼, W½NE¼, E½NW¼, NE¼SW¼.

T. 19 N., R. 12 E.,
Sec. 24, E½, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 26, NW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 32, SE¼SE¼;
Sec. 34, N½NW¼, SW¼NW¼; and
Sec. 36, W½NW¼.

The area described aggregates approximately 6,372.25 acres in Nevada County within the Tahoe National Forest. Some of the lands are embraced in other withdrawals and some are patented.

2. At 10 a.m., May 29, 1972, the unappropriated lands shall be open to such forms of disposal as may by law be made of national forest lands, subject to existing withdrawals, and the requirements of applicable laws and regulations.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-6355 Filed 4-25-72;8:48 am]

Office of the Secretary

ROBERT W. THOMAS, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) I am no longer a stockholder in the Columbia Corp.
(3) None.
(4) None.

This statement is made as of March 31, 1972.

Dated: April 5, 1972.

R. W. THOMAS, Jr.

[FR Doc.72-6336 Filed 4-25-72;8:47 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

FEDERAL BUREAU OF INVESTIGATION ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 7642 in the FEDERAL REGISTER of Tuesday, April 18, 1972, the following docket should be deleted:

Docket No. 71-00296-00-61800. Applicant: Central Florida Museum and Planetarium, 810 East Rollins Avenue, Orlando, FL 32803. Article: Planetarium projector, Model MS-10. Date of denial without prejudice to resubmission: November 30, 1971.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6329 Filed 4-25-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6550]

CERTAIN DRUGS CONTAINING METHOXYPHENAMINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

Orthoxine Hydrochloride Tablets and Syrup, containing methoxyphenamine hydrochloride; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 6-550).

These drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Methoxyphenamine hydrochloride in the recommended dose is possibly effective for use in bronchial asthma, allergic rhinitis, acute urticaria, gastrointestinal allergy, and allergic headache.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6550, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6342 Filed 4-25-72;8:47 am]

[DESI 12056]

CERTAIN SULFONAMIDES IN COMBINATION WITH PHENAZOPYRIDINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Azo Gantanol Tablets containing sulfamethoxazole and phenazopyridine hydrochloride; Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 17110 (NDA 13-294).

2. Azo Kynex Tablets containing sulfamethoxypyridazine and phenazopyridine hydrochloride; Lederle Laboratories, Division of American Cyanamid Co., West Middletown Road, Pearl River, N.Y. 10965 (NDA 12-056).

The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, including their recommended use in certain urinary tract infections associated with pain or discomfort, and that each component of the combination contributes to the total effects claimed for the drug.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new-drug applications.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for these drugs and any interested person who might be adversely affected by their removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered

on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the NAS–NRC reports for these drugs is made to give notice to persons who might be adversely affected by their withdrawal from the market. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12056, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6344 Filed 4–25–72;8:48 am]

[Docket No. FDC–D–456]

DELTA LABORATORIES

Zinc Bacitracin-Neomycin Sulfate-Polymyxin Ointment; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of August 5, 1970 (35 F.R. 12494, DESI 0053NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of the report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Triple Antibiotic Ointment, Towne (a product which contains zinc bacitracin, neomycin sulfate, and polymyxin B sulfate) manufactured by Delta Laboratories, Division of Anabolic, Inc., 1050 West Florence Avenue, Inglewood, Calif. 90302.

Delta Laboratories advised the Commissioner that they no longer manufacture drugs.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that the antibiotic application for the above-named product should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of the antibiotic application for the above-named product is hereby withdrawn effective on the date of publication of this document.

Dated: April 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6340 Filed 4–25–72;8:47 am]

[DESI 9410]

TALBUTAL TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Lotusate Tablets containing talbutal, marketed by Winthrop Laboratories Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 9–410).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that talbutal tablets are:

1. Probably effective for use as a sedative and hypnotic;

2. Lacking substantial evidence of effectiveness when labeled for use in alcoholism, delirium tremens, psychosis, hysteria, and cardiovascular failure; and

3. Possibly effective for their other labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug which is classified in paragraph A.2 above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an indications section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A.2 above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74); and recommend use of the drug for the probably effective indication as follows: (The possibly effective indications may also be included for 6 months).

INDICATIONS

For use as a sedative and hypnotic.

4. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (d), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective and possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 9410, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6343 Filed 4–25–72;8:47 am]

[DESI 6811]

ISONIAZID

Drugs for Human Use; Drug Efficacy Study Implementation; Labeling; Correction

In F.R. Doc. 71–14676 appearing at page 19520 in the October 7, 1971, issue

of the FEDERAL REGISTER, the labeling section titled "Acute Poisoning" is corrected to read "Overdosage", and the first line of the paragraph immediately following is corrected to read, "Isoniazid overdosage is characterized * * *"

Dated: April 12, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6345 Filed 4-25-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

COMMANDANT OF THE COAST GUARD

Delegation of Authority

Pursuant to the authority of section 205 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. section 486), the Administrator for General Services has delegated authority to the Secretary of Transportation with respect to the leasing of certain property from the University of Connecticut (Federal Property Management Regulations, Temporary Regulation D-33, issued February 7, 1972).

The property is located at the University of Connecticut Extension Facility at Groton, Conn., and will be used by the Coast Guard as a research and development laboratory. The delegation to the Secretary permits redelegation of the authority within the Department of Transportation.

Therefore, the Commandant of the Coast Guard is delegated authority to perform all functions in connection with leasing approximately 50,000 square feet of space in Building 23 and several smaller facilities located on the University of Connecticut Extension Facility, Groton, Conn. This delegation of authority is subject to the limitations and conditions as set forth in Temporary Regulation D-33, Federal Property Management Regulations, and may be redelegated within the Department of Transportation.

This delegation is effective February 7, 1972.

Issued in Washington, D.C., on March 20, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72-6322 Filed 4-25-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 3 to Facility License No. CX-21, as amended November 17, 1969. The license authorizes the National Aeronautics and Space Administration (NASA) to possess, use and operate a critical experiment facility (designated the Zero Power Reactor II) on NASA's Lewis Research Center site in Cleveland, Ohio, at steady state power levels up to 100 watts (thermal). The amendment increases (from 10,000 pounds to 15,000 pounds) the amount of depleted uranium that NASA is authorized to receive, possess and use in connection with operation of the subject facility and extends the expiration date of the license from April 12, 1972 to April 12, 1980, in accordance with NASA's application dated February 11, 1972. This increase in the quantity of source material does not alter presently approved operating plans nor the safety considerations associated with operation of the facility.

The Commission has found that the application for the license amendment dated February 11, 1972, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations, which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission also has found that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated February 11, 1972, and (2) the amendment to the facility license, both of which are available for public inspetcion at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of April 1972.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-6326 Filed 4-25-72;8:46 am]

[Docket No. 50-297]

NORTH CAROLINA STATE UNIVERSITY

Order Extending Construction Permit Completion Date

North Carolina State University having filed a request dated March 28, 1972, for an extension of the latest completion date specified in Construction Permit No. CPRR-106 which authorizes construction of the PULSTAR nuclear research reactor facility on the University's campus at Raleigh, N.C.; and

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55(b) of the Commission's regulations: *It is hereby ordered,* That the latest completion date of Construction Permit No. CPRR-106 is extended from May 1, 1972 to September 1, 1972.

This order is effective as of the date of issuance.

Date of Issuance: April 14, 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc. 72-6327 Filed 4-25-72;8:46 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Order Scheduling Prehearing Conference

On December 29, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER a notice of hearing to consider the application filed by the Northern Indiana Public Service Co. for a construction permit which would authorize the construction of a boiling water reactor, identified as Bailly Generating Station, Nuclear 1. Notice of the establishment of an Atomic Safety and Licensing Board and of its membership was issued by the Commission on January 12, 1972, authorizing the Board designated therein to set the date and place of the hearing and the date and place of a prehearing conference in advance of the hearing. Pursuant to such authorization, notice is hereby given that a prehearing conference in the captioned proceeding will be held on May 9, 1972, in Valparaiso, Ind.

All members of the public are entitled to attend this prehearing conference and any subsequent prehearing conferences as well as the full evidentiary sessions of

the hearing in this proceeding. The prehearing conference on May 9, 1972, however, will be conducted in accordance with § 2.752 of 10 CFR Part 2 of the Commission's rules of practice which provides for the development of procedures for the evidentiary hearing which will be scheduled for a later time and public notice given. The procedures to be considered on May 9 will be related to identification of parties, simplification and clarification of issues, discussion of procedures to be followed at the hearing and other matters which will aid in the conduct and expeditious disposition of the case to be presented in a full public hearing at a later date.

The prehearing conference on May 9, 1972, will not receive any evidence, nor will there be an opportunity for presentation of statements from members of the public who desire to make limited appearances for that purpose. All statements that members of the public desire to make in this proceeding by way of limited appearance pursuant to § 2.715 of the rules of practice will be received on the initial day or days of the evidentiary hearing which will be scheduled at a later date, public notice of which will be given, both by publication and by notice sent by mail directly to all members of the public who have requested to be notified.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a prehearing conference in this proceeding shall convene at 10 a.m. on Tuesday, May 9, 1972, in the courtroom, Circuit and Superior Court, Courthouse, Lincolnway Street, Valparaiso, Ind. 46383.

Issued: April 20, 1972, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.72-6314 Filed 4-25-72;8:45 am]

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 9 to Facility License No. R-73. The license presently authorizes the University of Washington to possess, use and operate the Argonaut-type nuclear reactor located on its campus in Seattle, Wash., at steady-state power levels up to 100 kilowatts (thermal). The amendment incorporates technical specifications in the license for operation of the reactor which include provisions for an increase (from 0.60 percent to 2.3 percent delta k/k) in the core excess reactivity in accordance with the University's request notarized March 22, 1972. In addition, the amendment restates the license in its entirety, in current license format, incorporating pertinent provisions of previously issued Amendments Nos. 1 through 8 thereto.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of this amended license is not required since the operation of the facility in accordance with the terms of the amended license does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the University of Washington's application for license amendment notarized March 22, 1972, and (2) Amendment No. 9 to Facility License No. R-73 (including the technical specifications), both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of item (2) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of April 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-6328 Filed 4-25-72;8:46 am]

[Docket No. 50-346]

TOLEDO EDISON CO. ET AL.

Notice and Order for Evidentiary Hearing

In the Matter of The Toledo Edison Co. et al., (Davis-Besse Nuclear Power Station Unit 1).

In accordance with the Atomic Energy Commission's Notice of Hearing on Suspension of Construction Activity, published in the FEDERAL REGISTER on April 18, 1972 (37 F.R. 7644), and with the Commission's rules of practice, the Atomic Safety and Licensing Board directs that the hearing for the taking of evidence in the above-captioned proceeding shall commence on May 2, 1972, at 10 a.m. local time, in the Grand Jury Room of the U.S. Courthouse, Toledo, Ohio 43624. Said hearing will run without a continuance through May 5, 1972, unless completed earlier.

Under the Commission's memorandum and order, dated April 12, 1972, this Board, impaneled to hear the instant matter de novo, will consider the question of whether the activities under the construction permit No. CPPR-80 for the Davis-Besse facility should be suspended pending completion of the final NEPA review.

More specifically, the matters to be considered in the hearing shall be the factors specified in 10 CFR Part 50, Appendix D, section E.2, together with the considerations specified in the remand order of the States Court of Appeals for the District of Columbia in Coalition for Safe Nuclear Power, et al. v. United States Atomic Energy Commission, No. 71-1396.

The parties to this proceeding shall be the licensees, the Regulatory Staff, and the Coalition for Safe Nuclear Power, and Living in a Finer Environment.

Issued: April 21, 1972, Washington, D.C.

By order of the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72-6427 Filed 4-25-72;8:49 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, each insured bank is required to make a report of condition as of the close of business April 18, 1972, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided,* That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 481,[1] and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original report of condition on Federal Reserve Form 105—Call 203 [1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member

[1] Filed as part of original document.

of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original report of condition on FDIC Form 64—Call No. 99 [1] and shall send the same to the Federal Deposit Insurance Corporation.

The original report of condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1971.[1] The original report of condition required to be furnished hereunder to the Federal Reserve Bank of the district wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated December 1970, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original report of condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.72-6335 Filed 4-25-72;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. CI72-662]

SUN OIL CO.

Notice of Application

APRIL 24, 1972.

Take notice that on April 14, 1972, Sun Oil Co. (applicant), Post Office Box 2880, Dallas, TX 75221, filed in Docket No. CI 72-662 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the East Dykesville Field, Claiborne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to United on March 15, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at the rate of 35 cents per Mcf at 15.025 p.s.i.a. Applicant proposes to deliver up to 3,000 Mcf of gas per day.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6458 Filed 4-25-72;8:49 am]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of economic condition of insured banks, issued jointly by the Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation, see F.R. Doc. 72-6335, Federal Deposit Insurance Corporation, *supra*.

BEVERLY HILLS FIDELITY BANK

Order Approving Acquisition of Assets

Beverly Hills Fidelity Bank, Beverly Hills, Calif., a newly organized, member State bank of the Federal Reserve System, has applied, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), for the Board's prior approval to acquire assets and assume liabilities of Fidelity Bank, Beverly Hills, Calif. ($85 million in deposits), and as an incident thereto to operate its main office at the location of the present main office of Fidelity Bank in Beverly Hills and branch offices at the locations of two present branches of Fidelity Bank in Los Angeles and Manhattan Beach.

Published notice of the proposed acquisition of assets and assumption of liabilities and requests for reports on the competitive factors involved therein have been dispensed with as authorized by the Bank Merger Act.

The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks involved, and the convenience and needs of the communities to be served and finds that:

On the basis of the information before the Board, including communications from the State Banking Department of the State of California, the Board finds that an emergency situation exists so as to require that the Board act immediately pursuant to the provisions of the Bank Merger Act in order to safeguard depositors of Fidelity Bank.

Such anticompetitive effects as will be attributable to consummation of the transaction will be clearly outweighed in the public interest by considerations relating to and involved in the emergency situation found to exist. From the record in the case, it is the Board's judgment that any disposition of the application other than approval would be inconsistent with the best interests of the depositors of Fidelity Bank, and the Board concludes that the proposed transaction should be approved on a basis that would not delay consummation of the proposal.

It is hereby ordered, On the basis of the record, that the application be and hereby is approved and that the acquisition of assets and assumption of liabilities and the establishment of the branch offices may be consummated immediately but in no event later than 3 months after the date of this order unless such period is extended for good cause by the Board, or the Federal Reserve Bank of San Francisco pursuant to delegated authority.

[1] Filed as part of original document.

By order of the Board of Governors,[1] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6333 Filed 4-25-72;8:46 am]

CITIZENS CENTRAL BANK

Order Approving Application for Merger of Banks

The Citizens Central Bank, Arcade, N.Y. (Citizens Central), 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 Citizens State Bank, Lyndonville, N.Y. (State Bank), under the charter and title of Citizens Central. As an incident to the merger, the present office of State Bank would become a branch of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Citizens Central ($42 million deposits),[2] a subsidiary of Charter New York Corp., New York City, operates six offices in New York State's Ninth Banking District wherein it holds 1.2 percent of the district's commercial bank deposits as the 11th largest of the district's 31 banks. State Bank ($5 million deposits) operates its only office in Lyndonville and is the only bank headquartered in Orleans County, the relevant market, where it controls approximately 9 percent of commercial bank deposits. A large New York banking organization operates four banking offices in the market and controls the remaining 91 percent of market deposits. State Bank ranks as the 29th largest bank in the Ninth Banking District with 0.2 percent of the District's total commercial bank deposits.

The nearest offices of the merging banks are approximately 30 miles apart and their service areas do not overlap. Consummation of the proposal would not significantly increase the concentration of banking deposits in any relevant area. No meaningful existing competition would be eliminated by the proposal between the proposed merging banks nor between any of the banking offices of Charter New York Corp. and State Bank.

Citizens Central is prohibited from de novo branching into Lyndonville by home office protection afforded by New York State laws, and, absent this, the growth potentials of the Lyndonville area would limit somewhat de novo entry. State Bank, as a small unit bank, is not likely to expand into the area served by Citizens Bank by de novo branching. Consequently, it appears unlikely that consummation of the proposed merger would foreclose any significant amount of potential competition between Citizens Central, State Bank or between any of the banking offices of Charter New York Corp. Based on the foregoing, and the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market; rather, the replacement of the small unit banking office by the subsidiary of a large statewide holding company would likely increase competition with the offices of the large New York State banking organization.

The financial and managerial resources of Citizens Central and State Bank are satisfactory and the prospects for the resulting bank would be favorable. Consequently, banking factors are consistent with approval of the application. Consummation of the proposed merger would improve the present banking services available to customers of State Bank by increased lending capabilities and improving the banking services to include the addition of credit card services, automatic saving plans, and personal and corporate trust services. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application and lend some weight thereto. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6330 Filed 4-25-72;8:46 am]

FIRST NATIONAL CITY CORP.

Order Approving Acquisition of Bank

First National City Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to State Bank of Honeoye Falls, Honeoye Falls, N.Y. (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, the second largest banking organization in New York, has three subsidiary banks that control deposits of $13.4 billion, representing 14.1 percent of the commercial bank deposits in the State. (Unless otherwise noted, banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions to date.) Consummation of the proposal would not change Applicant's present ranking nor significantly increase its share of State deposits.

Bank, with deposits of $7.4 million, operates its sole office in Honeoye Falls and is the 12th largest of 16 banks in the Rochester banking market, controlling 0.4 percent of deposits in that market.[1] Applicant's nearest existing subsidiary bank is 102 miles from Bank. No significant existing competition would be foreclosed by consummation of the proposal.

In addition, the Rochester banking market is highly concentrated (four of the 16 banks control over 90 percent of deposits) and applicant's acquisition of Bank will likely have a procompetitive effect since Bank, with applicant's support, should compete more aggressively with the larger organizations.

Considerations related to the financial and managerial resources and future prospects of applicant, its subsidiary banks and Bank are generally satisfactory and consistent with approval. Although the banking needs of the communities involved are already being adequately met, applicant proposes to provide, through Bank, a major alternative source of specialized banking services. Accordingly, considerations relating to convenience and needs lend weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6331 Filed 4-25-72;8:46 am]

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

[1] All banking data are as of Dec. 31, 1971, except branch deposit data are as of June 30, 1970.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sheehan. Absent and not voting: Governor Brimmer.

[1] Data related to market share are as of June 30, 1970.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sheehan. Absent and not voting: Governor Brimmer.

MARSHALL & ILSLEY CORP.

Order Approving Acquisition of Banks

Marshall & Ilsley Corp., Milwaukee, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has filed separate applications for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of the following banks in Wisconsin: Bank of Watertown, Watertown (Watertown Bank); and Citizens American Bank, Merrill (Merrill 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, the second largest bank holding company and banking organization in Wisconsin on the basis of commercial bank deposits, controls 13 banks with aggregate deposits of approximately $684 million, representing 6.8 percent of total deposits held by all banks in Wisconsin. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through March 31, 1972.) Upon acquisition of Watertown Bank ($15 million in deposits) and Merrill Bank ($16 million in deposits), applicant's share of State deposits would be increased by only 0.3 percentage points and its rank as the State's second largest banking organization would not change.

Watertown Bank operates its only office in the city of Watertown, approximately 46 miles west-northwest of Milwaukee. Although Watertown Bank is the largest of the three city banks and the 16 banks competing in the relevant market wherein it holds 14.8 percent of deposits; the second, third, and fourth largest banks in this market hold, respectively, 14.6, 13.9, and 10.8 percent of the total deposits. It thus appears that Watertown Bank does not dominate banking in the area and that consummation of the proposal would not adversely affect any of the area banks.

The sole office of Merrill Bank is located in the city of Merrill, approximately 210 miles northwest of Milwaukee. Merrill Bank is the smaller of the two banks in Merrill and the fifth largest of 13 banks competing in the relevant market wherein it holds 7.3 percent of deposits. The three largest banks hold 59 percent of market deposits. Consummation of the proposal would not adversely affect any area banks.

Applicant's nearest subsidiaries are 30 milest northeast of Watertown Bank and 75 miles southeast of Merrill Bank, respectively. There is no meaningful competition between any of applicant's subsidiaries and the proposed subsidiaries, nor between the Watertown and Merrill banks, and in view of the distances separating the banks, the numerous intervening banks, and State laws restricting branching, it appears unlikely that significant competition would develop in the future. Consummation of the proposal would have no adverse effects on existing or potential competition.

The financial condition and management of applicant and the proposed subsidiaries are generally satisfactory, and prospects for applicant appear favorable as do the prospects for the Merrill and Watertown banks under applicant's control. Banking factors are, therefore, consistent with approval of the applications.

Although the major banking needs of the areas involved appear to be satisfied by existing facilities, the control of the proposed subsidiaries by applicant would likely enhance their services to the public through larger loans made available by participations with applicant's subsidiaries and through the addition to both Merrill and Watertown banks of new services which will include leasing, trust, and computer services. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application and lend some support thereto. It is the Board's judgment that consummation of the proposed acquisitions 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 Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6332 Filed 4-25-72;8:46 am]

VALLEY OF VIRGINIA BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

Valley of Virginia Bankshares, Inc., Harrisonburg, Va., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to Rockingham National Bank, Harrisonburg, Va. (Rockingham Bank), and the Commercial and Savings Bank, Winchester, Va. (Commercial Bank). The banks into which Rockingham Bank and Commercial Bank are to be merged have no significance except as a means of acquiring all of the shares of Rockingham Bank and Commercial Bank. Accordingly, the proposed acquisitions of the shares of the successor organizations are treated herein as the proposed acquisitions of the shares of Rockingham Bank and Commercial 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 is a newly organized corporation. Consummation of the proposal herein would result in applicant controlling approximately $79 million deposits, representing 0.9 percent of total commercial bank deposits in the State, and applicant would become the ninth largest bank holding company in Virginia.[1]

Rockingham Bank ($54.4 million in deposits), the proposed lead bank, is headquartered in Harrisonburg and has six offices and two branches serving the southern part of Rockingham County and the northeast quadrant of Augusta County. Rockingham Bank controls about 20 percent of commercial bank deposits and is the third largest bank, in that market.[2] It competes with 10 other banks, six of which are branches or affiliates of organizations which rank among the seven largest banking organizations in Virginia.

Commercial Bank ($24.4 million in deposits), centered in Winchester, has a main office and four branches, and operates in the Frederick County banking market where it is the third largest of four banks, controlling 21.5 percent of deposits.[2] The largest bank in that market is twice as large as Commercial Bank.

The record indicates that Rockingham Bank and Commercial Bank do not compete with each other, and the development of such competition in the future appears unlikely. The nearest offices of the two banks are 68 miles apart, and under Virginia's restrictive branching laws this separation cannot be materially reduced. It appears that the affiliation of the two banks in a holding company would not have any adverse effects on other banks in these markets. Affiliation may actually promote competition by creating a larger institution which can then operate in an environment in which large banking systems are very prominent. On the basis of the record before it, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area.

The financial and managerial resources of each bank appear satisfactory. It appears that applicant would begin operations in satisfactory condition and

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sheehan. Absent and not voting: Governor Brimmer.

[1] Unless otherwise noted, all banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through Feb. 29, 1972.

[2] Banking data concerning market control are as of June 30, 1970.

with competent management. In addition, the capital accounts of both banks will be increased by a combined $170,000 upon affiliation. Applicant's future prospects, which are largely dependent upon those of its two subsidiaries, also appear favorable. Although there is no evidence that the existing banking needs of the communities involved are not being met, affiliation of both banks with applicant would lead to the availability of larger lines of credit than either bank could offer and other services offered by each bank would be expanded. These considerations relative to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[3] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6334 Filed 4-25-72;8:47 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Correction

In F.R. Doc. 72-5926 appearing at page 7834 of the issue for Thursday, April 20, 1972, the following changes should be made in the entries for "Chesterfield" and "Lucky Strike": (1) The entry under the heading "Nicotine" for Chesterfield "King Size, nonfilter", which now reads "28", should read "1.8"; (2) the entry under the heading "Nicotine" for Chesterfield "King size, filter", which now reads "11.", should read "1.3"; (3) the entry under the heading "TPM dry" for Chesterfield "King size, filter, menthol", which now reads "18", should read "1.2"; (4) the entry directly beneath "Lucky Strike", which now reads "Do", should read "Lucky Filters".

SELECTIVE SERVICE SYSTEM

CENTRAL AND FIELD ORGANIZATION

Pursuant to 5 U.S.C. 552 the following description of the central and field organization of the Selective Service System, the established places at which the public may obtain information, and the general course and methods by which its functions are channeled and determined is published for the guidance of the public.

Creation and authority. The Selective Service System was established by the Military Selective Service Act (62 Stat. 604 as amended; 50 U.S.C. App. 451-471).

The Military Selective Service Act requires the registration of male citizens of the United States and all other male persons except certain alien nonimmigrants and alien medical, dental, or allied specialists who are in the United States who are between the ages of 18 and 26 years. (Alien medical, dental, or allied specialists are liable to register until age 35 years.) The act imposes liability for training and service in the Armed Forces upon registrants who are between the ages of 18 years and 6 months and 26 years except that aliens are not liable for training and service until they have remained in the United States for more than 1 year. Some persons who have been deferred remain liable for training and service until age 35. Persons in a medical, dental, or allied specialist category who enter the United States after age 26 are liable for training and service until age 35. Conscientious objectors who are found to be opposed to any service in the Armed Forces are required to perform civilian work in lieu of induction into the Armed Forces.

The President is authorized prior to July 1, 1973, to select and induct into the Armed Forces not more than 140,000 persons as may be required to maintain the strengths of the forces in the fiscal year ending June 30, 1973, and also to provide for the selection and induction into the Armed Forces of persons qualified in needed medical, dental, or allied specialist categories pursuant to special requisitions submitted by the Secretary of Defense.

The act exempts members of the active Armed Forces and foreign diplomatic and consular personnel from registration and liability for training and service. Likewise exempted are categories of aliens, as specified by the President, who are not admitted to the United States for permanent residence. Other exemptions or deferments from training and service are provided by the act, and the President is authorized to provide, by rules and regulations, for deferments involving occupations, some kinds of study, dependency and fitness.

The President by Executive Order 11623 has delegated to the Director of Selective Service authority, subject to certain restrictions, to issue regulations to carry out the Military Selective Service Act.

Pursuant to the provisions of section 672(a) of title 10 of the United States Code (72 Stat. 1440), the Director of Selective Service determines the availability of members of the Standby Reserve of the Armed Forces for order to active duty in time of war or national emergency declared by Congress.

Purpose. The purpose of the Selective Service System is to supply the Armed Forces manpower adequate to insure the security of the United States, with concomitant regard for the maintenance of an effective national economy.

ORGANIZATION AND ACTIVITIES

Director of Selective Service. The Selective Service System is headed by the Director of Selective Service, who is appointed by the President with the consent of the Senate. The Director is responsible directly to the President for carrying out the functions of the System. The Director decides appeals from the determinations of appeal boards as to the availability of members of the Standby Reserve for order to active duty. The Deputy Director performs all the duties of the office of the Director in case of a vacancy in that office or in case of the absence or disability of the Director.

National Headquarters. The National Headquarters functions under the supervision of the Director and assists him. The operations of the Selective Service System are largely decentralized.

State Headquarters. Each State headquarters is headed by a State director of Selective Service, who is appointed by the Director in the name of the President upon recommendation of the Governor. The State director is responsible for carrying out the functions of the Selective Service System within his area of jurisdiction. He is responsible to the Director of Selective Service for the coordination and supervision of the activities of the local boards, appeal boards, and other selective service agencies under its jurisdiction.

Local Boards. At least one local board has been established in each county or political subdivision corresponding thereto except where, upon recommendation of the respective Governors, intercounty local boards have been established for areas not exceeding five counties. A local board consists of three or more civilian members, residents of a county in the local board area, who are appointed by the President upon recommendation of the Governor and serve without compensation. A special local board, with jurisdiction over all persons registered who do not have a place of residence within the United States has been established in the District of Columbia.

Each local board has the power to determine all questions or claims with respect to inclusion for, or exemption or deferment from, training and service of all men registered in, or subject to registration in, the local board area. The decisions of a local board are final, except where an appeal to an appeal board is authorized and is taken. Each local board is responsible for the registration, examination, classification, selection, delivery to the Armed Forces for induction, ordering to perform civilian work in lieu of induction, and maintenance of the records of men who are required to register and who are within its area of jurisdiction.

Appeal Boards. Appeal boards have been established for each Federal judicial district in each of the States and in Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Members of appeal boards are civilians resident in the appeal board area and are appointed by the President upon recommendation of the Governor

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sheehan. Absent and not voting: Governor Brimmer.

and serve without compensation. The functions of an appeal board are to decide anew the cases of registrants and members of the Standby Reserve appealed to it.

National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists. The National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists is located at National Headquarters. The members of this committee are appointed by the President. The functions of the National Committee are to advise the Director of Selective Service and to coordinate the work of State and local volunteer advisory committees established to cooperate with the National Committee, with respect to the availability of needed medical, dental, and allied specialist categories of persons for service in the Armed Forces. The National Committee is independent of the Selective Service System.

SOURCES OF INFORMATION

Publications. The following are examples of Selective Service publications available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402: "Registrants Processing Manual, and Curriculum Guide to the Draft." Selective Service Regulations appear in Chapter XVI of Title 32, Code of Federal Regulations.

The following are available from the Public Information Office, Selective Service System: "Perspective on the Draft; Hardship Deferment"; "Conscientious Objector"; "It's Your Choice"; "Lottery and Class 1-H"; "The Draft: Past, Present and Future"; "Doctors Draft"; and "Aliens."

Employment. Inquiries and applications should be directed to the Director, Selective Service System, Attention: AP, 1724 F Street NW., Washington, DC 20435.

Procurement. Inquiries should be directed to Director, Selective Service System, Attention: AAPB, 1724 F Street NW., Washington, DC 20435.

For further information including names of State Directors and addresses of State Headquarters, contact the Office of Public Information, Selective Service System, 1724 F Street NW., Washington, DC 20435.

Approved: April 21, 1972.

CURTIS W. TARR,
Director of Selective Service.

[FR Doc.72-6358 Filed 4-25-72;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

DETERMINATION OF NATIONAL "OFF" INDICATOR

Federal-State Extended Unemployment Compensation; Announcement of Ending of Extended Benefit Period

The following notice of determination and announcement is made pursuant to the provisions of section 203(b)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (Public Law 91-373, Title II), hereinafter the Act, and 20 CFR 615.16(a):

1. I find that the rate of insured unemployment (seasonally adjusted) for all States was 4.30 per centum for the month of December 1971; 4.09 per centum for the month of January 1972 and 4.25 per centum for the month of February 1972.

2. Since with respect to each of the three most recent calendar months ending before the week of March 5-11, 1972 the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 per centum as specified in the Act, it is my determination that there is a national "off" indicator for the week of March 5-11, 1972, within the meaning of the Act.

3. In accordance with the provisions of section 203(a)(2) of the Act an extended benefit period in the case of any State shall end with the third week after a week for which there is both a national and a State "off" indicator.

4. Accordingly, I announce that the extended benefit period ended on April 1, 1972 (the last day of the third calendar week following the week of March 5-11, 1972) in all States except those named below with respect to which there has not been a State "off" indicator. The extended benefit period will continue in each of these States until the third week following a week for which there is State "off" indicator with respect to that State:

Alabama.	New Jersey.
Connecticut.	New York.
Hawaii.	Ohio.
Illinois.	Oklahoma.
Indiana	Pennsylvania.
Iowa.	Puerto Rico.
Maine.	Vermont.
Maryland.	West Virginia.
Massachusetts.	Nevada.
Minnesota.	

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

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-6439 Filed 4-25-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[No. 35539]

ALABAMA GREAT SOUTHERN RAILROAD ET AL.

Louisiana Intrastate Freight Rates and Charges—1971

APRIL 17, 1972.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 13th day of March 1972.

By petition filed December 27, 1971, as amended by petition filed February 28, 1972, Alabama Great Southern Railroad, Arkansas & Louisiana Missouri Railway Co., Chicago, Rock Island & Pacific Railroad Co., Atchison, Topeka and Santa Fe Railway Co., Gulf, Mobile and Ohio Railroad Co., Illinois Central Railroad, Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., Louisiana Southern Railway Co., Louisville and Nashville Railroad Co., Missouri Pacific Railroad Co., New Orleans & Lower Coast Railroad Co., New Orleans Terminal Co., St. Louis Southwestern Railway Co., Southern Pacific Transportation Co., The Texas & Pacific Railway Co., and Tremont & Gulf Railway Co., common carriers by railroad parties to rates and charges for the intrastate transportation of property between points in Louisiana, state that under the law of the State of Louisiana, common carriers by railroad may not increase their intrastate rates and charges except upon a hearing before the Louisiana Public Service Commission and a finding by that Commission that a proposed increase is justified; that the present intrastate rates and charges do not include general increases in the same amounts as has been authorized by this Commission for property moving in interstate or foreign commerce in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, 339 I.C.C. 125, Ex Parte Nos. 262, Increased Freight Rates, 1969, 337 I.C.C. 436, Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 590 and 332 I.C.C. 714, Ex Parte No. 256, Increased Freight Rates, 1967, 329 I.C.C. 854 and 332 I.C.C. 280, Ex Parte No. 223, Increased Freight Rates, 1960, 311 I.C.C. 373,[1] and Ex Parte No. 212, Increased Freight Rates, 1958, 302 I.C.C. 665 and 304 I.C.C. 289; and

It appearing, that the petitioners allege that to the extent the intrastate rates and charges do not include the general increases in the amounts authorized on interstate or foreign commerce, the intrastate rates and charges do not and will not contribute their fair share of the revenues required by the carriers to meet increased expenses and costs which have been incurred in handling all traffic; that the intrastate rates and charges cause unjust discrimination against, and undue burden on interstate commerce, which is forbidden and declared unlawful under section 13 of the Interstate Commerce Act; and that, therefore, the petitioners request that an investigation into the lawfulness of intrastate rates and charges be instituted by this Commission, the aforesaid common carriers by railroad be named as respondents; the State of Louisiana and

[1] Petitioners refer to Ex Parte 223 authority to increase switching and minimum less than carload charges, 1960, and Ex Parte X-223 Increased freight rates, 1958; by the general reference petitioners have included the various subnumbered proceedings, for instance, Ex Parte No. 223 (Sub-No. 1), Minimum Charges Per Car, 313 I.C.C. 563, Ex Parte No. 223 (Sub-No. 2), Increased Switching Charges, 315 I.C.C. 199, 318 I.C.C. 485, and 322 I.C.C. 560, Ex Parte No. 223 (Sub-No. 3), Increased Rates on Irón Ore, 313 I.C.C. 549, Ex Parte No. 223 (Sub-No. 5), Increased Rates on Coal and Petroleum Coke, 316 I.C.C. 159, Ex Parte No. 223 (Sub-No. 9), Increased Rates on Fresh Fruits and Vegetables, 313 I.C.C. 519, and Ex Parte No. 223 (Sub-No. 10), Increased Freight Rates, 1960 (Rule 7), 313 I.C.C. 471.

the Louisiana Public Service Commission be notified of the proceeding; special expedition be given to the hearing and decision in said investigation; the Commission find that the rates and charges cause the unlawfulness complained of; and this Commission issue an order requiring the removal of the unlawfulness;

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 Louisiana, therefore,

It is ordered, That the petition, as amended, be, and it is hereby granted.

It is further ordered, That an investigation be, and it is hereby, instituted under section 13 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 Louisiana, for the intrastate transportation of property, made or imposed by the State of Louisiana, 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 Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, supra, Ex Parte No. 262, Increased Freight Rates, 1969, supra, Ex Parte No. 259, Increased Freight Rates, 1968, supra, Ex Parte No. 256, Increased Freight Rates, 1967, supra, Ex Parte No. 223, Increased Freight Rates, 1960, supra, Ex Parte No. 223 (Sub-No. 1), Minimum Charges Per Car, supra, Ex Parte No. 223 (Sub-No. 2) Increased Switching Charges, supra, Ex Parte No. 223 (Sub-No. 3), Increased Rates on Iron Ore, supra, Ex Parte No. 223 (Sub-No. 5), Increased Rates on Coal and Petroleum Coke, supra, Ex Parte No. 223 (Sub-No. 9), Increased Rates on Fresh Fruits and Vegetables, supra, Ex Parte No. 223 (Sub-No. 10), Increased Freight Rates, 1960 (Rule 7), supra, and Ex Parte No. 212, Increased Freight Rates, 1958, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand, and those in interstate or foreign 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 Louisiana, 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) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceedings, 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 of filing initial and/or reply statements, (3) if he so 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 Louisiana be notified by sending copies of this order and the said petition, as amended, by certified mail to the Governor of Louisiana, Baton Rouge, La., and to the Louisiana Public Service Commission, Baton Rouge, La.

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 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.72-6370 Filed 4-25-72;8:48 am]

ASSIGNMENT OF HEARINGS

APRIL 21, 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.

FD 26825, St. Louis-San Francisco Railway Co. abandonment between Winona and Chicopee, in Shannon and Carter Counties, Mo., now assigned May 15, 1972, at Van Buren, Mo., will be held in courtroom, County Courthouse, Main Street, Van Buren, Mo.

No. 35407, Increased rates and charges by Matson Navigation, No. 35407 Sub 1, increased rates and charges, Seatrain Lines, Calif., No. 35407 Sub 2, increased rates and charges, Matson Navigation Co., No. 35407 Sub 3, increased rates and charges, Matson Navigation Co., No. 35407 Sub 4, increased rates and charges, Seatrain Lines, California, No. 35407 Sub 5, lumber and related commodities, west coast to Hawaii, and No. 35407 Sub 6, various commodities, between California and Hawaii, now assigned July 10, 1972, at San Francisco, Calif., postponed to October 2, 1972, at San Francisco, Calif., in a hearing room to be later designated.

FD 26876, St. Louis Southwestern Railway Co. abandonment between Gideon and Deering Junction, in New Madrid and Pemiscot Counties, Mo., now assigned May 17, 1972, FD 26876 Sub 1, St. Louis Southwestern Railway Co. abandonment between Trumann, Ark., and Leachville Junction, Mo., in Poinsett, Craighead, and Mississippi Counties, now assigned May 17, 1972, FD 26879 Sub 1, St. Louis-San Francisco Railway Co. abandonment between Parma, New Madrid County, and Holcomb, Dunklin County, Mo., FD 26879, St. Louis-San Francisco Railway Co. abandonment between Senath, Mo., and Leachville, Ark.

FD 26879 Sub 2, St. Louis-San Francisco Railway Co. abandonment between Campbell and Gibson, Dunklin County, Mo., FD 26879 Sub 3, St. Louis-San Francisco Railway Co. abandonment between Malden and Clarkton, Dunklin County, Mo., FD 27045, St. Louis Southwestern Railway Co. and St. Louis-San Francisco Railway Co. to purchase properties of each carrier, FD 27060, St. Louis Southwestern Railway Co.—Construction—Gideon, New Madrid County, Mo., now assigned May 17, 1972, at Malden, Mo., will be held in the City Council Chambers, City Hall, Malden, Mo.

MC 128879 Subs 16 and 18, C-B Truck Lines, Inc., now being assigned continued hearing May 1, 1972, at the New Mexico Motor Carrier's Association, 1500 Hannett Avenue NE., Albuquerque, NM.

FD 26904, Seaboard Coast Line Railroad Co. abandonment between Garland and Hanover, in Sampson, Pender, and New Hanover, Counties, N.C., now assigned June 12, 1972, at Wilmington, N.C., canceled and transferred to modified procedure.

MC 75302 Sub 11, Doudell Trucking Co., now assigned July 17, 1972, at San Francisco, Calif., postponed to July 24, 1972, at San Francisco, Calif., in a hearing room to be later designated.

MC 61231 Sub-58, Ace Lines, Inc., now assigned May 23, 1972, at St. Louis, Mo., will be held in room 1711, 1520 Market Street, St. Louis, Mo.

MC 135649 Sub-1, Friederich Truck Service, Inc., now assigned May 22, 1972, MC 135944, Air Cargo Transporters, Inc., now assigned May 24, 1972, at St. Louis, Mo., the hearing will be held in Room 1612, 1520 Market Street, St. Louis, Mo.

MC 99902 Sub-4, Dave's Motor Transportation, Inc., now assigned May 31, 1972, at Boston, Mass., will be held in Room 2211B John Fitzgerald Kennedy Building, Government Center, Boston, Mass.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6361 Filed 4-25-72;8:48 am]

[No. MC-C-7750]

DRUG AND TOILET PREPARATION TRAFFIC CONFERENCE AND NATIONAL SMALL SHIPMENTS TRAFFIC CONFERENCE

Filing of Petition for Institution of Investigation; Minimum Weight Charges

APRIL 21, 1972.

Joint petitioners: Drug and Toilet Preparation Traffic Conference and the National Small Shipments Traffic Conference; petitioners' representative: Myron Smith, 685 Third Avenue, New York, NY 10017.

By joint petition filed March 29, 1972, petitioner seeks the institution of an investigation proceeding to explore the motor carrier practice of assessing minimum charges on shipments weighing less than a specified number of pounds. Petitioners contend that on shipments of less than a stated number of pounds (viz: 500, 5,000, or 10,000 pounds) certain motor carriers apply the charge for the stated number of pounds as a minimum charge. Petitioners state that any such tariff publication is a direct service limitation, and an embargo by tariff provision on shipments of less than the stated number of pounds specifically restricting services 'o less than the carrier's full certificated authority in violation of the following provisions of the Interstate Commerce Act: Sections 203 (a)(14)—holding out of services; 216 (b)—requirement to provide safe and adequate service; and 216(d)—unreasonable and discriminatory conduct. In addition, petitioners assert that the said tariff provisions, which have involved weight minimums other than those mentioned, are violative of this Commission's regulation 49 CFR 1307.27(k) which states (1) that tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority; (2) that no provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full operating authority or which exceed such authority; and (3) that tariff publications containing such provisions are subject to rejection or suspension for investigation.

Petitioners ask that this Commission require motor carriers to explain their conduct in these situations in an investigation proceeding in the light of this Commission's decision in Restrictions on Service by Motor Common Carriers, 111 M.C.C. 151 (1970) and the requirements established pursuant thereto. Petitioners specifically direct this Commission's attention to recent publications proposing to "embargo" certain service that were filed by the Eastern Central Motor Carriers Association, Inc., Campbell "Sixty Six" Express, Inc., Eastern Freight Ways, Inc., Kent Freight Lines, Inc., Werner Continental, Inc., Wooleyhan Transport Company, and Cooper-Jarrett, Inc.

Any interested person desiring to participate in the matter may file an original and seven copies of his written representations, views, and arguments in support of, or against, the petition on or before June 15, 1972. A copy of such representations should be served upon petitioners' representative at the address indicated above.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-6368 Filed 4-25-72;8:49 am]

[Section 5a; Application 87; Amdt. 5]

NATIONAL ASSOCIATION OF SPECIALIZED CARRIERS

Application for Approval of Amendment to Agreement

MARCH 16, 1972.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed January 14, 1972, by: Mert Starnes, Robinson, Felts, Starnes & Nations, Post Office Box 2207, Austin, TX 78767.

The amendments involve: (1) Amend Article X to increase Board of Directors to 20 members in lieu of 10 members and provide for the election of 10 members each year for continuity, and increase to 11 members, in lieu of eight, the required quorum for board meetings and action on a mail vote, and (2) revise Article XII to increase the membership of the Standing Rate Committee to 15 members in lieu of 10 members, modify the election procedure, and increase the committee quorum requirements for the increased membership.

The complete amended application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6372 Filed 4-25-72;8:48 am]

[Ex Parte No. MC-19; Sub-No. 17]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Filing of Petition Regarding Waiver of Order for Service

APRIL 21, 1972.

Petitioner: Household Goods Carriers' Bureau, 2425 Wilson Boulevard, Arlington, VA 22201. Petitioner's representatives: Francis L. Wyche and Dabney T. Waring, Jr. (same address as petitioner). By petition filed March 16, 1972, petitioner seeks the amendment of § 1056.9 of the Commission's general rules and regulations (49 CFR 1056.9) so as to permit waiver of the requirement for an order for service on shipments moving on a Government bill of lading and on shipments moving under the third proviso of the definition of household goods set forth in 49 CFR 1056.1(a)(3), when so requested in writing by the shipper. Petitioner contends that whatever value the order for service might have for an individual owner-shipper of personal effects, it constitutes an unnecessary paperwork burden and actually has a negative value with respect to certain types of large-establishment shippers. Petitioner asserts that for the past 1.5 years, orders for service have not been issued on shipments of the Department of Defense, the largest shipper of household goods in the country, because the Commission's staff had acquiesced to such a waiver. Neither the Commission, the Department, nor the carrier have, it is argued, any reason to regret that policy; and the terms of the regulation should be changed to reflect that policy. Neptune World Wide Moving, Inc., also has filed a statement supporting the relief sought.

Any interested person desiring to participate shall file an original and seven copies of his written representations, views, and arguments in support of, or against, the relief sought on or before June 16, 1972. A copy of such representations should be served upon petitioner at the address indicated above.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6369 Filed 4-25-72;8:49 am]

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 21, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

Alaska Docket No. 72-93-MP/X, filed March 17, 1972. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant's representatives: A. T. Wendells, 3933 Seattle First National Bank Building, Seattle, Wash., and Shirle A. Debenham, 511 West Fourth Avenue, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a sightseeing, tour, and charter common carrier service as follows: Transportation of *passengers*, by bus between Anchorage, Alaska, and Fairbanks, Alaska, via Alaska Highways No. 1 and 3, with service to, from, and at McKinley National Park and off-route service to and from Kantishna, and to and from points of tour and sightseeing interest within 50 miles on either side of said Highways 1 and 3. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4776 (Sub-No. 1), filed April 7, 1972. Applicant: SHELBYVILLE EXPRESS, INC., Faydur Court, Nashville, Tenn. 37219. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment, between Shelbyville, Tenn., and Memphis, Tenn., over the following routes: (1) From Shelbyville via U.S. Highway 231 to Fayetteville, thence via U.S. Highway 64 to Memphis, and return over the same route, serving no intermediate points; and (2) from Shelbyville via U.S. Highway 231 to its junction with Interstate Highway 24, thence via Interstate Highway 40 to Memphis, and return over the same route, serving no intermediate points. Said authority to be used in conjunction with applicant's existing authority subject only to the following restriction: "Restricted against the handling of traffic which originates at, is destined to, or interchanged at Nashville, Tenn." Both intrastate and interstate authority sought.

HEARING: July 13, 1972, 9:30 a.m., at the Commission's courtroom, C1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4978 (Sub-No. 1), filed April 7, 1972. Applicant: S & W FREIGHT LINES, INC., 1136 Haley Road, Post Office Box 667, Murfeesboro, TN 37130. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, classes A and B explosives, commodities in bulk, and those requiring special equipment, between Murfreesboro, Tenn., and Memphis, Tenn., as follows: (1) From Murfreesboro, Tenn., to Memphis, Tenn., via Interstate Highway 24 to its junction with Interstate Highway 40, thence via Interstate Highway 40 to Memphis, and return over the same route, serving no intermediate points; and (2) from Murfreesboro, Tenn., to Memphis, Tenn., via Tennessee Highway 96 to its junction with Tennessee Highway 100, thence via Tennessee Highway 100 to Memphis, and return over the same route, serving no intermediate points. Said authority to be used in conjunction with applicant's existing authority subject only to the following restrictions: "Restricted against the handling of traffic which originates at, is destined to, or interchanged at Nashville, Tenn." Both intrastate and interstate authority sought.

HEARING: June 1, 1972, 9:30 a.m., at the Commission's courtroom, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be addressed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.72-6363 Filed 4-25-72;8:48 am]

[Notice 12]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 21, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 613) (Cancels Deviation No. 493), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 30, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Fayetteville, N.C., over Interstate Highway 95 to junction U.S. Highway 301 south of Lumberton, N.C., thence over U.S. Highway 301 to junction Interstate Highway 95 at the North Carolina-South Carolina State line, thence over Interstate Highway 95 to junction access highway approximately 2 miles south of Santee, S.C., thence over access highway to junction U.S. Highway 15, with the following access routes: (1) From Florence, S.C., over U.S. Highway 52 to junction Interstate Highway 95, (2) from Florence, S.C., over U.S. Highway 76 to junction Interstate Highway 95, (3) from Manning, S.C., over U.S. Highway 521 to junction Interstate Highway 95, and (4) from Summerton, S.C., over access highway to junction Interstate Highway 95, and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Fayetteville, N.C., over U.S. Highway 401 to junction U.S. Highway 15 at Society Hill, S.C., thence over U.S. Highway 15 via Sumter and Summerton, S.C., to junction access highway to Interstate Highway 95 near Santee, S.C., and (2) from Fayetteville, N.C., over U.S. Highway 401 to Society Hill, S.C., thence over U.S. Highway 52 to Florence, S.C., thence over U.S. Highway 76 to junction U.S. Highway 15 at Sumter, S.C., thence over U.S. Highway 15 to junction access highway to Interstate Highway 95 near Santee, S.C., and return over the same routes.

No. MC-1515 (Deviation No. 614), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed April 3, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 17-A and South Carolina Highway 63, near Walterboro, S.C., over South Carolina Highway 63 (an access road) to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 17 north of Ridgeland, S.C., with the following access routes: (a) From Yemassee, S.C., over South Carolina Highway 68 to junction Interstate Highway 95, and (b) from Pocotaligo, S.C., over U.S. Highway 17 to junction Interstate Highway 95, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Charleston, S.C., over U.S. Highway 17 to Jacksonboro, S.C., thence over South Carolina Highway 64 to Walterboro, S.C., thence over Alternate U.S. Highway 17 to Pocotaligo, S.C., thence over U.S. Highway 17 to Brunswick, Ga., and return over the same route.

No. MC-1515 (Deviation No. 615), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed April 6, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 80 and California Highway 21 (Cordelia Junction), over California Highway 21 to junction Interstate Highway 680, thence over Interstate Highway 680 to junction California Highway 24 (North Walnut Creek Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Sacramento, Calif., over Interstate Highway 80 to junction unnumbered highway west of Sacramento (Broderick Junction), thence over unnumbered highway (West Capitol Avenue) to junction Interstate Highway 80 (Yolo Causeway), thence over Interstate Highway 80 to junction unnumbered highway north of Fairfield (North Fairfield Junction), thence over unnumbered highway via Fairfield to junction Interstate Highway 80 west of Fairfield (West Fairfield Junction), thence over Interstate Highway 80 to junction unnumbered highway west of Crockett (Crockett Junction), thence over unnumbered highway via Rodeo, Pinole and Richmond to junction Carlson Boulevard and Interstate Highway 80 (West El Cerrito), thence over Interstate Highway 80 to East Bay Traffic Distribution Structure (Oakland);

(2) From Crockett Junction over Interstate Highway 80 to West El Cerrito; (3) from junction Interstate Highway 80 and California Highway 4 (Franklin Canyon Junction), over California Highway 4 to junction unumbered highway (Barrydale Junction), thence over unnumbered highway to junction California Highway 4 (West Martinez Junction), thence over California Highway 4 to junction unnumbered highway south of Martinez (Martinez Junction), thence over unnumbered highway via Martinez, Port Chicago, Willow Pass Junction, and Pittsburg to junction California Highway 4 (Antioch), thence over California Highway 4 to Stockton; (4) from Oakland over unnumbered highway (Broadway) to junction California Highway 24 (Temescal Junction), thence over California Highway 24 to junction Interstate Highway 680 (Walnut Creek), thence over Interstate Highway 680 to junction California Highway 24 (Monument), thence over California Highway 24 to Concord, thence over unnumbered highway to junction California Highway 4 (Concord Junction), thence over California Highway 4 to junction unnumbered highway (Camp Stoneman Junction), thence over unnumbered highway to junction unnumbered highway west of Pittsburgh) (Willow Pass Junction); and (5) from junction California Highway 4 and unnumbered highway south of Martinez (Martinez Junction), over unnumbered highway via West Monument to junction California Highway 24 (Pleasant Hill Overpass), and return over the same route.

No. MC-3210 (Deviation No. 2), ST. LOUIS-CAPE BUS LINE, INC., 16 North Frederick Street, Cape Girardeau, MO 63701, filed November 26, 1971, amended April 12, 1972. Carrier's representative: James A. Cochrane, Jr., 325 Broadway, Cape Girardeau, MO 63701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 55 and U.S. Highway 61, south of Festus and Crystal City, Mo., over Interstate Highway 55 to junction U.S. Highway 61, 1 mile south of Fruitland, Mo., with the following access routes: (1) From junction Interstate Highway 55 and Ste. Genevieve County Route E over Ste. Genevieve County Route E to junction U.S. Highway 61 at Bloomsdale, Mo.; (2) from junction Interstate Highway 55 and Ste. Genevieve County Route O over Ste. Genevieve County Route O to junction U.S. Highway 61 south of Bloomsdale, Mo.; (3) from junction Interstate Highway 55 and Missouri Highway 32, over Missouri Highway 32 to junction U.S. Highway 61 at Ste. Genevieve, Mo.; (4) from junction Interstate Highway 55 and Ste. Genevieve County Route J, over Ste. Genevieve County Route J to junction U.S. Highway 61 north of St. Marys, Mo.; (5) from junction Interstate Highway 55 and Ste. Genevieve County Route Z, over Ste. Genevieve County Route Z to junction U.S. Highway 61 south of St. Marys, Mo.; (6) from junction Interstate Highway 55 and unnumbered access road, over unnumbered access road to junction U.S. Highway 61 north of Brewer, Mo.; (7) from junction Interstate Highway 55 and Missouri Highway 51, over Missouri Highway 51 to junction U.S. Highway 61 at Perryville, Mo.; and (8) from junction Interstate Highway 55 and Cape Girardeau County Route KK, over Cape Girardeau County Route KK to junction U.S. Highway 61 south of Old Appleton, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Jackson, Mo., to Cape Girardeau, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6364 Filed 4-25-72; 8:48 am]

[Notice 31]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 21, 1972.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 117395 (Sub-No. 21) (Republication), filed August 19, 1971, published in the FEDERAL REGISTER, issue of September 30, 1971, and republished this issue. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, AR 71854. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. An order of the Commission, Operating Rights Board, dated March 24, 1972, and served April 17, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of dry fertilizer, in bulk, from points in Polaski County, Ark., to points in Bowie County, Tex.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and an appropriate certificate, should be issued concurrently with or subsequent to the issuance to applicant of appropriate certificates and the cancellation of applicant's outstanding permits in No. MC-117395 and subnumbers thereunder; and, that should the conversion proceeding be disapproved by the Commission, the instant application will stand denied in its entirety. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene setting forth in detail the manner in which it has been so prejudiced.

No. MC 117574 (Sub-No. 200) (Republication) filed April 30, 1971, published in the FEDERAL REGISTER, issue of May 20, 1971, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore (same address as applicant) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. A report and recommended order of the hearing examiner was made effective March 10, 1972, and notice was served April 11, 1972. The said report and order finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) tractors (except those with vehicle beds, bed frames, and fifth wheels), (2) equipment designed for use in conjunction with tractors, (3) agricultural, industrial, and construction machinery and equipment, (4) trailers designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (5) attachments for the above-described commodities, (6) internal combustion engines, (7) parts of the above-described commodities when moving in mixed loads with such commodities, and (8) materials, equipment, and supplies (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) through (7) above. Between Grand Island, Nebr., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The operations herein authorized are restricted to the transportation of traffic (a) originating at Grand Island and destined to points in the States named in each respective application, or (b) originating at points in the States named above in each respective application and destined to Grand Island, except that the restrictions in (a) and (b) shall not apply to traffic moving in foreign commerce. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121642 (Sub-No. 1) (Republication), filed September 24, 1971, published in the FEDERAL REGISTER, issue of October 29, 1971, and republished, this issue. Applicant: BEAMER BROTHERS TRUCKING COMPANY, 8188 Camargo Road, Cincinnati, OH. Applicant's representative: Jack B. Josselson, Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. An order of the Commission, Operating Rights Board, dated March 23, 1972, and served April 17, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of brick and building materials, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Kentucky and Ohio, restricted against the transportation of traffic to or from Stanton, Ky., and to and from points in Monroe, Lawrence, and Morgan Counties, Ind. (except from the plantsite of General Shale Co. at Mooresville (Morgan County, Ind.); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued subject (1) to the coincidental cancellation on applicant's written request of its Certificate of Registration No. MC 121642, and (2) because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack or proper notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135975 (Republication), filed August 18, 1971, published in the FEDERAL REGISTER, issue of September 30, 1971, and republished this issue. Applicant: IMEL TRUCKING CO., INC., Rural Route No. 3, Post Office Box 133, Decatur, IN. Applicant's representative: Walter R. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. An order of the Commission, Review Board No. 2, dated April 5, 1972, and served April 13, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of compacted scrap motor vehicles between points in Indiana, Michigan, Illinois, and Ohio. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition or other appropriate pleading.

MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 14) (Republication), filed August 20, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished this issue. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Street, Minneapolis, MN. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. An order of the Commission, operating rights board, dated March 10, 1972, and served April 7, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, in the same vehicle with passengers, in round trip charter operations,

beginning and ending at points in Chicago, Washington, Ramsey, Hennepin, Carver, McLeod, Sibley, Renville, Redwood, Lyon, Lincoln, Yellow Medicine, Chippewa, and Lac Qui Parle Counties, Minn., Codington and Deuel Counties, S. Dak., and St. Croix, Barron, Polk, and Burnett Counties, Wis., and extending to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 117493 (Sub-No. 1) (Notice of Filing of Petition for Elimination of Certain Restrictions From Petitioner's Certificate) filed March 30, 1972. Petitioner: DIAL MOTOR LINES, INC., Cornwell Heights, Pa. Petitioner's representative Alexander Markowitz, 1180 Karin Street, Post Office Box 793, Vineland, NJ. Petitioner states it holds a certificate of Public Convenience and Necessity in No. MC 117493 (Sub-No. 1), issued August 17, 1970, authorizing operations as follows: "Regular route; *General commodities*, except those of unusual value, classes A and B explosives, automobiles, dairy products, livestock, fish, poultry, petroleum products, baggage, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Trenton, N.J., and Philadelphia, Pa., serving the intermediate point of Camden, N.J.: From Trenton over U.S. Highway 206 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence across the Delaware River to Philadelphia, and return over the same route. The service authorized above is subject to the restriction that no traffic which originates at or is destined to Philadelphia, Pa., shall be transported to or from Trenton, N.J. Restriction: So long as the above-named carrier (Dial Motor Lines, Inc.), is under the control of Harvey, Weiner, the service authorized herein is subject to the following conditions: Carrier may not interchange or interline traffic with Reisch Trucking and Transportation Co., Inc. Carrier may not employ personnel of Reisch Trucking and Transportation Co., Inc., or any other respondents in the proceeding in MC–F 9603, or use employees in common with other respondents. Carrier may not use equipment owned, leased, controlled, or otherwise used in the operations of Reisch Trucking and Transportation Co., Inc., or other carrier respondents in the proceeding in MC–F 9603. Carrier may not use, jointly or in common, facilities such as terminals or call-stations with Reisch Trucking and Transportation Co., Inc., or other carrier respondents in the proceeding in MC–F 9603. Carrier may not participate, directly or indirectly, with Reisch Trucking and Transportation Co., Inc., or other respondents in the proceeding in MC–F 9603, in any activity which would be construed as evidencing affiliation or management in a common interest with Reisch Trucking and Transportation Co., Inc., or other carrier respondents in the aforementioned proceeding. Carrier may not accept, for its own benefit, financial assistance from Reisch Trucking and Transportation Co., Inc., or persons in control of Reisch Trucking and Transportation Co., Inc."

Petitioner further states it is herein seeking removal of certain restrictions presently set forth in its above-said Sub 1 certificate. Such restrictions presently shown and proposed to be removed are as follows: "Restriction: So long as the above-named carrier (Dial Motor Lines, Inc.) is under the control of Harvey Wiener, the service authorized herein is subject to the following conditions: Carrier may not interchange or interline traffic with Reisch Trucking and Transportation Co., Inc. Carrier may not use equipment owned, leased, controlled or otherwise used in the operations of Reisch Trucking and Transportation Co., Inc., or other carriers respondents in the proceeding in MC–F 9603. Carrier may not use (jointly) facilities such as terminals or call stations with Reisch Trucking and Transportation Co., Inc., or other carrier respondents in the proceeding in MC–F 9603". Petitioner further states that the purpose of seeking removal of the identified restrictions in its MC 117493 (Sub-No. 1), is that petitioner seeks to restore and maintain normal interchange of traffic between itself and Reisch Trucking and Transportation Co., Inc., one of the respondents in MC–F 9063, under proper operational application subject in all instances to the rules and regulations of the Commission governing such interchange between carriers, and privileges, responsibilities, and obligations upon the parties and in the same manner as is presently available to any motor common carrier, joining with one or more similar carriers in establishing joint through rates and services as permitted by Section 216 of the Interstate Commerce Act.

Such interchange may then be conducted in a practical manner, at such interchange points as are common to the authorities of Dial and Reisch at which proper facilities are available for that purpose, subject to divisions of revenue, trailer interchange arrangements available to the parties in full compliance with Ex Parte M.C. 43 leasing regulations, and all other arrangements which may properly be instituted between such parties and no more. The authorities of Dial and Reisch indicate frequent opportunities for interchange of traffic to or from points authorized for service to one or the other, via applicable gateways at which Dial or Reisch are presently authorized to operate, so as to obtain the maximum benefits for themselves and for the public, or the use of all of the authority of either carrier to facilitate through movement and joint rates, between points served by Dial on the one hand and by Reisch on the other. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 127721 (Notice of Filing of Petition for Amendment of Permit), filed April 6, 1972. Petitioner: DEPENDABLE DELIVERY SERVICE, INC., Havertown, Pa. Petitioner's representative: Edwin L. Scherlis, 1209 Lewis Tower Building, Philadelphia, Pa. 19102. Petitioner states it holds authority in No. MC 127721 authorizing operations as a contract carrier by motor vehicle, as follows: "Such merchandise as is ordinarily dealt in by retail stores and mail-order houses, between Philadelphia and King of Prussia, Pa., and Audubon, N.J., on the one hand, and, on the other, points in New Castle County, Del., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., and Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, and Philadelphia Counties, Pa. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against the transportation of any parcels, packages, or articles weighing in the aggregate more than 500 pounds from one consignor at any one location to one consignee at any one location on any one day. The operations authorzied herein are limited to a transportation service to be performed, under a continuing contract, or contract, with J. C. Penney Co., Inc., of New York, N.Y., and W. & J. Sloane, Inc., of New York, N.Y." By the instant petition, petitioner seeks to add the name of Bloomingdales, 60th Street and Lexington Avenue, New York, N.Y., as an additional supporting shipper, and to perform contract carrier service for said additional shipper in the same area it now served the other two above-said shippers. The petition is accompanied by a verified statement by the additional shipper in support of the petition. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 43038 (Sub-No. 450), filed March 22, 1972. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174. Applicant's representatives: Bertram S. Silver,

140 Montgomery Street, San Francisco, CA 94104, and E. P. Malone, 3800 Frederica Street, Owensboro, KY 42301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles, motor*, such as chassis, freight, including tractors (driving tractors for vehicles), and dump trucks; passenger, including ambulances, hearses, and buses; motorcycles and motorcycle sidecars; *vehicles, other than motor*, but for use with motor vehicles, such as, freight carts, trucks, trailers, or wagons; trailer cars, carts or coaches, passenger, house or sleeper; *cab or bodies* for vehicles above described, *mobile searchlights, mobile generators, parts, spare parts, or extra parts* of the above described vehicles when accompanying the shipment of the vehicle to which it belongs or for which it is intended; *auto show vehicle exhibits with exhibit equipment and accompanying advertising matter*, between points in California. NOTE: The instant application is a matter directly related to MC–F–11498 published in the FEDERAL REGISTER issue of April 5, 1972. Common control may be involved. Applicant states that the requested authority can be joined with its existing authority at common points in California, such as Los Angeles, San Francisco, Oakland, and others, but does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11514. Authority sought for purchase by BRADLEY'S EXPRESS, INCORPORATED, 441 Ninth Avenue, New York, NY 10001, of the operating rights of CARGO DISTRIBUTION CORPORATION, 20 Enterprise Avenue, Secaucus, NJ 07094, and for acquisition by NELSON RESOURCE CORP., and in turn by WILLIAM A. NELSON, JR., both of 20 Enterprise Avenue, Secaucus, NJ 07094, of control of such rights through the purchase. Applicants' attorney: A. David Millner, 744 Broad Street, Newark, NJ 07102. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, a defined area in New Jersey, New York, and Connecticut, between points in Hudson County, N.J., on the one hand, and, on the other, a defined area in New Jersey and New York, from points in Nassau County, N.Y., to points in Suffolk County, N.Y., with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11515. Authority sought to purchase by BOWMAN TRANSPORTATION, INC., Post Office Box 2188, Gadsden, AL 35903, of a portion of the operating rights of SUPERIOR MOTOR EXPRESS, INC., Post Office Box 98, Gold Hill, NC 28071, and for acquisition by RALPH M. BOWMAN, 2161 Moreland Avenue SE., Atlanta, GA 30316, of control of such rights through the purchase. Applicants' attorneys: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, DC 20036, and Francis J. Ortman, 1100 17th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, except those requiring special equipment, and those of unusual value, and cement, as a *common carrier* over irregular routes, between points in a defined area of North Carolina, with restriction. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Maryland, Alabama, Florida, Tennessee, Illinois, Indiana, Ohio, Mississippi, Arkansas, Kentucky, Louisiana, Virginia, West Virginia, Michigan, Missouri, Delaware, District of Columbia, New York, Connecticut, New Jersey, Iowa, Kansas, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11516. Authority sought for control by JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764, of NEYLON FREIGHT LINES, INC., 541 South First Street, Lincoln, NE 68508, and for acquisition by HARVEY JONES, also of Springdale, Ark. 72764, of control of NEYLON FREIGHT LINES, INC., through the acquisition by JONES TRUCK LINES, INC. Applicants' attorneys: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764, and Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Omaha, and Liberty, Nebr., between Washington, Kans., and Kansas City, Mo. between Washington, Kans., and Omaha, Nebr., between Belleville, and Oberlin, Kans., between Republic, Kans., and Kansas City, Mo., from Kansas City, Mo., to Haddam, Kans., between Morrowville, Kans., and Kansas City, Mo., serving various intermediate and off-route points, the intermediate and off-route points restricted in some instances as to the commodities moving to and from such points; *livestock and eggs*, from Haddam, Kans., to Kansas City, Mo., serving intermediate and off-route points within 15 miles of Haddam, Kans., and the off-route point of Belleville, Kans., restricted to pickup only; the intermediate point of Kansas City, Kans., restricted to delivery of livestock only; and the off-route point of North Kansas City, Mo., without restriction; *household goods*, as defined by the Commission, from Kansas City, Mo., to Belleville, Kans., serving intermediate and off-route points within 15 miles of Belleville, restricted to delivery only;

Livestock, hardware, furniture, and iron and steel, between Morrowville, Kans., and Omaha, Nebr., serving the intermediate point of Lincoln, Nebr., and intermediate and off-route points in Kansas and Nebraska within 15 miles of Morrowville; *livestock*, between Morrowville, Kans., and Grand Island, Nebr., serving intermediate and off-route points in Kansas and Nebraska within 15 miles of Morrowville, between Republic, Kans., and Omaha, Nebr., serving intermediate and off-route points within 25 miles of Republic, from Superior, Nebr., to Wichita, Kans., serving the intermediate point of Chester, Nebr.; *oil and grease*, from Belleville, Kans., to Haldrege, Nebr.; serving the intermediate points of Clay Center and Hastings, Nebr., for delivery only; *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between all points in the State of Nebraska, with restriction. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Florida, Georgia, Massachusetts, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, Arizona, California, Idaho, Nevada, Oregon, Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Texas, Mississippi, Illinois, Nebraska, Indiana, Iowa, Louisiana, Alabama, Ohio, Kentucky, Michigan, Wisconsin, Maryland, New Jersey, Colorado, Minnesota, North Dakota, South Dakota, New Mexico, Connecticut, Delaware, Utah, Washington, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11517. Authority sought for purchase by ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101, of a portion of the operating rights of CRAWFORD FREIGHT LINES, INC., Aberdeen, S. Dak. 57401, and for acquisition by BUFFALO EXPRESS, INC., and in turn by H. LAUREN LEWIS, both of Sioux Falls, S. Dak. 57101, of control of such rights through the purchase. Applicants' attorney and representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603, and H. Lauren Lewis, Post Office Box 769, Sioux Falls, SD 57101. Operating rights sought to be transferred: *General commodities*, excepting those among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Ellendale and Mandan, N. Dak., serving certain specified intermediate and off-route points in North Dakota, between Ellendale and La Moure, N. Dak., serving all intermediate points; and the off-route point of Edgeley, N. Dak., between the North Dakota-South Dakota State line approximately 6 miles south of Ashley, N. Dak., and the North Dakota-South

Dakota State line approximately 5 miles southwest of Venturia, N. Dak., serving all intermediate points, between Aberdeen, S. Dak., and Ellendale, N. Dak., serving no intermediate points, with restriction. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, Nebraska, Illinois, Indiana, North Dakota, Wisconsin, Kentucky, Michigan, Ohio, Kansas, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11518. Authority sought for purchase by LAWRENCE-MAYFLOWER MOVING & STORAGE CO., 20th and Jay Streets, Post Office Box 1194, Sacramento, CA 95806, of the operating rights of CAMELOT VAN & STORAGE CO. (EDWARD M. WALSH, Trustee in Bankruptcy), 126 Hyde Street, San Francisco, CA 94102, and for acquisition by DAVID MACAULAY, also of Sacramento, Calif. 95806, of control of such rights through the purchase. Applicants' attorney: W. S. Pilling, 100 Bush Street, San Francisco, CA 94104. Operating rights sought to be transferred: *Used household goods*, as a *common carrier*, over irregular routes, between points in a defined area of California, with restriction. Vendee is authorized to operate as a *common carrier* in California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11519. Authority sought for purchase by DEWEY FREIGHT SYSTEM, INC., 7722 West 94th Terrace, Overland Park, KS 66212, of a portion of the operating rights of APPLE LINES, INC., Post Office Box 507, Madison, SD 57042, and for acquisition by WILLIAM R. DEWEY, also of Overland Park, Kans. 66212, of control of such rights through the purchase. Applicants' attorney: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier*, over irregular routes, from New Athens, Ill., and St. Louis, Mo., to Colby, Kans., and points in that part of Kansas east of U.S. Highway 83, not including points in Cherokee, Crawford, Labette, and Montgomery Counties, Kans. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11520. Authority sought for purchase by CARDINAL FREIGHTWAYS, 3308 Bandini Boulevard, Los Angeles, CA 90023, of the operating rights of CITY TRANSFER COMPANY, 3002 East Illini, Phoenix, AZ 85040, and for acquisition by AJO TRUCKING CORPORATION, 1825 South Black Canyon Highway, Phoenix, AZ 85009, and in turn by CHESTER W. L'ECLUSE, 3308 Bandini Boulevard, Los Angeles, CA 90023, ROBERT MILLER and ROSEMARY GOOD, both of 3030 East Vernon Avenue, Vernon, CA 90058, of control of such rights through the purchase. Applicants' attorney: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points in Maricopa, Pinal, and Pima Counties, Ariz. (except Tucson, Ariz., and points in its commercial zone as defined by the Commission); *fertilizer and insecticides*, between points in Arizona; *fiberboard containers*, from Glendale, Ariz., to a defined area of California, Colorado, New Mexico, and Texas; fiberboard, from El Paso, Tex., to Glendale, Ariz.; *fire extinguishing compounds* in *bags*, from Phoenix, Ariz., to points in New Mexico. Vendee holds no authority from this Commission. However, it is affiliated with DUQAL, LTD., 3308 Bandini Boulevard, Los Angeles, CA 90023, which is authorized to operate as a *common carrier* in Arizona and California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11521. Authority sought for control and merger by YELLOW FREIGHT SYSTEM, INC., 92d Street, at State Line Road, Kansas City, MO 64114, of the operating rights and property of CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, TN 37407, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, MO 64113, and GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, MO 64113 of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, and Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Tennessee, Alabama, and Georgia, with certain restrictions, serving various intermediate and off-route points, over one alternate route for operating convenience only, as more specifically described in Docket No. MC–68078 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. YELLOW FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, Ohio, Minnesota, Iowa, Nebraska, Colorado, Arizona, California, New Mexico, Georgia, Tennessee, South Carolina, Wyoming, South Dakota, Utah, Wisconsin, Pennsylvania, Maryland, Virginia, Alabama, New Jersey, Arkansas, Delaware, New York, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.72–6365 Filed 4–25–72;8:48 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 21, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

No. MC–4941 (Sub-No. 4) (Deviation No. 3), QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403, filed March 24, 1972, amended April 14, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Brockton, Mass., over Massachusetts Highway 24 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y.; (2) from Perryopolis, Pa., over Pennsylvania Highway 51 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 76 (Pennsylvania Turnpike), thence over Interstate Highway 76 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Interstate Highway 83, thence over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction New Jersey Highway 57, thence over New Jersey Highway 57 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, at New York, N.Y.; and (3) from Perryopolis, Pa., over Pennsylvania Highway 51 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 76 (Pennsylvania Turnpike), thence over Interstate Highway 76 to junction Interstate Highway 276 (Pennsylvania Turnpike), thence over Interstate Highway 276 to junction New

Jersey Turnpike, thence over the New Jersey Turnpike to New York, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Boston, Mass., over Massachusetts Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to junction Alternate U.S. Highway 5 at a point approximately 3 miles north of Meriden, Conn., thence over Alternate U.S. Highway 5 to junction U.S. Highway 5, thence over U.S. Highway 5 to North Haven, Conn., thence over Alternate U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to New York, N.Y.; (2) from Boston, Mass., over U.S. Highway 1 to Providence, R.I., thence over Rhode Island Highway 3 to Westerly, R.I., thence over U.S. Highway 1 to New Haven, Conn., thence over the route specified in (1) above to New York, N.Y.; (3) from Brockton, Mass., over Massachusetts Highway 123 to junction U.S. Highway 1; and (4) from Pittsburgh, Pa., and points in Pennsylvania within 45 miles thereof, over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

By the Commission.

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

[FR Doc.72-6362 Filed 4-25-72;8:48 am]

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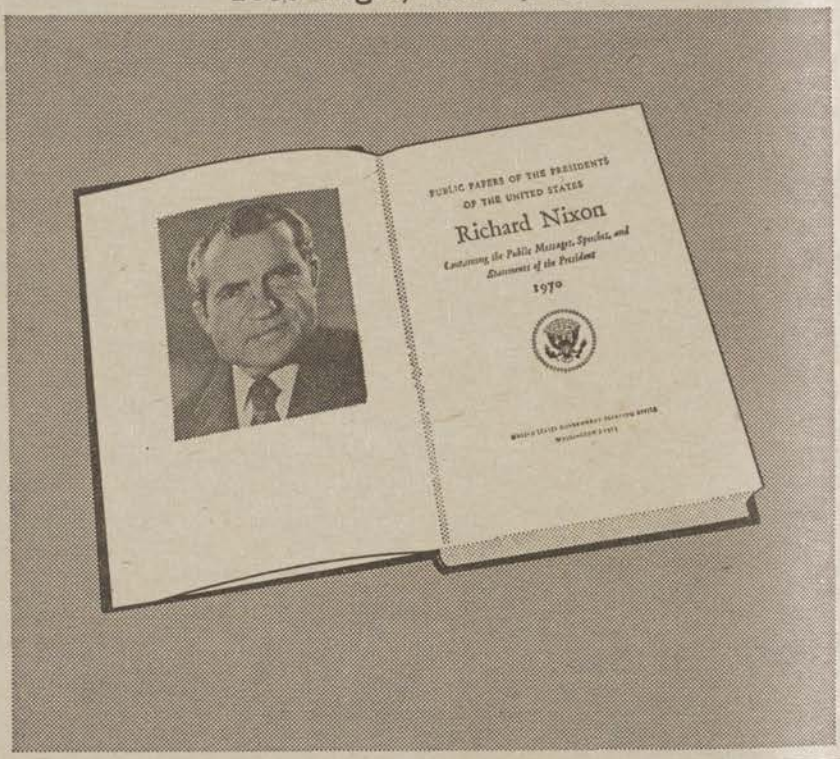

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